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**SQUATTING LANDSCAPES**  
**IN**  
**SOUTH-EASTERN AUSTRALIA (1820-1895)**

**IAIN STUART**

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**ABSTRACT**

This thesis applies the cultural landscape concept to the history of squatting (sheep and cattle farming on Crown Land outside the limits of location) in South Eastern Australia to revisit the question of squatting and the land question in Australia. Using the techniques of historical archaeology as applied to cultural landscapes the thesis aims to examine the engagement between squatters and the landscape.

After reviewing the history of the cultural landscape concept, the thesis proceeds along two lines of inquiry. Firstly, it discusses the history of squatting at the broad level seeking to understand the overall processes that created squatting landscapes. Secondly, it develops landscape studies on two squatting runs Lanyon and Cuppacumbalong (located near Australia's capital city Canberra that was not constructed until 1911). Lanyon is studied as an example of pioneering and establishing squatting runs. Cuppacumbalong is studied as an example of maintaining the squatting run over a period of time against broad processes such as economic fluctuations and the mid to late 1800s selection movement.

The overview of the history of squatting (Chapters 3 & 4) argues that while the main driving force of squatting was the economics of the wool industry which in collision with the Colonial Government's land policy produced the phenomena of wholesale illegal occupation of Crown Land across much of South-Eastern Australia. The settlement pattern created was driven by the occupation of grassy plains suitable for sheep farming. However, despite their insecure hold on the land the squatters strove to create buildings structures and landscapes that were expressions of their respectability. This respectability aided them in their struggle for security and conversion of squatting runs into secure leasehold. This security was challenged by the selection movement that aimed to create small farms for respectable and hard working "yeoman" farmers. The methods chosen by Government to promote selection varied over time and from State to State but shared a general idealistic view of the economies of small farming and ignorance of the environment.

Selection pitted the squatter and selector in a conflict to attain the same ideals of respectability and domesticity often on the same piece of land. This explains the often-ambiguous attitude of the squatter at times bitterly opposing selection but also often seeking accommodation with selectors. The nature of the conflict between squatter and selector was mediated through Crown Land statutes and regulations and this gives rise to the form of the cultural landscape in many areas.

Research into Lanyon resulted in a substantial review of the established view of Lanyon as a landscape of "captive labour" to one where evidence of coercion in the landscape does not exist. The owner of Lanyon at the time James Wright is shown to have initially attempted to coerce his convicts but later seems to have come to another (unknown) arrangement to ensure their productive work. Wright was caught in the 1840s depression and became insolvent but was able to husband his estate sufficiently to establish himself on his squatting run at Cuppacumbalong (part of the Lanyon estate).

Cuppacumbalong was sold by Wright to the de Salis family in 1855. Detailed analysis of the squatter/selector conflict is undertaken using the Conditional purchase records, the diary of George de Salis and the landscape itself. This shows how the patriarch of the family, the Hon Leopold Fane de Salis (MLC), husbanded his estate to create a freehold estate out of the squatting run. This was done by a mixture of using family and dummies to select important areas of the estate (the flats) which gave the family control of the most economically valuable parts of the land. From this base, de Salis was able to “quarantine” hostile selectors and accommodate “friendly selectors”.

As Leopold de Salis operated through the provisions of the various Crown Land Acts (which he as an MP was able to shape), he along with the selectors was forced to “improve” the land. This involved erections of residences (huts), fencing and clearing. From the conditional purchase records, it is clear that the bulk of the improvements went into ring barking and clearing the land. Thus the creation of squatting landscape in this case was a complex interaction of the desires of the de Salis’s to maintain their estate, the desires of selectors to create small farms, the Lands Acts and their regulations and the environment.

Overall the thesis concludes that in understand squatting and squatting landscapes both the broad process that shaped the development of squatting and the individual responses to the process need to be understood in order to break free from historical cliches and to paint a rich picture of Australian history.

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**CHAPTER 1: THE SQUATTERS AND THE  
AUSTRALIAN HISTORICAL LANDSCAPE**



“Extensive plains are a distinguishing feature in the interior of New South Wales... The silence and solitude that reign in these wide spreading, untenanted wastes are indescribable, and must have been witnessed to enable any one to form a proper conception of them; no traces of the works of man are here to be met with, except perhaps the ashes of a fire on the banks of some river. ...nothing meets the eye of the traveller, with the exception of a few solitary Emus, to enliven the monotony of the dreary expanse. From the contemplation of this vacancy and solitude the mind recoils with weariness, and naturally turns with pleasure to anticipate some future and not distant period, when these vast and in many places fertile plains, shall be covered with productive flocks and herds, and enlivened by the presence and industry of civilised man.”

James Atkinson 1826

## INTRODUCTION

Between the 1820s and 1890s, the South-Eastern Australian<sup>1</sup> landscape was settled with “productive flocks” and “industrious”, “civilised” and above all “respectable” men and their families. These people, termed “squatters” because of their method of land holding<sup>2</sup>, formed the first wave of post-convict settlement beyond the Cumberland Plain around Sydney and the coastal fringe settlements elsewhere on the mainland. This movement was totally unplanned by government who wanted settlement concentrated in the so-called “settled areas” and not dispersed into the interior. By the 1840s squatters under licence reluctantly issued by the Crown, held most of South-Eastern Australia. No doubt this form of title was intended to act in the normal legal sense of giving a non-exclusive permission to occupy Crown Land but in effect squatting licences were treated like freehold land. The squatters could for example prosecute for trespass and licensed squatting runs<sup>3</sup> could be bought and sold.

In the decade of the 1840s, the squatters vigorously campaigned to obtain proper leases for their land. In 1847, they succeeded, in principle, in turning their licences into leases with rights to pre-emptive purchase and compensation for their improvements on the land. This point marked the entrenchment of the squatters in the physical, political and social landscape, leaving little room for others to settle. Squatting runs physically took up much of the landscape of South-Eastern Australia. The squatters were also firmly entrenched as conservative members in the Legislative Council of NSW and later the Victorian Legislature through property qualifications for electors, which disenfranchised the majority of the population. In social circles, the squatters replaced the “Gentry” as the upper class in South-Eastern Australia.

<sup>1</sup> In 1826 this land was called New South Wales (see Figure 1.1).

<sup>2</sup> Initially the squatters occupied the land without permission of the Crown, the presumed owner.

<sup>3</sup> In this thesis the land occupied by squatters is called a “run”.

Following the gold rushes of the early 1850s, the land question emerged as one of the major political and social issues in Australia. The basic problem was that the increase of population in Australia caused by a huge immigration of gold diggers raised the question of where they might settle once the gold fields declined. Successive state governments in NSW and Victoria, with Lower Houses elected by universal franchise, following self government, moved to break up the squatter's holdings and encourage the settlement of small farmers on the land to create a class of "yeoman farmers". These small farmers were known as selectors and held land on a form of time payment from the Crown. Free Selection was therefore seen as the solution to the land question. The selection movement was opposed by the squatters who were a political power in the Legislative Councils of Parliament and had by this time become a de facto upper class – the squattocracy.

The battle between the squatters and selectors occurred in two places. The first was the political sphere where, through Parliament, representatives of each view argued over the various pieces of land legislation and their administration. The second place was in the landscape where both squatter and selector used legal and financial power and considerable powers of tenacity, to try to create or maintain farms and landed estates. In the process, many of the squatter's runs became freehold lands although not necessarily owned by squatters. Matters were not helped by the introduction of the rabbit from the 1860s, massive and prolonged droughts, and falling wool prices. By 1890 traditional squatters were either established on their runs or facing bankruptcy while yeoman farmers were either successful small holders or facing bankruptcy. Squatting tenure was only to be found in the marginal areas in the semi-arid west, much of which is still held on lease.

The position of the squatters as pioneers was celebrated in various histories such as *Pastures New* by Billis and Kenyon and writings by Rolf Boldrewood (a former squatter) as well as in various civic monuments and occasions celebrating the pioneers. In this view squatters were heroes battling the odds (and the Aborigines) to create Australia. In folk history the squatter is a familiar figure alternatively lauded or condemned. The squatter/selector conflict is a common topic with the honest but poor selector inevitably marrying the squatter's daughter. Works by Banjo Paterson, who was seen as pro-squatter, Henry Lawson, seen as pro-selector, Miles Franklin and Steele Rudd all explore dimensions of squatting and selecting.

It is with Stephen Roberts's work that serious historical discussion of squatting begins. *A History of Land Settlement in Australia* (1924) which outlines the land legislation as it applied to squatters and selectors, is still the major work on the topic. Robert's later *Squatting Age in Australia* (1935) which was an outgrowth of this earlier research, presented a romanticised view of squatting (cited as Roberts 1968 & 1974 respectively). Though criticised, Robert's work still has a relevance for current studies as the first serious historical study of squatting. Billis and Kenyon wrote a more romanticised history of squatting in Victoria with *Pastures New* (1930) and produced a summary history of squatting runs and squatters for Victoria in *Pastoral Pioneers of Port Phillip* (1932), still the standard reference book on Victorian squatting (cited as Billis and Kenyon 1974a & b). As well, Phillip Brown began his lengthy task of publishing all the correspondence from the Clyde Company, a leading Victorian pastoral company, with the *Narrative of George Russell* in 1935 followed by the *Clyde Company Papers* in their various volumes over the next twenty years.

Beginning in the 1950s a number of studies of squatting and related subjects began to be published. Most notable was Margaret Kiddle's *Men of Yesterday* (1962) a social history of Western District squatters to whom Kiddle was related. This was a decided move away from the simple biographies of squatters and squatting families such as were published by Bassett on the Henty's (1962), James on Alfred Joyce (1942), Shaw (1969) on her family's station at Wooriwyte and Wilson on T.A. Murray (1968). Kiddle's work on the social history of squatting was never explicitly followed up, but similar issues were examined by Paul de Serville's work on the upper class in Victoria (1980, 1991), by Penny Russell's study on upper class women in Victoria (1994) by Sullivan's reaction to a perceived upper class bias in other histories (1985) and in Fry's work on class formation in Bathurst (1993).

Studies on the economics of the wool industry stimulated by Noel Butlin's work also emerged from the late 1950s onwards. Apart from Butlin's own work, Barnard published an authoritative study on the wool market (1958) and edited a multi-disciplinary volume on the wool industry *The Simple Fleece* (1962). There was considerable discussion on the economics of the wool industry<sup>4</sup> (rather than squatting) by authors such as Beever (1965), Fogarty (1968, 1969), and Jill Ker (1961, 1962). However with the publication of Abbott's *The Pastoral Age* in 1971 debate and research in the area seems to have ceased.

A much under-rated research theme was the question of land utilisation and government policy, which although discussed by Buckley (1955, 1956) and others was only really researched in detail by the historical geographer Joe Powell (1967, 1968, 1970, and 1973) and later by his student Ray Wright (1989). Powell then moved his interests into the question of land utilisation and environmental history (1975). Similar research was being undertaken by Hancock in his *Discovering Monaro* (1972, see also Coward 1969). Both Powell and Hancock established the research theme of human impact on the environment, now popular with contemporary historians (e.g. Dovers 1992).

Overall it can be said that although no local history of South-Eastern Australia (outside the original 19 counties of New South Wales) can be said to be complete without a mention of squatting, selecting and the land debate, these topics belong in the historiographic past. Contemporary, or should one say post-modern, Australian historians have found recent social history and urban history more to their taste. This means that many of the new modes of historical discourse have not been applied to the history of squatting. That history has therefore remained comparatively static in the last decade and remains separated into the various research directions outlined above, which seem rather to have stalled.

Yet, the ghosts of squatting stalk the fields of contemporary Australian society. When politicians such as Malcolm Fraser (former Prime Minister) and Alexander Downer (former Leader of the Opposition) are dismissed as "squatters", it is because we share the knowledge that the squatter speaks for privilege and the status of a ruling class.

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<sup>4</sup> There was also a line of research into the origins of the merino and sheep in general.



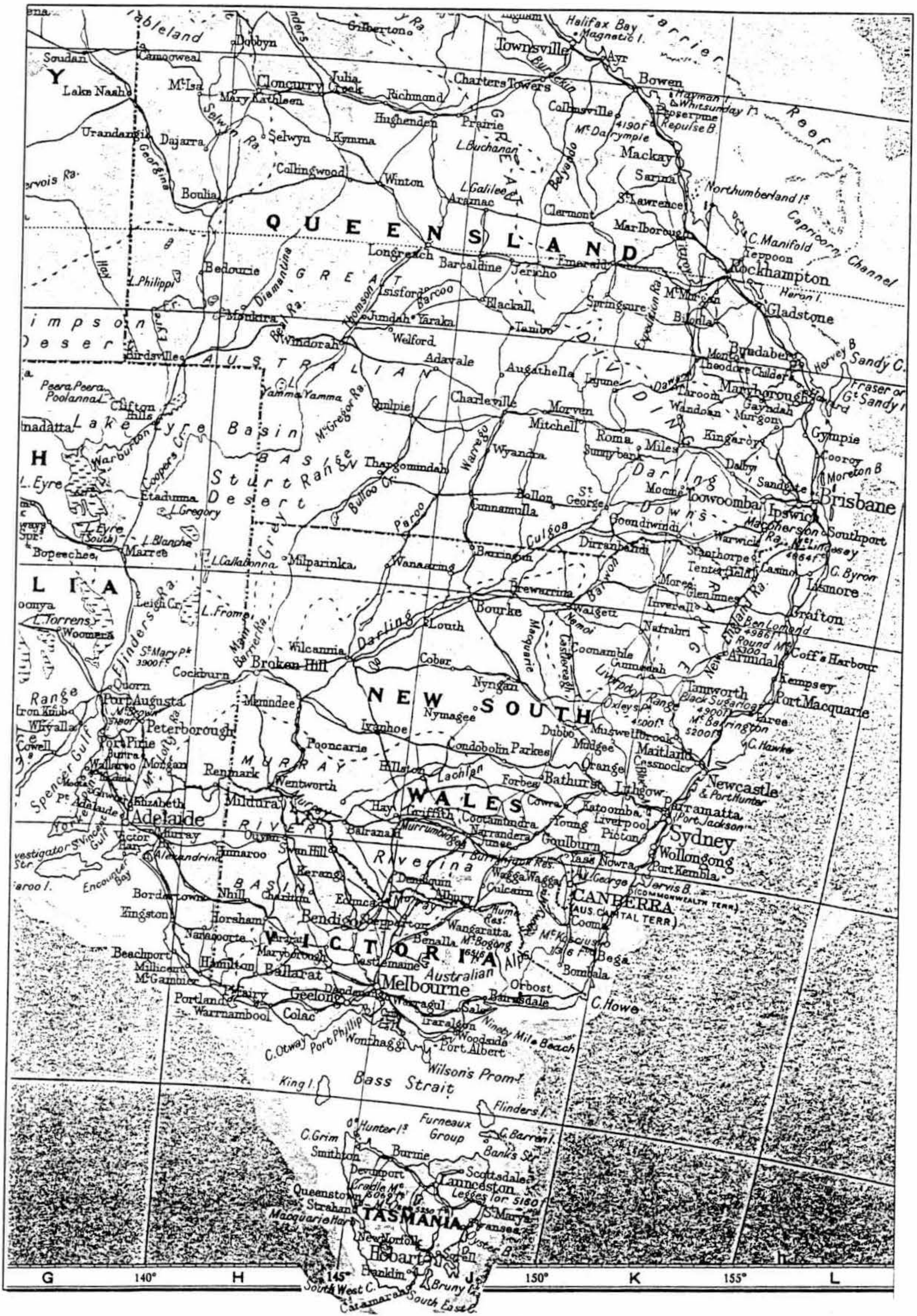


Figure 1.1 South-Eastern Australia



This knowledge and conflict is epitomised in Australia's national song "*Waltzing Matilda*", a song about the 1890s shearers strike where the squatter rides up "mounted on his thoroughbred" supported by the "Troopers 1, 2 & 3", to confront the "jolly swagman" (representing the working class) camped by a billabong. Similarly with the current Mabo and Wik debates about Aboriginal land rights there is the echo of previous attempts to change the nature of pastoral holdings to reduce the squatters power. Furthermore the current system of rural land tenure emerged from the land debates of the nineteenth century.

### **TAKING A LANDSCAPE APPROACH**

Thus, it seems timely to revisit the squatters and the land question in Australia. This thesis broadly aims to re-examine squatting but to use historical archaeology to examine the engagement between squatters and the landscape. The landscape analysis aims to understand:

- the process of firstly transforming the Aboriginal cultural landscape into the squatting landscape.
- the transformation of the squatter into the squattocracy.
- And to see how the squatting/selecting conflict was played out on the landscape.

In the process of undertaking this study, it is also hoped to reunite some of the separate strands of squatting research. Land policy for example was not just some abstract notion. It was underpinned by notions of social and economic status that had a direct interaction with the landscape of South-Eastern Australia. The policy can be understood in abstract but a fuller picture is obtained when the landscape is considered. Something as prosaic as a fence post is not just arbitrarily placed in a landscape but can be related back to the land debates and contexts of social and economic status.

While some of the information used in this thesis, particularly the historical evidence, has been discussed before, rarely has it been specifically related to the actual landscape. The squatters are placed on a broad stage where they are seen in a variety of roles: as pioneering heroes, as rampant capitalists, as environmental vandals, and so on. This approach serves to illustrate overall trends and does not help to understand how these abstract concepts are applied by particular squatters to their runs over time. This distancing allows a totalising approach to the past that overlooks individuals and allows both the "Whig view" and the "Black Armband view" of the past to flourish.

On the other hand landscape evidence discussed by archaeologists and environmental historians has not been particularly well situated in social and economic contexts of the time. Discussions of particular landscapes often ignore the context in which events occur. In particular, there seems little understanding of how land legislation acted to control the shape of a landscape and of the contexts in which the legislation was developed and applied. The lack of context in studies of individual landscapes allows

a squatter to be damned or praised without any regard to the broader historical context.

Taking a landscape approach forces the examination of abstract notions such as “squatters as rampant capitalists” in the context of actual physical evidence, the cultural landscapes created by the squatter. Secondly a cultural landscape approach that aims to understand squatting is forced to consider a broader context for a particular manifestation of squatting behaviour such as taking up a piece of land rather than focus on an individual squatter’s behaviour.

The potential of landscape research for the study of squatting was noted in the first major statement outlining a program for historical archaeology in Australia, the so-called “Swiss Family Robinson Model” paper (Birmingham and Jeans 1983). Birmingham and Jeans noted that “In the rural landscape the relationship between changing land ownership, land use and social stratification as revealed in settlement pattern is a promising area of study” (1983:12). Despite this call historical archaeological research into squatting in Australia has been limited to the early work of Connah in New England (1977, 1983 and Connah *et al.* 1978), Winston-Gregson (1984), Pearson (1984) and the more recent works by Cannon on woolsheds in the Western Division of NSW (1992) and Woodhouse on Holowiliena Station (1993). This paucity of work is attributable to the disciplinary focus on urban archaeological work through developer-funded rescue excavations run by archaeological consultants. Archaeological research outside the urban area has mainly been confined to mining and to sealing and whaling.

In addition to archaeological work on landscape it should be noted that the research of Joe Powell, a historical geographer with an obvious landscape background, is important for documenting the working of the land laws in Victoria (1970, 1973). His work was followed by that of Ray Wright on the workings of the Victoria Lands Department (1989). Both Powell and Wright focus on the workings of the land laws and the individuals involved and deal with the landscape at a regional level. Their work is important in providing an understanding the workings of the land law in Victoria and it is puzzling that it seems so poorly known among archaeologists and historians.

In taking a historical archaeological approach to squatting this thesis is not only addressing one of the oldest research themes in the study of Australia’s past, but it is also trying to develop analytical links to allow the largely material archaeological evidence (*i.e.* the squatters’ landscapes) of the past to speak as strongly about the past as the documentary evidence. This does not mean that one line of evidence is to have priority over another but that all lines of evidence are to be considered.

The approach to the archaeological and documentary record taken in this thesis is broadly definable as “the landscape approach” which aims to look at material aspects of squatting as forming a cultural landscape (see Chapter Two). The rationale for taking this particular archaeological approach rather than the more traditional approach of excavation is that there seemed to be no compelling question in this project that could be solved solely by excavation. The formation of a squatting run and the development of architecture and spatial arrangements relating to squatting

occurred on a geographic scale particularly suited to a landscape approach (eg. Cosgrove 1984; Duncan 1990; Leone 1998 and the papers in Yamin *et al.* 1996).

Landscape evidence is abundantly available because large areas of South-Eastern Australia remain as sheep and cattle runs retaining evidence of the squatting era. In Western Victoria for example there are a number of runs that retain evidence of the original squatting settlement and subsequent developments on the farm. In Western NSW in places such as Cuddie Springs and Willandra the original and subsequent squatting landscape can easily be read. Landscapes are remarkably difficult to destroy. Even if features are removed from the ground, their location in the landscape can be ascertained from maps and plans, air photos and archaeological survey. Landscape evidence for squatting is available in abundance.<sup>5</sup> The rationale for undertaking the landscape analysis are outline in Chapter Two.

## RESEARCH THEMES

The approach in this thesis is to take a hermeneutic and interdisciplinary approach that allows the documentary record and the archaeological record to happily collide and gives full reign to the exploration of research in many fields. The rationale for taking this approach is to use the detailed study of the landscape to anchor the abstract notions of squatting to overcome the problems with previous research on the subject discussed earlier. Research themes are used as an organising tool to set a series of issues that the research in the thesis will address. The three research themes are briefly discussed below.

### Pioneering

The general spirit of the histories written about squatting particularly of the early squatters is of heroic times. "The brave pioneers hewing a farm out of the bush" myth. The challenge in researching squatting is to move away from this orientation to look at what was actually occurring in the landscape.

The fascinating thing about the squatters was that they simply headed off into the interior without authorisation and set themselves up. Although it was popularly thought they headed off into wilderness in fact, they were heading into the Aboriginal cultural landscape, which after various acts of dispersion was claimed as the squatter's own. The study of Aboriginal/squatter relations has been the subject of a number of historical studies including Milliss' magisterial *Waterloo Creek* (1994), which covers the Cumberland Plain, Hunter River, and the Liverpool Plains. Other studies include Peter Corris' first book *Aborigines and Europeans in Western Victoria* (1968) and Christie (1979). We are also fortunate in having the journals of George Augustus Robinson, Protector of Aborigines in Victoria, in a published form which gives ready access to an important primary source on Aborigines and on squatters. While contact history is important, the change from landscapes created by Aborigines to landscapes created by squatters is rarely discussed in detail.

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<sup>5</sup> This claim is based on the authors experience of over fifteen years of archaeological fieldwork in South-Eastern Australia during which time many squatting runs have been visited although not specifically for this project.

The squatters did not move across South-Eastern Australia in a random pattern. Pioneering squatting settlement was a considered decision that involved considerations of the environment, economics, government policy, and the Aboriginal cultural landscape. These considerations created a pioneering settlement pattern, which gradually spread across South-Eastern Australia from the mid-1820s to the mid-1860s (a much greater period than generally acknowledged). How long the pioneering phase of squatting persisted and what effect on the landscape the pioneering phase of settlement had, are two important questions to be developed.

Before the beginning of squatting expansion, farming in South-Eastern Australia was focused on agriculture and intensive livestock breeding. This suited both the need for food and the mode of production – namely the use of convict labour. The expansion into sheep and cattle grazing required a more dispersed form of settlement and either a “free” workforce or a new form of relations between the convict and his overseer and his master. Presumably, these changes also required a new form of settlement or adaptation of existing settlement patterns in the landscape.

### **From squatter to squattocracy**

The transformation from squatter pioneer to the established squattocracy is about the processes of gaining and maintaining possession of land as well as gaining and maintaining social status. This process is epitomised in the transformation of the squatter (a word that even today remains slightly pejorative) to the squattocracy, a typical Australian term that at one point seems to mean aristocracy but also denies that meaning by the coupling of squatter.<sup>6</sup>

How did the squatters rise from very humble beginnings to become a de facto upper class and then how did they maintain or defend their power against the selector? Billis and Kenyon for example emphasised the good character of the squatters in terms reminiscent of Samuel Smiles's *Self Help*. Earnest Scott saw their rise as a natural consequence of the absence of a land policy (1927). Roberts pointed to the irresistible economic force of the successful wool industry which once having gained momentum proved to be impossible to stop, forcing the Government's hand and changing land policy (1968:165, 187-204).

Manning Clark argued that squatting was the product of British emigrants who aspired to the life of the landed Gentry and moved into the seemingly unoccupied interior in search of land that could make their fortunes (see 1973:85-86). The battle between squatters and selectors was however seen by Clark only in class terms (1978:167-172). Class was also emphasised by Buxton (1967) and Gammage (1986) in their regional histories based in the Riverina.

Joe Powell saw squatting as being driven by the economics of the pastoral interest but that the actual settlement pattern derived from a three way dialectic between official land policy, popular practice in the field and the environment itself (1970, 1975). Regional historians such as Buxton (1967), Gammage (1986) and Hancock (1972)

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<sup>6</sup> I am not sure whether this is an example of Australia's cultural cringe (true aristocracy is from overseas) or the tall poppy syndrome (reminding the squatters that they are not real aristocracy despite their pretensions).



were much more focused on the details of the squatters and selectors and on the question of the success or otherwise of selection.

In my view the answers already provided by historians do not satisfactorily deal with the squatters and often obscure as much as they enlighten. My argument is that the process for becoming the squattocracy and maintaining that position in the face of selection was as much a social as an economic transformation and both need to be considered. In Victorian era social terms it is interesting that the same term improvement was used to describe a raising of ones social and economic condition. In other words, there was a link between the social and moral concept of improvement and the material expression of improvement in the form of goods and landscapes.

The essential element in the establishment of squatters was respectability, which allowed squatters to claim special consideration for the "good" that their improvements brought to the "country". Where once there was "wasteland" that was not productive, there was now "improved land", populated by "men" of "good character". The official argument for giving squatters some form of right to purchase land was expressed in terms of the land being a force for social and moral improvement. The squatting landscape was an integral part of this social transformation, a point overlooked by historical studies focusing on political and economic factors.

The evidence of respectability is expressed through adherence to the Victorian era cult of domesticity. The material evidence for this is obviously organised at varying spatial scales. Notably, there is the expression of respectability through various etiquette performances at social events. Manner of dress and speech are other signs of respectability. These can be considered as occurring at a personal scale.

There is also the broader aspect of how a person lives their life, particularly their working and family life. In *Mansfield Park* Jane Austen paints the picture of a family lead morally astray by the lack of a firm grip by the head of the household and this is expressed in part through various appalling plans for improving estates. In a similar way Bourcier argues that for gentleman farmers in early nineteenth century Delaware hedge fences "connoted wealth, status and notoriety" (1984:347). "The living fence was more than an inherited symbol of wealth status and enlightenment. Caleb Kirk and other gentleman farmers firmly believed that the appearance of a farm fence indicated the virtue of the farmer who constructed it" (1984:352). Thus, the farm fence was a symbol referring to the moral qualities of the owner. An unkempt fence clearly reflected the moral qualities of the owner (see also the discussion in Davidoff and Hall 1987:370-375).

Thus at the scale of the landscape, the moral values of respectability were felt to have a physical expression in the homes and estates of people. An unkempt fence or disorganised estate were symbols of the moral decline or lack of respectability in a family or individual. Conversely, a well ordered estate reflected the respectable qualities of the owner as well as the owner's affluence.

The notion of improvement was another important value. "Improvement" is first recorded from the Middle Ages referring to the profitable cultivation of land. There was a moral imperative to improving oneself both spirituality and in ones station in

life. This is celebrated by Samuel Smile's "*Self Help*", a catalogue of the virtues of improvement. Similarly, the notion of improvement was an important aspect of landscape gardening particularly through the works of Capability Brown and later Humphrey Repton. In the nineteenth century the notion of improvement covered the landscapes of the upper class to the middle class and to the colonies, the rendering of land more profitable by various works, to the notions of moral and spiritual improvement.<sup>7</sup> In particular, Australia was often considered to be greatly in need of improvement in all areas: spiritually, morally, and in its landscape.<sup>8</sup> As Aboriginal culture was not considered important, the whole of Australia was considered ripe for improvement, that is bringing the land into production, the creation of productive estates as the quotation from James Atkinson at the start of this chapter expresses. Again, there is a tie into the values of respectability as improvement encompasses the values of utility, thrift, seriousness, enthusiasm, and so on.

In this thesis, I use the term husbandry to denote the management of an estate and family. It includes the concept of improvement, for the duty of the head of a family was to improve both the estate and his and his families' social and moral position. The term husbandry has an appeal as a term denoting the management of an estate or farm and a family. The squatter-squattocracy transition can be examined through taking a landscape approach to the husbandry of estates. A well husbanded estate was seen to be a mark of one's social status. This material link between social status and landscape is important in understanding the transformation of the squatter to the squattocracy and in the squattocracy's maintenance of their position in the face of selection.

From the above discussion, the link between the squatting landscape and the moral and social status of the squatter should be clear. Furthermore it was not satisfactory to have a squatting run but one needed to husband the run as well. Thus, the making of a squatter was intertwined with the making of a squatting landscape.

### Selecting

Ironically, respectability and related Victorian values of domesticity were also used to conjure the vision of the yeoman farmer productively established on his small holding (selection) with his family. The selector was required to establish residence on the land and improve it as well. This vision of domesticity was also shared with the squatter who sought to establish his family on his run. Thus both the squatters and selectors shared a domestic ideal and sought to realise it in the landscape.

While a few historians have discussed the free selection movement they have been limited by the lack of access to the detailed records of selection, making detailed study difficult. Selection records were largely held in the various Lands Department Offices until the 1990s when they began to be deposited in the Archives. In NSW it was not until 1995 that procedures on how to search the records were established. This thesis is one of the first to use these records although it seems that at least some historians have used the Conditional Purchase Registers (a brief discussion of these records is presented in the following chapter).

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<sup>7</sup> There was also the notion of "improvements" referring to the actual works that contributed to the "improvement" of a piece of land.

<sup>8</sup> As a reading of the many books on visits to colonial Australia will show.

Furthermore, in reviewing the historical research on selecting it is clear that some geographical areas have received more attention than others. In Victoria, the Western District has been the focus of Powell's detailed work, in NSW the Riverina has been studied by Buxton (1967) and Gammage (1986) with some work on the Monaro (Coward 1969 and Hancock 1972) and New England (Ferry 1990, 1995, 1996). As the majority of the historical work that discusses this issue has focused on the Riverina using readily available historical sources such as evidence to Parliamentary Inquiries there is a suspicion that the full picture may not have been given. Whether the Riverina is typical or non-typical has never been considered. How selection worked in other areas is poorly known and was tied to the then available historical documents.

In addition to looking at the recently available conditional purchase records, it is also possible to look at the landscapes in detail to help understand the process of selection. In particular the relative strategies of the selector and the squatter can be examined. In addition, how these were played out on the landscape can be evaluated. This is a dimension missing from current historical accounts of selecting.

## CONCLUSION

This thesis revisits the theme of squatters and the land question in Australia. It broadly aims to re-examine squatting but to use the perspective of historical archaeology to analyse squatting landscapes. The thesis focuses on three research themes, "pioneering", "squatters to squattocracy" and "selection". The emphasis in the analysis is on the use and interplay of historical and landscape data to understand the past. In doing this, it is intended to build up the understanding of the context in which individual case studies illustrating the research themes can be developed.

The structure of the thesis is as follows. To begin with, the concept of cultural landscapes and landscape archaeology are discussed to establish the approach used in the work.

Two chapters looking at squatting on the very broad canvas of South-Eastern Australia follow this. These chapters discuss the broad processes involved in creating squatting landscape in the context of the themes, developing regional trends and patterns and providing a context for the more detailed studies. Understanding the processes that underpin the production of cultural landscapes is important to provide the context for understanding the individual manifestation of a squatting landscape.

There follow three chapters studying in detail two squatting runs: Lanyon and Cuppacumbalong located in the Canberra region. Case studies at a local level give specific examples of the development of squatting landscapes and show how the broader trends and themes were developed in the landscape through an interaction between the individual and the landscape.

Lanyon is studied as an example of a pioneering squatting run demonstrating in the landscape the process of pioneering settlement and the relations between the squatter

and his workers. James Wright, the owner of Lanyon is of interest because he was not really a successful squatter and had obvious difficulties in husbanding his run.

Cuppacumbalong is studied as an established squatting run and looks at how the owners of the run, the de Salis family and in particular the family patriarch Leopold de Salis, husbanded the run through the selection process and how this process created the landscape.

Finally, the work is concluded by a summary of the three research themes and reviews the perspective this research has brought to the topic.

## **CHAPTER 2: ON CULTURAL LANDSCAPES**

## INTRODUCTION

In the study of landscapes, the concept of "cultural landscapes" is the primary proposition underpinning the analytical approaches. The cultural landscape is held to be created or formed by a number of human induced processes interacting over time with the environment to create the cultural landscape. This is opposed to the idealised "natural landscape" (or untouched wilderness) where "natural" processes act to create a landscape unsullied by human interaction. However, the concept of cultural landscapes has not been a static intellectual concept over the years. Therefore it is important to review the concept of cultural landscapes and the methodology for "reading" the archaeological landscape as a background to the main focus of this thesis.

The first and most daunting task is to consider what to do with the literature on "landscape" (not to mention that on "culture"). Trying to review the whole corpus of literature would be the work of a lifetime. This review is therefore going to take a pragmatic approach and home in on certain aspects that are specifically relevant to my thesis. Due to space considerations, the first part of the review is presented as Appendix One. Appendix One covers the term "cultural landscape", where it came from and how it developed.

The second part of the review is presented in this Chapter and begins with a brief review of the use of the landscape concept in archaeology concluding with a discussion of some specific examples from historical archaeology. This is followed by a review of the use of the cultural landscape concept in Australia. Finally, the approach to the cultural landscape that has been taken in this thesis is outlined.

The review is focused on the disciplinary field of geography, simply because of its concern with space and landscape. That it could have easily begun with Ruskin's *Modern Painters* indicates something of the diversity of the topic and the difficulty in deciding what is relevant to include. Geography and archaeology do share a common interest in space and have had close ties across the two disciplines; thus many of the developments in geographical techniques and understanding are also explored by archaeologists. Carl Sauer for example, worked in both areas, while the "New Geography" of the 1960s was enthusiastically embraced by archaeologists such as David Clarke, Kent Flannery, Ian Hodder and Colin Renfrew. Geography and archaeology therefore share a tradition of common interest in cultural landscapes.

## GEOGRAPHY, ARCHAEOLOGY AND THE CULTURAL LANDSCAPE

There has been a long tradition of archaeological involvement in cultural landscape studies and geography. In British archaeology, the work of Cyril Fox is considered important in establishing the study of settlement patterns, although his work was really a series of distribution maps tracing various items of material culture across the landscape. In his major work on the archaeology of the Cambridge region, these maps were classified according to various culture periods (eg. The Neolithic) and discussed

in terms of culture groups. By comparing the evidence Fox was able to argue that the geological structure of the Cambridge region was the dominant factor in determining human settlement. Fox saw that there were primary areas of settlement, which he considered had been continually settled since the Neolithic, and secondary areas of settlement which were dependent on a certain level of civilisation being reached (1923:313-314). Fox went on to develop this approach in his *Personality of Britain* (1932) which Carl Sauer saw as a model of geographical writing (Williams, 1983:9-10)

Grahame Clark's research on the Mesolithic in Britain showed the influence of Fox's work. Clark defined archaeology as "the study of past distribution of culture-traits in time and space, and of the factors governing their distribution" (1933). Clark's thesis used a mixture of typological analysis and distribution maps (Smith 1997:16) in a manner that is similar to the morphological analysis of cultural landscapes advocated by Sauer. Clark's review of Fox's *Personality of Britain* was to some extent quite critical mainly as he felt Fox had not detailed the past environment well enough (Clark 1933).

The other important work was that of Willey in the Viru valley, Peru. Although conceived as a multi-disciplinary approach to the valley (see Willey 1974), the research has been associated with Willey's use of the concept of settlement pattern in archaeology (e.g. Trigger 1967:53). Willey defined settlement patterns as "the way in which man disposed himself over the landscape on which he lived. It refers to dwellings, to their arrangement, and to the nature and disposition of other buildings pertaining to community life. These settlements reflect the natural environment, the level of technology on which the builders operated, and the various institutions of social interaction and control, which the cultures maintained. Because settlement patterns are, to a large extent, directly shaped by widely held cultural needs, they offer a strategic starting point for the functional interpretation of archaeological cultures" (1953:1).

In many ways Fox's and Willey's work share similar assumptions about the nature of culture and its relationship with the environment. Willey's work also fits into the methodology of Cultural Geography of the time using archaeological rather than geographical terms. For example, the work of Kniffen on Louisiana house types is very similar to the archaeological work on distribution and settlement types except for the differing time periods. If historical archaeology was operating at the time Kniffen was working no doubt the historical archaeologists would have adopted the morphological approach as well. Part of the similarity is explained by the fact that both archaeology and geography drew on the anthropological theory of the time for their conceptions of culture. No doubt this is why Carl Sauer was so easily able to venture into archaeological territories from his geographical base.

Nevertheless, settlement pattern studies while sometimes operating on the scale of landscape analysis, are not necessarily landscape studies *per se*. Trigger, for example, identified three levels of settlement analysis; the individual structure, the settlement and settlement distributions, of which only the final level involved the landscape (1967:151-152). Settlement patterns were always seen to be imposed onto the landscape, which was represented as being "natural". In contrast, the concept of

cultural landscape sees the landscape as a patterned result of cultural process interacting in some way with the natural elements in the landscape.

With the development of the "New Archaeology" in the 1960s, archaeologists began to discard their previous approaches in favour of a positivist or processual approach based on a scientific methodology. In doing this, they were in similar territory to the "new geography". There was much interest by the archaeologists in locational analysis typified by Renfrew's review of *Locational Analysis in Human Geography and Models in Geography for Antiquity*, where he asserts, with breathless enthusiasm, that "we have all been working on problems which have already been solved" (Renfrew 1969:74). Ah the sixties! Even in the mid 1970s there was speculation that the second edition of *Locational Analysis* might revolutionise archaeology. There was however, also an awareness that some geographers were moving away from the positivist position (Green and Haselgrove 1978).

One of the archaeological responses to the new locational geography was to adopt some of its methodologies. One of the offspring was site catchment analysis. Devised by Vita-Finzi and Higgs as a method for defining an area that is likely to have been exploited from a particular site (Higgs, E. and Vita-Finzi, C. 1982, Vita-Finzi, C. and Higgs, E. 1970). They used anthropological and geographical data (namely von Thunen filtered through Chisholm's *Rural Settlement and Land Use*) to define a catchment as being two hours walking time from the site. Although the concept is full of assumptions, it at least provides a basis for comparing site locations within a landscape. In one sense, a site catchment is a form of cultural landscape although the degree to which it is our culture or the reconstructed culture that creates the landscape is unclear.

During the late 1960s there was an increasing number of settlement pattern studies, although there was some debate on what settlement patterns were, and an attempt to establish 'settlement archaeology' as a sub-field of archaeology (Chang, 1968; Rouse 1967; Trigger 1967). Settlement pattern studies followed Willey's concept of settlement pattern and its relationship with the landscape. What did change was the adoption of the general systems approach, an increased integration of ecological and environmental data and models and the use of computer based statistics and models (often called cultural ecology). The most perceptive of these studies is Flannery's edited volume *The Early Mesoamerican Village* (1976) in which the methods of analysis are carefully discussed and evaluated. As a consequence of the need for environmental data, more interdisciplinary projects between archaeologists and physical geographers have been developed and the relations between the two disciplines were quite close. As Gamble noted in 1987 the ties between archaeology and physical geography "have probably never been stronger (1987:227).

Beginning in the late 1970s, with a predictable flirtation with Marxism, some archaeologists attempted to re-evaluate the discipline's positivist stance. Ironically, this was led by Ian Hodder, co-author of a very positivist work *Spatial Analysis in Archaeology* (Hodder and Orton 1979), which was obviously influenced by the new geography. In a series of books and papers Hodder and his students, notably Michael Shanks and Chris Tilley began to attack positivist archaeology and explore new approaches to archaeology generally through the field of cultural studies. This produced a predictable clash between the mainly American based supporters of



positivist archaeology and the mainly Cambridge educated post-processual archaeologists. From the landscape perspective, this debate did not focus on the question of landscape but on other issues. This was because unlike geography the landscape concept was not central to archaeology. A good example of the contrast in focus between human geography and archaeology is to compare Cosgrove and Daniel's *Fieldwork as Theatre...* (1989) with Chris Tilley's *Excavation as Theatre* (1989). While archaeology and human geography were sharing an interest in new non-positivist approaches to their disciplines there seems to have been little in the way of cross fertilisation between them.

This view is borne out by the papers in *Landscape and Culture: Geographical and Archaeological Perspectives* (Wagstaff 1987) as well as in current geographical (e.g. the journal *Progress in Human Geography*) and archaeological literature. For example in the papers in Wagstaff (1987), the discussion is often orientated towards physical rather than human geography and processual rather than post-processual archaeology. The irony is that the only detailed discussion of Marxist/Post-modernist approaches in geography occurs in Grant's chapter on industrial archaeology (long considered the theoretical dinosaur of archaeology) rather than in Ian Hodder's chapter on the *Search for Symbolic Meanings* (see Wagstaff 1987).

Interestingly, the definition of landscape in the *Collins Dictionary of Archaeology* (Bahn 1992) is "the collection of landforms particular to a region at a particular time". Landform is defined as "a configuration of the earth's surface created by a distinct erosional or depositional process or set of processes". There is no listing for cultural landscape. Clearly the "authorised" version of landscape sees landscape purely in a geomorphological sense with no involvement of humans at all. Human activity occurs on landscapes but does not create them. This is obviously an untenable view but it is odd that it should appear in a relatively modern and authoritative text.

The general problem seems to be a lack of interest in what is being said on the other side of the disciplinary fence. Yet human geography and archaeology are struggling in a similar area, to come to terms with the post-modern challenge, to move to richer levels of meanings and interpretations and to deal with the legacy of positivism. But whereas with the positivist movement of the 1960s at least the archaeologists were reading the geographers (even if the geographers were not reading the archaeologists, see Gamble 1987:228-229). There is little evidence of a dialogue on areas of mutual interest. It is to be regretted that Wagner did not include a paper from the historical archaeological perspective<sup>9</sup> for it is in historical and industrial archaeology that the interest in cultural ecology is much less pronounced and the cultural geographers focus on the social creation of landscapes of more relevance.

A specific field of archaeology called Landscape Archaeology has emerged but in most cases seemed to be another name for the archaeological study of settlement patterns with little attempt to go beyond description and limited conceptualisation of the concept of landscape (e.g. the papers in Reeves-Smyth and Hamond 1983, Roberts 1996). Barker's recent publication on the Biferno Valley, Italy has been seen by reviewers as the most advanced example of landscape archaeology (1995). It is

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<sup>9</sup> The paper by Fowler on the *Contemporary Past* seemed to have a promising title but is in fact about heritage preservation.

certainly a text that reports on a great project, that of understanding the forces that shaped the Biferno Valley over time. Barker adopted the research orientation of Braudel's *"La Mediterranee..."* and the other *Annalist* historians. In particular, Barker wanted to study the interplay between environment, land use and society using regional landscape analysis.

Barker's approach is commendable and the difficulties and achievements in organising the fieldwork and the interdisciplinary work are not to be underestimated. However, in many ways the results are superficial and sometimes seem at odds with Barkers aim of integrating and understanding. The last 500 years for example are really only discussed at a narrative level despite them having resulted in massive changes to the valley landscape. Hunt's chapter on the "Natural Landscape and its evolution" is exactly the same splitting of the natural and cultural that occurs in most traditional settlement pattern studies. In the next chapter we are told that the valley has been occupied for 730,000 years yet the processes of human activity are discussed in two pages, thin description indeed. Landscape is treated as a neutral backdrop providing constraints and opportunities and of course changing, but the emphasis is on the settlement patterns and in this respect, Barker's work is little different from other, more traditional, settlement pattern studies.

A similar offshoot is Historical Ecology which Crumley defines as tracing "the ongoing dialectical relations between human acts and acts of nature, made manifest in the landscape" (Crumley 1994:9). Unlike Cosgrove (1984) who denies that this is possible, Forman and Gordon claim to have formulated "a nice scientifically rigorous and useful landscape concept," their definition is "a heterogenous land area composed of a cluster of interacting ecosystems that is repeated in similar form throughout" (1986:8-11) and this seems to be the general usage of the term (see Naveh and Liberman 1994 who actually never provide a precise definition<sup>10</sup>, Ludwig and Tangway 1997).

The underlying principal is of course that of the "system" or system theory so beloved of the processual archaeologists and geographers of the 1960s. By adopting this approach, the landscape ecologists are able to model an ecosystem; humans included (Ludwig *et al.* 1997 is a good example of this method). However the actual involvement of humans, either individually or collectively, is masked by the use of terms such as "culture" or "human impact" which act to cover up the actual details of what is thought to have occurred and precludes a detailed understanding. These are, of course, familiar and long standing criticisms of the systems approach, however landscape ecologists seem curiously unaware of such criticisms. For example the book by Naveh and Liberman *Landscape Ecology* (1994) which is an introduction to the subject, proceeds as if the systems approach to humans is unproblematic yet surely it would be more honest to explain and deal with the critique?<sup>11</sup>

A similar criticism can be made for Historical Ecology although the papers in Crumley (1994) seem much more aware of contemporary questions about "culture" and "nature" (e.g. the papers by Winterhalder, 1994, and Ingerson, 1994). The irony is

<sup>10</sup> Their work is notable for some fairly major lapses even if the critique of the ecological paradigm is ignored as the authors apparently have not discovered one word of doubt about the applicability of the systems approach to humans.

<sup>11</sup> Assuming of course the authors had bothered to read any current literature on "culture".

that Crumley seems to see historical ecology as a way of charting the future course of "global action" (1994:8) and yet adopts a methodology that has been criticised for obscuring the social and political processes to do with power, which seem fundamental to understand if any real change is going to occur. In practice the historical ecological approach is not particularly different from that of landscape archaeology, as a comparison between Barker's work in the Biferno valley (1995) and the work of Crumley and Marquardt (1987) in the Burgundian landscape demonstrates.

A different approach to landscape archaeology has been taken by Christopher Tilley in his *Phenomenology of Landscape*, which is both an approach to landscape analysis and an analysis of the relationships between populations and the land in Mesolithic and Neolithic south Wales and southern England (1994). Tilley is well known as one of the archaeologists arguing for a post-processual archaeology and to some degree he has an equivalent role to one of the new cultural geographers. Tilley is also occupying similar intellectual territory with his rejection of positivist notions of space and spatial analysis (1994:8-10). Tilley argued that space is a medium and "cannot exist apart from the events and activities within which it is implicated" (1994:10). Space is seen as socially produced "above all contextually constituted, providing particular settings for involvement and the creation of meanings" (1994:11).

Adopting the phenomenological approach of the "humanistic" geographers and especially Relph's concept of place Tilley defines the concept of "locales" which are "places created and known through common experiences, symbols and meanings" (1994:18). Locales occur within a broader context of cultural and natural landscapes. Tilley wants his usage of the term landscape to refer to "the physical and visual form of the earth as an environment and as a setting in which locales occur and in dialectal relation to which meanings are created, reproduced and transformed. The appearance of a landscape is something that is substantial and capable of being described in terms of relief, topography... and so on" (1994:25). Tilley then makes the point that human created locales (as opposed to natural features) "draw on the *qualities* of landscape to create part of their significance for those who use them, and the perception of the landscape itself may be fundamentally affected by the very situatedness of these locales" (1994:26). "A landscape has ontological import because it is lived in and through, mediated, worked on and altered, replete with cultural meaning and symbolism - and not just something looked at or thought about, an object merely for contemplation, depiction, representation and aestheticization" (1994:26).

Tilley points to the fundamental way naming, or the process of creating places, creates both localities and landscapes. The act of naming (or place making) transforms the physical and geographic into something that is historically and socially experienced (1994:18-19). The individual can then draw on their stocks of knowledge to give meaning, assurance and significance to their lives. "The place acts dialectally to create people of that place," by this Tilley seems to mean that living surrounded by familiar places creates individuals who identify as being from a particular locale or landscape. As an aside, he also mentions that the experience of these places is unlikely to be shared and experienced equally and the understanding and use of places can be controlled and exploited in systems of domination (1994:27).

Once places are named then the experience of living creates both individual and social memories. How a human experiences or encounters a new place or knowing how to act in a familiar place becomes bound up in their experiences of similar places. Moving through a landscape is socially conditioned leading to a right way to do things. An obvious example of this is Australian farm gate etiquette, although Tilley uses the example of Gabbra camel herders. Movement through the landscape involves drawing on memories of moving through locales and landscapes and applying them to the present context (Tilley 1994:28).

After discussing de Certeau's (1984) discussion of the art of walking in which de Certeau drew a detailed analogy between walking and speech, Tilley defines the path as the inscription of the pedestrian speech act onto the landscape (1994:30). A journey through a landscape on a path is one of constantly changing the tactile world. To explain the journey to others it must be talked about, recounted or inscribed. In the process of moving, the landscape unfolds to the observer. Places are appreciated as part of the moving to and away from. "If places are read and experienced in relation to each other and through serial movement along axes of paths it follows that an art of understanding of place movement and landscape must fundamentally be a narrative involving a presencing of previous experiences in present contexts" (1994:31).

While Tilley is explicit about confining his perception of landscape to small-scale "traditional landscapes" it seems on the basis of historical evidence that similar processes of naming of locales and linking these with paths (is the social creation of landscapes) occurs within capitalist societies as a form of humanising the economic landscape (in fact de Certeau's analysis on which Tilley draws, is grounded in the modern city). Relph decried placelessness as a product of capitalism but he did not argue that there were no places in capitalist society.

Aspects of Tilley's approach to moving through the landscape have been outlined in Cullen's *Townscape* (1961) a work that Relph cites as an important influence (1976:18-19). Cullen's work is not particularly theoretical but his emphasis on context in planning is quite important. Cullen is obviously in love with the drama of the city and aims to encourage the production of exciting urban form. He developed a concept called "serial vision". Serial vision is based on the idea that if a pedestrian walks through a town at a uniform speed, then the scenery of the town is often revealed in a series of jerks or revelations which add drama to the event (1961:11). The similarities to Tilley's approach are evident although Cullen was clearly operating in the present rather than trying to visualise the Neolithic as Tilley was trying to do. Equally, if you walk through a town or a landscape it is possible to analyse the serial vision to look at what one is seeing and why. Thus serial vision also has application as an analytical tool for investigating the three dimensional space of a landscape.

Tilley's musings on the Welsh landscape have recently come under fire from Oxbridge. Bruck, writing in the *Archaeological Review from Cambridge*, argues against Tilley's phenomenological approach (1998) while Fleming, in the *Oxford Journal of Archaeology* (1999) argues that the field data used by Tilley is wrong or at least open to alternative interpretation. While both views seem to have merit, it is also a measure of the interest in Tilley's work that he should be set upon in such a way.

Like geography, archaeology is about to be blessed (or cursed depending on your view) with an increase of landscape studies based on Geographical Information Systems (GIS) which are rapidly falling in prices and thus becoming cheaper to use. For those of us who can remember the statistics boom in archaeology in the late 1960s and 1970s where all you had to do was plug in the data to a statistics program and you had a paper for publication, GIS threatens the same problem: lack of consideration of the fundamental principals of the technique. It is a relief to read Llobera's paper on GIS, social space and archaeology (1996) which aims to avoid the environmental determinism that underlies much GIS work in archaeology. Llobera adopts much the same landscape approach as Tilley and uses the power of GIS to answer questions relating to process in the landscape. In particular Llobera shows how GIS can look at question of visibility of places and to places also a theme of Tilley's study. Although a preliminary study, this is an important paper in demonstrating the potential of GIS in landscape studies and the care with which the programs have to be applied.

To conclude a rather brief run through of archaeological approaches to landscape, a split in research emphasis similar to that in cultural geography is evident. There is a strong tradition, deriving from settlement pattern studies, that focuses on ecologically based studies. There is also an emerging interest in social and cultural meanings and interpretations derived from post-modernist thought.

### **Historical Archaeology and the landscape**

As historical archaeology emerged in the 1960s and 1970s, its practitioners began to undertake archaeological work in historic gardens. This work was later codified under the rather too broad term of landscape archaeology (see for example the papers in Kelso & Most 1990 and in Yamin and Metheny 1996). This emphasis follows architectural practice which sees gardens as landscapes, which in the case of individuals, such as "Capability Brown" or Humphery Repton is probably true. The gardens they worked on are *that* large, but it is somewhat confusing as others would see gardens more in the scale of places within a landscape rather than as landscapes themselves.

One of the most influential of the more recent archaeological studies of landscape has been the work of Mark Leone (and his students) on the gardens and city of Annapolis, U.S.A. (Leone 1987, 1988). Leone's work in this area can be traced from his 1982 paper "Some opinions on recovering mind", where he reviewed various approaches to the question of recovering mind. Leone is enthusiastic about using materialist (or Marxist) concepts of ideology and the methods of critical self-reflection to recover mind. He particularly places this form of analysis in the arena of historical archaeology as both the present and the past studies by historical archaeology share similar capitalist ideologies.

Leone's later work undertaken as part of the Archaeology in Annapolis Project developed these ideas. In his work on the William Paca Garden (1984), Leone links material culture, in this case the garden, and society through the concept of ideology. Ideology (following Althusser) is seen as those things society takes as givens and which are used to naturalise and mask the inequalities in social order. "Ideology takes social relations and makes them seem resident in nature or history which makes them apparently inevitable" (Leone 1984:26).

After discussing the work of Rhys Isaac to provide a context, Leone argues that the Georgian order or ideology acted to control economics and politics and that it did so by using concepts of nature (through measurement and classification) and history (precedent) to make the order seem natural (1984:26-28). Leone turns to examine the reconstructed William Paca garden in Annapolis. Leone argues that in planning and constructing the garden, Paca in effect ordered nature and by specifically using perspective, Paca controlled space and time (by placing symbols or referents to antiquity at the end of some vistas). This served to mask the contradiction of a person, who was a slave owner, proclaiming his belief in individual liberty. The gist of Leone's argument was later expanded to cover colonial gardens in Annapolis (Leone and Shackel 1990) as well as other aspects of material behaviour (Leone 1988) and in his most recent article to cover the towns St Marys, Baltimore and Annapolis (Leone and Hurry 1998).

It is this ideological approach to landscape that makes Leone's work of interest to other archaeologists, as well as having obvious parallels to Cosgrove's work on the history of the landscape concept and on Venice and to Daniel's work on the landscape architect Humphrey Repton. Nothing is more symptomatic of the gulf between human geography and archaeology than having parallel lines of research in each discipline without apparent (at least as far as can be determined from the published literature) awareness of each other.

This does not mean that Leone's position has escaped criticism (see Beaudry *et al.* 1991 for the most trenchant criticism). Leone himself has admitted that in this paper he pushed the concept of ideology to its absolute limit and one might question his use of Althusser in light of the critique of Althusser's work by E.P. Thompson and others. Historical archaeologists however have generally tended to view the landscape as being "readable", at least as far as ideology is concerned. The papers in the "landscape issue" of *Historical Archaeology* vol.23(1) are mainly concerned with reading the landscape to look at ideological change. Commenting on this approach Orser notes "I could cite so many studies that one could easily conclude the search for ideology is now the historical archaeologist's main pursuit" (1996:143).

Orser has his own approach to the landscape and historical archaeology. Deciding that historical archaeology is in crisis (when hasn't historical archaeology been in some sort of crisis?) because of its lack of interest in theory,<sup>12</sup> Orser adopts an approach called "mutualism" which forms a key of his research program for historical archaeology. Mutualism focuses on the individual and their web or net of social relations (1996:21-22, 32-33) rather than abstract notions of "culture" or "society". While the abandonment of culture seems not to be such a bad thing, especially as it is the super organic view Orser is rejecting, the adoption of mutualism perhaps needs greater thought and consideration. Why is mutualism better than materialism for example?

Orser critiques some historical archaeological approaches to landscape on the grounds that they "often explore landscapes without using any concept of mutuality"

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<sup>12</sup>In fact Orser in his discussion of historical archaeology has ignored the use of theory by such leading figures in the discipline such as Beaudry, Deetz, Leone, McGurire, Paynter and so on.

(1996:137), by this he is referring to the use of the super-organic view of culture (allegedly by Deetz). In Orser's view landscape is a spatial arena where relations are enacted (1996:138). To demonstrate his approach Orser analyses the landscape of Gorttoose in Ireland but curiously what is presented is a fairly thin narrative history with little emphasis on relations or how they might be expressed in the landscape, apart from the building of the odd wall. Thus to a large degree this new approach to landscape fails to present any new insights.

A recently published collection of essays on historical archaeological landscape studies edited by Yamin and Metheny (1996) presents a much more positive approach to the landscape. Yamin and Metheny present twelve papers evenly split between gardens and landscape studies. In introducing the papers, the editors situate them firmly in the post-processual archaeology camp with their concern for understanding symbolic meaning in the landscape and the use of the hermeneutic method in a "dialogue with the past". They also point to convergence between post-processual archaeology and the "new" cultural geography (despite supporting the mapping of cultural traits - very much part of the old school) arguing that both come from a common concern for "situating landscape formation and change in a cultural and social context" (1996:xv). The papers are a powerful demonstration of the historical archaeological method that uses both the documentary and archaeological evidence to understand the past.

In historical archaeology, as in cultural geography, the combination of using informed reading of documentary evidence and the analysis of landscapes and their elements seems to be particularly suited to addressing social and cultural interpretations of the past. The main strength of this approach is the ability to establish the context of both documentary evidence and landscape evidence and using the evidence and its contexts to move towards an understanding of the past.

## CULTURAL LANDSCAPE STUDIES IN AUSTRALIA

It is also important in this review to consider the use of the cultural landscape concept in Australia in order to situate this thesis in the context of such studies. The first use of the term "cultural landscape" in Australia was by the geographer O.H. K. Spate in his presidential address to the Geographic Section of the ANZAAS Conference at the University of Sydney in 1956. Spate, a former student of H.C. Darby, began by firing a salvo at the "this is not geography school", then claiming to be a "new chum" and short on documentation, he sketched out the theme of the history of Australia's cultural landscapes since the arrival of the first fleet (1956:177).

The cultural landscape, a term Spate refused to define, was divided for convenience into the rural and the urban. He then invited his audience to think of the pre-contact landscape as "a continent with no straight lines" (1956:178). Then to think of Australia in the present day (*i.e.* 1956) with the leading cultural features being straight lines and tin roofs. Spate points to the widespread and uncompromising use of the grid in Australia. Similarly the ubiquity of corrugated iron is stressed "it has not only been perhaps the most prominent feature of the cultural landscape, but also a very material factor in the social and economic life" (1956:179). Then having grounded his

audience Spate discusses the urban and rural forms. Spate notes the individual "personalities" of the capital cities, Sydney's brashness; Melbourne's Victorian exuberance; Adelaide's dignity and so on. After having a go at the suburbs for being amorphous Spate turns to the rural where he emphasises the rural settlements rather than the patterns of rural landscapes created by rural industries. The important impression of the rural landscape is one of space.

One of the points Spate makes about the cultural landscape is the need to understand the current landscape (in particular the buildings) in terms of its origin, the genetic approach. Spate would begin with understanding the "fossils", noting "there is much more of archaeological interest in Australia than we often think" (1956:181), an early appreciation of historical archaeology. "In any case, since temporal and spatial variations go hand in hand, the study of settlement patterns is essential to an understanding both of Australian geography and of Australian history" (1956:183)

Spate's view of the cultural landscape seems particularly grounded in the notion of cultural landscapes as a settlement pattern. For example in his discussion of precontract and 1956 landscapes he emphasises two material items: straight lines and tin roofs, rather than changes in the natural such as trees cleared, or streams dammed. Yet, historians (apart from Hancock 1972) have largely ignored his call for geography to play a role in Australian historical studies.

Spate's work was followed by Rose's discussion on cultural landscapes in Amos Rapoport's edited volume *Australia as Human Setting* (Rapoport 1972). Rose's view of what a cultural landscape might be was similar to that expressed in Wagner and Mikesell (1962) with references to cultural groups and culture without much explanation of their meaning. Rose's analysis was morphological in nature focussing on settlement and building patterns, and did not differ from Spate's analysis. Rose saw Australia's cultural landscape as "European" when he claimed the volcanic explosion of European energies during a brief two centuries of time "has swept aside, ignored or obliterated the features of earliest human settlement in this land" (1972:59-60).

An influential case study of an Australian landscape was George Seddon's *Swan River Landscapes* (1970). Seddon advocated the cause of conserving not only the bush but also the cultural elements in the Swan River landscape. He separated out landscapes, which have been modified by the hand of man and divided them into transformational and Acadian. The transformational landscapes are where the "hand of man" is evident, Acadian is where it is concealed (1970:11). He then discussed the types within each division. Despite the evocative nature of the text and illustrations Seddon was operating in the mode of morphological analysis and clearly had a super-organic view of culture.

Calder in "*Beyond the View*", which attempted to introduce the technical components of landscape analysis to the general public, defined landscape in the traditional manner. "At one extreme it is concerned with physical, biological or man made features set in a natural land surface unit, which can be analysed and assessed by investigation and by measurement of its component parts; at the other extreme it focuses on aesthetic, visual features which also can be analysed, assessed and delineated, although their relationships to other details of the area under investigation



are not easy to define" (1981:6). Jeans and Spearitt (1980) adopt a similar view but seem more attuned to the social and economic forces that "manufacture" the landscape. While Jeans and his contributors to *Australian Historical Landscapes* (Jeans 1984) seem content to avoid the question of what a historical landscape might be in favour of excellent description and photography.

This adoption of the morphological approach is not surprising given the obvious influence of the works of Sauer and Hoskins. The uncritical adoption of the morphological view of cultural landscapes is evident in most of the Australian literature on the subject. Despite some periods of debate on the concept of cultural landscapes, there has been little discussion on its theoretical underpinning.

The contribution of the CSIRO's Division of Land Research should not be overlooked in this discussion. By the late 1950s they had derived the concept of land systems which was a method of integrating a board range of environmental factors into units of land systems that shared important characteristics. A land system unit did not stop at the surface of the earth but included the underlying geology and soil as well as the climate above (see Christian 1958). Studies of land capability and land-use notably those undertaken by the Lands Conservation Council in Victoria, were based on the land system approach. The methodology for mapping land systems has been refined and codified as the Australian Soil and Land Survey Field Handbook (McDonald *et al.* 1990). This approach is really important in providing an excellent methodology for recording the landscape.

It is also germane to mention the collaborative work between archaeologist Judy Birmingham, human geographer Dennis Jeans and historian Ian Jack, all based at the University of Sydney. The collaboration was developed in the context of the archaeology department's refusal to teach historical archaeology resulting in historical archaeology being taught nominally as an unaffiliated course in the Arts Faculty (Ian Jack being Dean at that stage facilitated this). All three taught the course, which covered their particular interests within their respective departments. The results were two groundbreaking monographs: *Australian Pioneer Technology* (Birmingham, Jeans and Jack 1979) and *Industrial Archaeology in Australia: Rural Industry* (Birmingham, Jeans and Jack 1982). These books were very much guides to the remains of specific industries and based on the concept of "occupance" introduced by Jeans. "Occupance corresponds approximately to the prehistorians culture and comprises not only the production plant but the range of artefacts needed to support it. Any centre of specialist industry presupposes a complete landscape of artefacts organised to support that industry" (Birmingham, Jeans and Jack 1979:8).

One of the great disappointments of these works is that having got an interdisciplinary team together they each seemed to write their own chapters in the books so that there is no sense that insights from the separate disciplines were in some way integrated. The studies also seemed to lack the occupance approach they espoused and focused more on the technological history aspect rather than landscape of occupance.

Two more substantive studies on landscapes emerged in the mid 1980s. Jim Russell undertook research on cultural landscape assessment (1988),<sup>13</sup> while Ken Taylor

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<sup>13</sup> Russell (1988) is based on his doctoral research submitted in 1986.

undertook research in the Lanyon-Lambrigg area of the Australian Capital Territory (1987a, 1987b). Russell's work focuses on the assessment and preservation of cultural landscapes which he sees as rural landscapes. There was however little discussion of what a cultural landscape was, Russell by default, adopting the view of authors such as Melnick which ultimately means he uncritically adopts the morphological approach of the American cultural geographers. Ironically, in a subsequent article, Russell advocates the role of cultural landscapes in "accessing the richness of culture's past" (1993:37) however such an approach remains limited by Russell's conception of the landscape.

Taylor's work combined both individual work on a thesis as well as practical work on landscapes as part of a team. Taylor drew upon the work on identifying cultural landscapes by Robert Melnick (1984 see also 1987). Although written in the form of a manual for recording landscapes, rather than as an academic report, it is clear that Melnick drew on the standard cultural geographer's concept of a landscape (see Melnick 1987). Taylor was also influenced by Menig's *Interpretation of Ordinary Landscapes* in particular the papers of Lewis and Menig as well as Menig's assessment of the works of Hoskins and J. B. Jackson (Menig's work is discussed in Appendix One).

In 1987, the Australian Heritage Commission ran a series of seminars on issues to do with identifying and registering cultural landscapes.<sup>14</sup> The momentum and discussion generated by the seminars<sup>15</sup> lead to the organisation of a conference on cultural landscapes by ICOMOS Australia. The conference was held at Lanyon in Canberra in November 1988 and the papers were published the following year in *Historic Environment*. In rereading the papers, it seems that there was a remarkable uniformity of definition concerning what cultural landscapes were and how to preserve them. This reflects the influence of the previous seminars and the understandably utilitarian approach of heritage practitioners in adopting the available methodology of Melnick (see Armstrong and Truscott 1989; Blair and Truscott 1989; Taylor 1989). Following this seminar, two text books on heritage identification have been published which both advocate the similar concepts of landscape although the actual definition of the concept is not pursued in depth (McCann 1993, McConville 1991).<sup>16</sup>

There appears to be little attempt to go beyond the surface recording of landscape morphology and look at the landscape in greater depth to try to see the social and economic forces at work. All this is rather ironic, as the work of landscape recording is occurring in the context of the social and political struggle to get significant landscapes recognised and protected. George Seddon's later work on the Snowy River is perhaps one attempt to reveal multiple layers in the landscape (1994). However, Seddon was too bogged down in actually describing his encounter with the landscape

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<sup>14</sup> It was when I was invited to attend the Melbourne seminar that I first heard the phrase "cultural landscape".

<sup>15</sup> An important ingredient in the discussion at this time was McConville's landscape study of the Berry Deep Leads in Central Victoria which was intended as a demonstration of how to study a landscape. He presented his study to a seminar at the National Trust of Victoria. McConville took the view that landscapes were essentially a view point with which, unfortunately, everyone else disagreed with.

<sup>16</sup> A second ICOMOS conference on Cultural Landscapes was held in November 1996, while the papers were mainly interesting in their detailed discussion of individual landscapes or items within the landscape the author was the only person apparently interested in broadening the concept of landscape (Stuart 1997).

and its inhabitants, and failed to come to grips with past cultural landscape. In contrast, Geoff Park in *Nga Uruoa* (1995) presents a similar discussion of landscape, ecology, and history for New Zealand, and was much better at using the contemporary landscape to move back into understanding past landscapes.

To summarise, the study of cultural landscapes in Australia has uncritically adopted the morphological approach of Sauer and Hoskins, in particular as filtered through the work of Melnick on rural landscape assessment for the US National Parks Service. The lack of critical awareness has not resulted in any particular problems, as the morphological approach is suitable for the purposes of heritage management. However as has been argued elsewhere (Stuart 1997) in order to understand the squatting landscape a more analytical approach needs to be taken.

Returning to the aim of the thesis, that of understanding squatting landscapes, the review of cultural landscape studies suggests that adoption of a purely morphological approach is entirely practical, in that surviving elements of the squatting landscape could be identified and recorded. Indeed some of this work has been done for example by Cannon (1993) or Freeman (1980, 1982). However, if deeper understanding of the squatting and squatting landscapes is the aim then the morphological approach has limitations in the ability to understand change and its causes. This has the potential to anchor cultural landscape studies to the particular landscape being studied and the surface evidence rather than revealing the process of change over time.

Approaches to understanding change and the landscape have been developed by the "New Cultural Geographers" such as Cosgrove and by some historical archaeologists such as Leone. These approaches offer a deeper understanding of landscape through consideration of social and cultural factors and processes such as ideology and concepts such as power or dominance and resistance. These approaches to the landscape aim to go beyond description and adopt a broadly hermeneutic method as a way of reaching a deeper understanding and interpretation of the landscape. In a sense, they aim to focus on both the wood and the trees, seeing this view as providing a deeper understanding of the past.

There is no right methodology for landscape studies - only a choice of alternatives which can be best used as part of an hermeneutic approach to landscapes, in which each alternative is used to give a differing perspective of the central issue. This is not to say that anything goes as, clearly if one is aiming for a deeper understanding of the past, then there is a need for usual tools of landscape analysis such as identification, description and rigour in analysis as well as a perspective on the broader issues. There is also an important need to understand how the methods of landscape analysis structure and control the results so that research interests can be married with appropriate analytical procedures.

The basic approach in this thesis is a broadly hermeneutic one. The aim is to examine the research themes of "pioneering", "from squatter to squattocracy" and "selection" at a broad level where the social and economic forces that help form the landscape and the broad environment of South-Eastern Australia can be examined. Specific analysis of squatting landscapes at the small scale is undertaken in the two case studies. The first case study is on Lanyon, where the creation of a pioneering squatting landscape and the transition from squatter to squattocracy can be examined.

The second case study on Cuppacumbalong shows an established squatter husbanding his run and dealing with the process of selection on the run. These case studies aim to show how the forces described in the large-scale analysis act to create the landscape at the local level.

## **METHODOLOGY**

The analysis of landscapes used in the case studies has been undertaken by adapting the methodology of Keller and Keller (1987), Melnick (1984, 1987) and McClelland *et al.* (1990) to the demands of the research project. The three works are compatible as it is clear that the authors were interacting with each other. Their approach has been termed the "Melnick methodology". The Melnick methodology, although orientated towards the requirements of the U.S. National Parks Service, is a useful methodology for gathering and organising information about a landscape. It is based on the concept of landscape characteristics which are "tangible evidence of the activities and habits of the people who occupied, developed, used, and shaped the land to serve human needs" (McClelland 1990:3).

The Melnick methodology is a morphological one where landscape characteristics are identified and recorded as a static record of the cultural landscape. The way to change this static approach into an analytical approach is to consider the characteristics and the landscape wholistically in terms of the research themes outlined earlier. A processualist approach might seek to undertake this by moulding the discussion in terms of a testable hypothesis which the evaluation of these landscape characteristics could test. This approach would only work if the characteristics were capable of only simple causal relationships and indeed this seems to be the case with things like stone tools or faunal studies where the characteristics of the material studied is governed by simple physical rules.

However analytical questions about the past can not be expressed in such a simple way, the landscape at least for the historian or historical archaeologist is rich in explanation and interpretation, many of which may be simultaneously true. Thus while some form of verification can be made by testing the logic of the line of argument or the evidential support for the argument, it is inevitable that no single picture will emerge.

The approach taken in this thesis is to develop the themes and place them into a dense contextual layer so that the reading of the landscape characteristics can be undertaken within the context in which, as far as can be ascertained, the characteristics were constructed or developed. From an archaeological point of view, this exploits the advantage of having the historical record as well as the archaeological record so that some understanding of why landscape characteristics were created and destroyed can be gained.

### **Landscape characteristics**

An important process in adapting the methodology was to evaluate the criteria used in the Melnick methodology to see whether there were obvious omissions or useless

criteria, bearing in mind both the research issues and the practicalities of data collection. It is also important to consider where the use of the criteria are leading the analysis, as inevitably adopting a set of criteria emphasises one line of analysis at the expense of others. Making this choice has to be an overt decision rather than casually picking up a text and adopting it because it seemed like a good idea at the time.

Melnick (1984) and McClelland *et al.* (1990) identify eleven landscape characteristics. These have been modified by removing the categories of archaeological sites and small scale elements. Archaeological sites were removed as they duplicate the other characteristics.<sup>17</sup> The “small scale elements” category was an ambiguous category at best and so was discarded.

The category of Gardens has been added, as gardens seemed separate from the broader characteristic of vegetation relating to land use. Gardens used not only vegetation but also items such as paving, borders and statuary to create an effect which often made an intentional statement about their owners and designers.

The characteristics to be “read” in the context of the research questions are therefore:

- 1) Land Uses and Activities.
- 2) Patterns of Spatial Organisation.
- 3) Responses to the Natural Environment.
- 4) Cultural Traditions.
- 5) Circulation Networks.
- 6) Boundary Demarcations.
- 7) Vegetation Related to Land use.
- 8) Buildings Structures and Objects (including Portable relics).
- 9) Clusters.
- 10) Gardens.

### **The “Reading” Process**

The first stage in the process of investigating a landscape under the Melnick methodology, is one of establishing the landscape to be studied and its boundaries over time. Landscapes are defined by a multitude of boundaries: political, economic, social, natural, and these need to be clearly set out at the start. Importantly, the relative permeability of each boundary needs to be evaluated. In the context of squatting, the bounded unit of analysis is the squatter’s run. These were legally

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<sup>17</sup> Archaeological sites are only relevant if one is conducting a static analysis in a dynamic analysis, looking at past cultural landscapes. Archaeological sites are in fact part of that landscape.

defined entities but of course runs are added or separated so that the run may stay constant but its boundaries may vary.

### **Historical research**

At the outset, it should be noted that although squatting runs were administered by the Government, records of squatting runs for NSW were largely destroyed in the 1882 Garden Palace fire.<sup>18</sup> The fire destroyed the records of the "Occupation branch" of the Mines Department, which at that time administered squatting runs. Thus, there is a hiatus in records from 1848 to 1882. Personal records and company records of individual squatters can make up part of this gap.

Most of the underlying historical research to support Chapter Seven, Eight, and to some extent Chapter Six, is based on the conditional purchase records. The conditional purchase records are held by the State Records Office (formerly the Archive Office of NSW). The series consists of Conditional Purchase Registers, Lands Department and Surveyor Generals Departmental Correspondence Registers and Correspondence files.

Each piece of correspondence is listed in the Conditional Purchase Registers and the Lands Department Correspondence Registers. In order to trace the history of a piece of land, the conditional purchase number was obtained from the relevant parish map or from the applicant's index in the front of the Conditional Purchase Register. The entry in the register was noted and the correspondence numbers were recorded, and then the sequence of correspondence was searched through the Correspondence Registers to obtain the Correspondence file, which was identified by the last correspondence number. The file was then recovered, read and relevant information copied.

Conditional Leases and Pre-emptive leases were much more difficult to search as there are some registers but often they do not list file numbers. A degree of intuition and guesswork was required to obtain the relevant files.

The conditional purchase records for the Parishes of Tharwa, Cuppacumbalong, Murray, Coolemon, Orroral, Naas and parts of Boroombah and Yarara were searched. Some 421 records were accessed and over \$1000 was spent in photocopying relevant information from the files. A file for each portion was created in an MS-Access database and as a written summary in MS-Word. Photocopies and printouts of the summary and search notes were filed in lever arch files.

In addition to the Lands Department records, permission to use the diaries kept by George de Salis was kindly given by the de Salis family. George de Salis began a daily diary in 1869 and recorded his activities mostly on Cuppacumbalong. A microfilm of the diary is held in the National Library of Australia. Diary entries from 1869 - 1882 and 1890 - 1893 were read.

### **Field Research**

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<sup>18</sup> The records for Victoria were transferred after separation and thus survived as the Pastoral Run files.

There is no substitute for field walking as a way of recording information about a landscape and to get a "feel" for how the landscape is organised. I took the opportunity to participate in a survey for Aboriginal sites at Lanyon run by the Canberra Archaeological Society to walk over the landscape at the earliest possible stage so that during documentary research some of the inevitable ambiguities of the documentary record can be identified and resolved. Later I developed the habit of driving to Melbourne through the study area, which constantly gave me a feeling for how the landscape was and to build up a kind of empathy for the landscape. More systematic surveys were undertaken with the aim of identifying and recording the landscape characteristics and the relationships between them and to search for specific items such as hut sites.

The description of landform, soils, vegetation has been systematised in the *Australian Soil and Land Survey: Field Handbook* (McDonald *et al.* 1990) which, although somewhat complex, is at least a valuable way of describing (and to some extent explaining) the "natural environment". Site records followed the hierarchy set up in the *Archaeological Procedures Manual* from Port Arthur (Davies and Buckley 1987). Photography was of course important, not only to record specific features but to catch a feeling for the landscape as a whole.

### Reading

My approach has been to combine documentary research with archaeological research. The actual process is to take a number of "readings" of the landscape using the Melnick characteristics as a way of consistently recording or interpreting each landscape. Using the combination of landscape characteristics and situating them in time allowed a chronological reading of the landscape in which transformations from one landscape to another are seen. The understanding of these changes can be related to the ever-increasing contextual evidence provided by the historical research undertaken. Thus, the understanding of the landscape gets "thicker" in the Geertzian sense, as more lines of evidence are examined.

### CONCLUSION

"Cultural landscape" is a truly interdisciplinary concept used by archaeologists, geographers, historians, architectural historians and landscape ecologists. The core assumption, that cultural landscapes are created by interaction between humans and the environment, has remained largely unchallenged.<sup>19</sup> The concept of cultural landscapes has proven to be of long lasting usefulness in helping researchers understand the past. Two broad analytical frameworks for the analysis of landscape are currently in use.

The morphological analysis of cultural landscapes has proved useful in identifying items and patterns in the landscape but not to explain or reach understanding (in a

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<sup>19</sup> There is some doubt as to whether there should be a split between "natural" and "cultural" landscapes. In the context of Australia which has at least 50,000+ years of human history and interaction with the environment, the split seems slightly meaningless as there has not been a "natural" (in the sense of untouched by humans) landscape for at least that long.

non-trivial manner) of these items and features. The result has been a listing of "cultural traits" such as vernacular houses, log cabins and so on but attempts at explanation have been limited. Part of the underlying reason for this difficulty has been the adoption of the 'super-organic' view of culture. While in more recent studies the super-organic approach to culture has been replaced by other concepts such as systems theory, these often have the same effect of obscuring the effects of social and political elements in creating the landscape.

Recent work on cultural landscapes has demonstrated that it is possible to move beyond morphological analysis to achieve a deeper understanding of past landscapes. These approaches have focused on identifying icons or symbols in the landscape and interpreting them in social and political contexts. There is also an approach that explains of the impact of the physical landscape and how it is constructed and reconstructed in various social and cultural terms to further political and economic positions of various groups in society. It is these approaches that promise ultimately to allow a deeper understanding of squatting landscapes by moving beyond the static morphological approach to a more dynamic view of the cultural landscape. A broadly hermeneutic approach to the squatting landscape is required, aiming to understand how the landscape became cultural rather than seeking to merely describe a squatter's landscape.

In adopting this approach to the cultural landscape this thesis moves beyond the "standard" cultural landscape analysis practiced in Australia and introduces a new methodology based on recent work in cultural geography and historical archaeology.



**CHAPTER 3: SQUATTING IN SOUTH-EASTERN  
AUSTRALIA TO 1850: PIONEERING AND THE  
ESTABLISHMENT OF THE SQUATTOCRACY**

“So silently one by one, men of great force and endurance, with the sun and the stars to guide them, traversed an unknown waste and planted another Britain”.

Billis and Kenyon (1930)

## INTRODUCTION

This chapter, the first of two giving a broad context for squatting landscapes in Australia, looks at the processes behind the development of squatting from its origins in the 1820s to the 1850s by which time most of the grasslands in South-Eastern Australia had been occupied by squatters under licence or lease from the Crown. This was the “classic” pioneering phase of squatting typified by the quotation at the top of the page from one of the early historians of squatting.

The chapter is structured to give a broad historical narrative, which is followed by interpretation and discussion on landscapes relating to the research themes. The chapter begins with a brief overview of farming in NSW and Tasmania and a discussion of the emergence of the wool industry as an important industry in Australia. The expansion of farming to the limits of location is outlined and the role of the limits in Colonial land policy is established. The squatting occupation beyond the limits is delineated, as is the role of squatting in forcing the Government to legalise settlement beyond the limits. The two great struggles of the 1840s: to survive the depression, and to obtain secure tenure are described. Finally, the narrative section considers the process of consolidation during the 1840s.

The chapter then turns to look at who the squatters were and to examine their position in society. It is argued that what distinguishes the squatters is their respectability and capital. Having both allows the squatters to argue for a place in society and to protect their economic position.

Finally, squatting landscapes are examined. Pioneering settlement utilised the existing grasslands and open woodlands (probably maintained by Aboriginal burning), and moved down existing drainage lines by a process of leap-frogging and in-filling. Pioneering squatter landscapes are seen as having a minimal impact on the landscape. However, this phase of pioneering was short lived for, despite their lack of tenure, squatters quickly invested in such items as sheep washes, woolsheds and improved housing. A detailed analysis of the development of one run is used to demonstrate that squatters also moved quickly to establish their respectability through the development of comfortable huts and neat gardens.

Working at a broad regional level, the chapter brings together material from various lines of research. These are often treated by dividing them into areas of separate research (politics, land law, geography, history of sheep, economic history, environmental history) which never seem to meet, or do so apparently by accident. It is in discussing the landscape that these elements meet as they all form important parts in the understanding of the processes underlying the formation of squatting landscapes.

## A PRELUDE TO SQUATTING: FARMING IN NSW AND TASMANIA IN THE 1820S

Australia was not deliberately founded as an agricultural settlement; rather agriculture grew as a necessity to keep the colony viable. The instructions to the Governors<sup>20</sup> required them to proceed immediately to cultivate the lands using convicts as well as building up herds of animals to provide fresh meat. The emphasis on establishing a self sufficient colony is not surprising as Botany Bay was a long way from points of resupply such as England or India and the Cape of Good Hope.

Not surprisingly, the lack of skilled agriculturalists, poor tools and total lack of knowledge about Port Jackson's environment meant those early agricultural attempts were unsuccessful. After the initial failure of the first crop in 1788, agriculture was moved to Rose Hill (Parramatta) from Farm Cove. There, government farming developed until it reached a peak of 1,014 acres in 1792 (Fletcher 1976:27). At the same time private farming began initially at Long Cove and then at Parramatta where James Ruse at Experimental Farm retrospectively boasted that he had "sowed the first grain".<sup>21</sup> The development of private farming marked a change in government attitudes allowing former soldiers and convicts to obtain grants of land as freehold. This policy has been described as a spur of the moment decision that was aimed at solving the problem of what to do with the convicts once their time had expired (Butlin 1969:3). Apparently, the return of the convicts to Britain was not seen as an option.

In 1788, Governor Phillip requested that free settlers be allowed to migrate to Botany Bay. He was given permission to grant land to migrants in 1790. However, the number and experience of free settlers, who began arriving in 1793, was poor (Fletcher 1976:16). Settlement remained close to the towns of Parramatta and Sydney, as Governor Phillip was concerned about the obvious disadvantages of granting land to form a wide, dispersed settlement across the Cumberland Plain.

In 1794, settlement of the Hawkesbury River was allowed by the acting Governor Major Grose.<sup>22</sup> Flooding plagued the Hawkesbury where soils were rich alluvium carried down by the frequent floods from the river. However despite the disadvantage of flood, Fletcher notes "the Hawkesbury quickly emerged as the main farming centre, so superior were its resources to those of any other known part" (1976:195). Settlement also expanded along the shores of Sydney Harbour and the Parramatta River as well as in areas such as Prospect and Castle Hill. Most of the land granted was in comparatively small allotments (Fletcher suggests a common size of 30 to 50 acres, 1976:54).

Shortly after Phillip's departure in 1792, permission was received for the Officers and men of NSW Corps<sup>23</sup> to receive land grants along with civilian officials. The first

<sup>20</sup> Identical instructions were issued to the first four Governors, see for example Instructions to Governor Phillip, in Historical Records of Australia (HRA) 1(1):11-13

<sup>21</sup> Epitaph on his memorial.

<sup>22</sup> Governor Phillip having left the Colony in December 1792.

<sup>23</sup> The garrison troops for the colony.

grants were made to the Officers of the Corps. From 1793, through illicit trading activities, to which they were well suited having access to foreign exchange, positions of trust in the colony which they could exploit for profit, and access to numerous convict servants, the Officers were a major economic power (Fletcher 1976:62-63). Apart from their trading activities, the Officer class were prominent farmers holding between 30% and 17% of land cropped between 1793 and 1802. After about 1800, increasing government concern with their trading activities and the growth of civilian merchants such as Robert Campbell and emancipist traders such as Lord, Nichols, Kable and Underwood (all heavily involved in the sealing industry) resulted in the comparative decline of the Officer's economic power in the Colony.

The history of livestock breeding in Australia begins with the arrival of stock with the First Fleet, although there is no record of how many beasts actually survived the voyage. By July 1789 most were dead or apparently lost and presumed eaten. In fact, showing unusual bovine intelligence, most of the cattle had abandoned their convict herdsman by mid-1788 and settled on pastures beyond the reach of the colony. Governor Hunter stumbled on a herd of some 60 cattle beyond the Nepean River, at an area subsequently called the Cowpastures, in November 1795. The cattle were left to graze largely it seems because the Colony lacked the means to herd them. By 1800, the herd was about 300 head. Fletcher points to the great irony in this increase as between 1791 and 1800 numerous attempts to import stock had occurred with great trouble and expense, while by accident a herd had grown to similar numbers with no fuss or financial outlay. Fletcher notes that the Officers of the NSW Corps began to concentrate on cattle and sheep production from about 1800 onwards (Fletcher 1976:70).

The purpose of developing the livestock was of course to provide fresh meat to the colony and salted meat to visiting ships. To promote livestock production Governors gave private individuals livestock to enable them to build up herds and purchased meat for the Government stores (thus creating a market). The Governors were also importing numbers of livestock from the Cape and India. Even so there was not sufficient livestock to supply the colony's demand (defined as producing more animals born in a particular year than could be eaten). While small farms could contain livestock- particularly pigs, goats, milk cows, and so on - the numbers of stock would have been quite small. To run large herds a greater area was required particularly as the land was virtually unimproved and unsuitable for intensive grazing. Thus, there was an increase in land grants to the more prosperous settlers who were primarily involved in grazing (Fletcher 1976:131). There is also a suggestion that greater profits were to be made in selling livestock. One might point out that grazing must have seemed a little more respectable to the Officers and Gentry than farming with all its implications of dirt and sweaty labour and close association with animals such as pigs and goats.



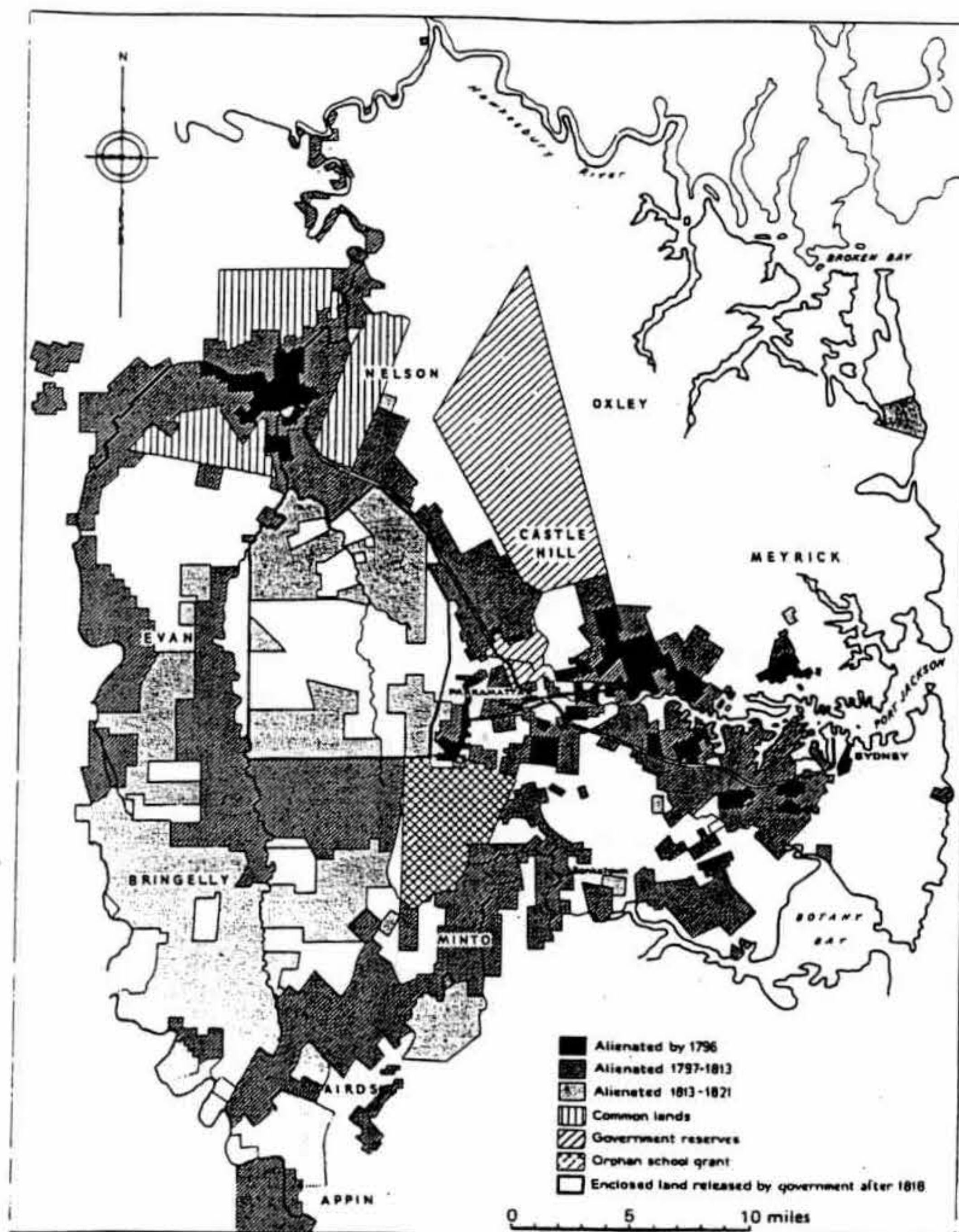


Figure 3.1 Settlement on the Cumberland Plain (after Jeans 1972)

The broad pattern of settlement during this period can be characterised as mainly small farms worked by free settlers or emancipists with assigned convict labour. The small farms were spread along the courses of the rivers where fertile soil could be found. There were a few larger farms, which were mixed grazing of cattle and some sheep and cultivation. These larger farms were still comparatively small, some up to 3000 acres. Larger estates included those of Marsden at Mamre, Jamison at Regentville, Cox at Mulgoa and Blaxland at Luddenham as well as the well known estate of John Macarthur's at Camden, formerly the Cowpastures (see Perry 1963:22-25). A 3000 acre farm is still of such a size that it can be walked across and administered from a central place with workers (*i.e.* convicts) going out to work and returning each night. This seems to be the pattern of grazing, although as Blair and Claoue-Long note convict landscapes have been poorly documented (1993b:83) so precise details of the actual landscapes are unknown.<sup>24</sup>

The expansion of pastoral estates however soon ran into the physical constraints of the Cumberland Plains. This plain lies to the west of Sydney Cove and is bounded on all sides by terrain generally known as Hawkesbury sandstone. The sandstone country

<sup>24</sup> There have been no published studies of early convict farms from this period although evidence of farming does exist at Parramatta Park.



with its steep gullies, canyons, cliffy and outcropping slopes, and dense vegetation is terrible country for grazing except on the ridge tops, which in any case were covered by dense forests and swamps. The Cumberland Plain, by contrast, was an open Eucalypt woodland with an abundant grassy understorey (do doubt promoted by regular Aboriginal-lit fires). The Hawkesbury-Nepean river system formed a convenient boundary to the settlement as it ran virtually around the edge of the Cumberland Plain.

## INTRODUCTION OF SHEEP TO AUSTRALIA

Generally, there are two uses for sheep. One is to provide meat the other is to provide wool. The conversion of wool into fabric involves the production of yarn by twisting the wool fibres and the weaving or knitting of the yarn into a fabric. There are two main processes of producing yarn - woollen or worsted. The woollen process produces bulkier yarn made from short woollen fibres. These wools are known as clothing types. The worsted process makes a stronger yarn made from longer fibres known as combing types (Massey 1990:937-938, Roberts 1962). There is also important variation in wool thickness with finer wools being softer and therefore being used in high quality garments. The thicker wools being coarser are used in fabrics used as blankets or jumpers as the fabrics thickness helps in insulating the user.

### Australian flocks

From the Australian perspective, the history of sheep can conveniently begin in eighteenth century Britain. There was an extensive fine wool industry in Britain before the eighteenth century, which supplied wool to the British woollen industry. By the middle of the eighteenth century, the fine wool industry was declining with sheep being bred more for their characteristics as mutton rather than for fine wool. Fine wool production in Britain declined mainly because it proved difficult to breed a fine wool carrying sheep with a suitable amount of mutton on it. By the late 1700s, the British woollen industry obtained much of its fine wool from overseas countries such as Spain and Saxony whose sheep were based on merino stock (Bowie 1987; 1990; Hartwell 1973:320-321; Russell 1986:156-157; Ryder 1983:494). There was however, a British breeding program based on merinos smuggled out of Spain and supported by George III. Sir Joseph Banks coordinated the program among his many other activities, which included providing expert advice on Australia which he had visited with Captain Cook in 1770.<sup>25</sup>

The first merino stock introduced into Australia was more by accident than design. In 1797, the *Reliance* and the *Supply* were sent to the Cape of Good Hope to buy supplies for Sydney. The ships masters, Captain Waterhouse of *Supply* and Captain Kent of *Reliance* were offered merinos from the flock of the late Governor, Colonel Gordon, whose widow was selling prior to her return to Britain. These merinos were the descendants of those given to the Dutch Governor by the King of Spain in 1789 (Ryder 1983:575). Waterhouse and Kent bought 26 merinos at £4 each. Kent's died

<sup>25</sup> I am aware that this is a rather superficial discussion of Bank's role as a scientist, see Gascoigne (1994) for more detail and context.

en-route to Sydney but 10 of Waterhouse's survived. These were distributed with some going to Samuel Marsden and some to John Macarthur. On leaving NSW Waterhouse sold his flock to William Cox (Waterhouse 16/07/1806 in Carter 1979:457-458).

The history of sheep breeding in early Australia is rather confusing and inevitably intermixed with the argument about who was the "father" of the Australian wool industry. Various candidates such as John Macarthur, Samuel Marsden, William Cox, the Riley brothers, and (my personal favourite on ironic grounds) Elizabeth Macarthur, are alternatively praised or dismissed on the basis of some rather fragmentary historical evidence about the nature and quality of their sheep. The basic point is that the Australian sheep of that time came from a variety of sources including the merinos that Waterhouse had obtained in 1797, five rams and one aged ewe purchased from the Royal Flock by John Macarthur in 1805, merinos apparently captured off the coast of Peru around 1804, merinos that accompanied the Blaxland family when they emigrated to NSW in 1806 and five merinos which were a gift from the Royal Flocks to Samuel Marsden by George III in 1810 (Massey 1990:30-32).

The merinos were often crossed with other sheep such as the Cape sheep and Bengal sheep (imported for meat) as well as Leicester and Southdown sheep from England. For example, Marsden, the chaplain to the Colony of New South Wales, crossed his merinos with sheep from the Cape of Good Hope and India with the aim of producing dual-purpose meat/wool sheep adapted to Australian conditions (Bell 1970:48-49). Both Garran and White (1985:55) and Massey (1990:40) consider that the crosses with the Cape and Bengal sheep produced a sound genetic stock and bred the basic Australian merino type. From the evident success of some Australian wool in the English market it appears that the introduction of fine wool genes via the merino was successfully accomplished, although only a few sheep owners in the Colony were interested in wool production (see Ker 1960, 1962).

It is not precisely clear how the concept of a market for wool rather than for mutton developed in Australia. Certainly both Marsden and the Macarthur family were experimenting with wool sales and they corresponded with Sir Joseph Banks to learn about the requirements of the English market and how they could improve their sheep. Such an activity is often set at odds with Marsden's role in the colony as chaplain, however as an Evangelist Marsden would have been fulfilling the evangelical ideals of improvement and industry in his activity.

Tasmania or Van Dieman's Land<sup>26</sup> as it was known until the 17<sup>th</sup> December 1855, was colonised in 1803 as an off-shoot of NSW with the aim of preventing any French ambitions in the Southern Ocean (Robson 1985:35). The wool industry in Van Dieman's Land has a strange history. Although in 1817 sheep numbers were greater in Van Dieman's Land than in NSW, the wool was not used at all and merely discarded. Sheep in Van Dieman's Land were seen primarily as supplying mutton to Van Dieman's Land and NSW (Garran and White 1985:171; Hartwell 1954:107-110). Cox claims some wool was exported but the evidence for this is not referenced and therefore unable to be checked (1936:19). Interest in wool exports began in 1820 after a decline in mutton prices (Hartwell 1954:110). An import of quality sheep occurred

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<sup>26</sup> Hence Vandiemaniian.

in 1820 with the arrival of 181 sheep, again from Macarthur's flock. The Government had purchased these and Governor Sorell distributed them to deserving settlers (Cox 1936:19; Garran and White 1985:172). From these beginnings, the wool industry in Tasmania grew rapidly. Cox has noted that one of the unique features of the early Van Dieman's Land wool industry was that the breeders concentrated on importing pure bred sheep thus producing flocks with high quality wool. Cox lists nine significant breeders established in the 1820s using Saxon stock (Cox 1936:20-28).

### **Development of the Australian wool industry**

Abbot's "*The Pastoral Age: A re-examination*" (1971) is the culmination of the historical debate on the nature of the early wool industry conducted between various economic historians in the 1960s. Abbott neatly avoided the question of "the Father" and points to a variety of factors that made grazing and sheep farming of interest to landowners. Although small samples of wool had been sent to England, it was really the combination of declining meat prices in NSW between 1816 and 1819, and the extraordinary profits of speculative wool cargoes sent to England in 1811-12 that spurred the development of wool production (Abbott 1971:34-35). The initial success seems to have stemmed from Marsden's cargo shipped in 1811 which prompted exports by John Macarthur, Alexander Reiley and a second cargo from Marsden (Abbott 1971:35, Yarwood 1977:133-134). As the traditional sources of wool for the English market, Spain, and Saxony, were in the midst of the Napoleonic wars, supply disruptions may have encouraged the high prices paid for Australian wool. Although export data are scanty, it appears that wool exports increased rapidly and prices remained good until around 1817 (Abbott 1971:38-39).

Once the shortages of the wars were over, more attention was paid to the quality of the fleeces in the mills and prices dropped except for the fine quality wools. Most wool exporters were in contact with a reliable trusted person in England (usually a family member) who acted to send back information to Australia on the quality and presentation of the fleeces. Abbott argued that from 1818 onwards it would "have become more than obvious to local producers that only fine wool would cover the costs involved in the production and marketing of wool in London" (1971:41). The graziers in their submissions to the Bigge inquiry<sup>27</sup> pushed the view that a fine wool industry could be profitable for the colony and balance the trade deficit with Britain. Bigge also saw the wool industry as a useful answer to the perennial question of what to do with the convicts once their sentences had expired. Even so, in 1821 wool remained a small part of the English market and a small part of Australia's exports.

There was also increased English interest in the potential of Australia as a source for wool. The most notable expressions of this were the establishment of the Australian Agricultural Company and the Van Diemen's Land Company in 1824. Murray has described the Van Diemen's Land Company as an "impossibly speculative enterprise" (1988:99) and the same comment could equally apply to the Australian Agricultural Company. Each was a joint stock company established to produce fine wool for the English market and each were reliant on promises of cheap convict labour and large land grants from a Government eager to encourage investment.

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<sup>27</sup> This was an inquiry into the administration of the Colony conducted in 1819-1820.



These were large enterprises. The Australian Agricultural company had capital of £1,000, 000 and was entitled to grants of land up to 1,000,000 acres (Bairstow 1986:88). The Van Dieman's Land Company received grants of 500,000 acres in north-west Tasmania (Murray 1988:101). Both companies competed for the supply of breeding sheep. The Australian Agricultural Company, which received its charter in 1824, became a major importer of Saxon rams from 1824. Between 1825 and 1827 some 2122 sheep were imported, these comprised approximately 747 Saxon, 1196 French and 179 Anglo-Merino sheep (Garran and White 1985: 131, 162; Massey 1990:66). Both companies were granted land in largely unsettled areas.

By 1821, Abbott argues, the wool industry in New South Wales was well equipped with increasing quality of flocks, new pastures being opened up and a good market for fine wool had developed. "In 1821 colonists believed that fine wool was the only means by which New South Wales could progress" (Abbott 1971:47). This view was supported by the publication of Commissioner Bigge's reports in London in 1822-23 in which the advantages of the wool industry in New South Wales was stressed.

#### EXPANSION TO THE LIMITS OF LOCATION

When Governor Brisbane arrived in 1821, he found that land settlement in NSW had reached a minor crisis. Most of the available freehold land in NSW (the Cumberland Plain) had been obtained by grant from the Governor and there was a shortage of land for grazing. Brisbane attempted to improve the Crown's situation by increasing land prices<sup>28</sup> but due to a shortage of surveyors<sup>29</sup> Brisbane was forced to continue Governor Macquarie's practice of issuing "tickets of occupation" which allowed occupation of land prior to sale (Abbott 1971:128-130; Perry 1963:34; Roberts 1968:36-42). The land shortage was rectified by the expansion of the settlement beyond the Cumberland Plain.

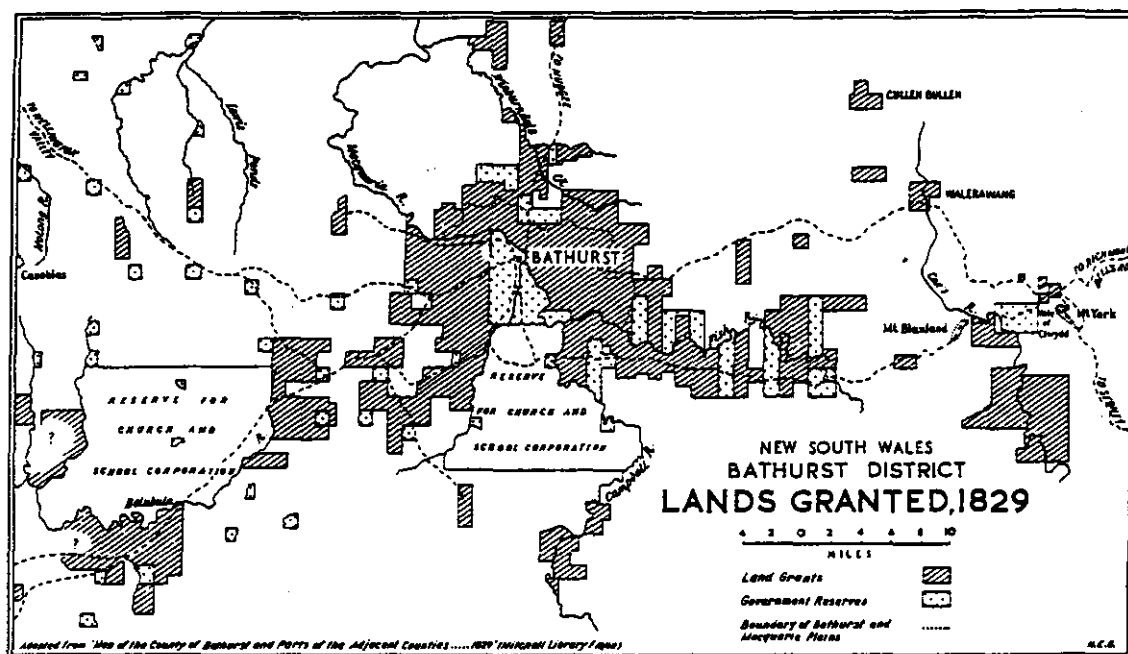
#### West of the Blue Mountains

Settlement had reached across the Blue Mountains following the successful explorations of Blaxland, Lawson, and Wentworth (1813) and survey of Evans (1813-14) which had established the presence of forest land beyond the rugged terrain of the Blue Mountains. Governor Macquarie authorised the construction of a road across the Mountains in 1814. In April 1815 Macquarie and his wife crossed the Mountains and arrived at the site of Bathurst, which they named and set out. A small settlement was established there from 1815 and small scale cultivation began. At the same time, a number of settlers took flocks over the mountains on a semipermanent basis. Perry notes that by 1820 there were some 19,453 sheep west of the Blue Mountains (1963:84).

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<sup>28</sup> A quit rent was paid on grants, increasing land prices would presumably have lead to a decrease in demand.

<sup>29</sup> A grant had to be surveyed before being granted and there always was a considerable backlog of land waiting to be surveyed.



**Figure 3.2 Settlement west of the Blue Mountains (after Perry 1963)**

The sudden influx of settlement over the mountains forced the Aborigines to react strongly against the invaders. From 1822, the Wiradjuri began a series of attacks on sheep flocks and shepherds. Fry reports a series of attacks resulting in some 20 hutkeepers and shepherds being killed and damage to crops and stock (1993:33). It is difficult to assess the nature of these attacks as the settlers tended to exaggerate these in order to force the Government to drive the Aborigines off. The Government responded in August 1824 by proclaiming martial law and moving troops into the Bathurst area. Aboriginal casualties are difficult to estimate (possibly over 100). By December 1824, the area was sufficiently pacified to repeal martial law.

The Bathurst area has been described by Perry as the principal sheep raising area of the colony in the 1820s (1963:88). Cultivation of land was only for local production largely because of the difficult road over the mountains and consequent high transport costs (both in terms of time and money) to take produce to Sydney for sale. The data from the 1828 census as analysed by Perry shows that there were two types of farm: small farms run by ex-convicts and larger grazing properties run by absentee landlords.

**South West from Sydney**

The area to the south west of Sydney was known as the “Cow Pastures” and was reserved from settlement in 1803 to allow the herd to build up. John Macarthur received a grant of land in the Cow pastures in 1804 to encourage his work in sheep breeding and established the Camden Park estate there in 1805. From this area, several explorers probed the Blue Mountains in a south-westerly direction. By 1815, settlement was reaching into what is now known as the Southern Highlands. From there, expeditions by Dr John Throsby found routes south into the Shoalhaven River catchment, north to Bathurst and south west to Lake Bathurst and the Goulburn Plains. By 1820, settlement was established in the Southern Highlands and exploration had discovered the Limestone Plains around Canberra. The plains around Goulburn, Yass and Canberra were ideal for grazing, being wooded grassland and were settled from the mid-1820s.

The evidence for the nature of settlement in this area is complicated, as the coastal areas (which were a totally different environment) are included in the 1828 Census returns. Perry notes the general similarity of the settlement size with other districts but noted that the small holders (less than 100 acres) held many more cattle and sheep per acre suggesting that they illegally grazed their stock on Crown Land. There was also a greater number of cattle which were more suited to the land around the Southern Highlands while sheep were better suited to graze on the plains around Goulburn (Perry 1963:106-107).

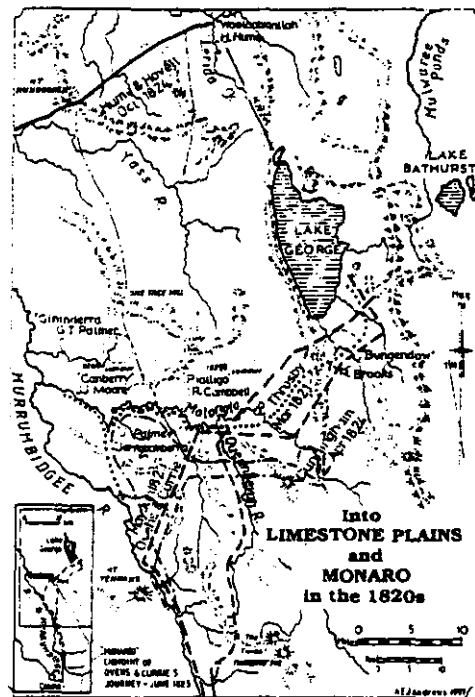


Figure 3.3 Exploring South West of Sydney (after Andrews 1999)

## Hunter Valley

A convict settlement was established at Newcastle from 1804 and a small farming settlement at Paterson's and Wallis's Plains from 1812 (to the immediate west of Newcastle along the Hunter River). These were located at the lower end of the Hunter Valley, which was characterised by the meandering course of the river and numerous swamps and dense rainforest. This formed a barrier to movement east up the Hunter River. The middle tract of the Hunter was reached by explorers moving overland from the Hawkesbury River in 1818. This area was characterised by grassy plains (probably a savanna grassland) bounded by steep wooded ranges and sandstone cliffs. By 1820, the grassy plains found there were first occupied and, by 1825, much of the plains had been granted to settlers. This prompted a series of attacks by the Wonnarua on shepherds and farm workers in 1826, which were suppressed by police and the military (Milliss 1994:54-66).

Perry's analysis of the 1828 census shows that there were 191 farms in the Hunter Valley. Of these 50% were greater in area than 1000 acres and took up the majority of land (91.5%). Some 18% of the farms were under 100 acres and 33% were between 100 and 999 acres occupying 8.1% of the valley (Perry 1963:Table 12). Perry has noted that the settlers in the Hunter Valley were primarily newly arrived emigrants (1963:73). The smaller farms under 1000 acres had a much greater area of the farm under cultivation and generally held more cattle than sheep. This reflects the more intensive settlement where livestock was usually used to produce dairy products and meat. The larger settlements had larger areas under cultivation but these only formed a small part of the overall holding (2% according to Perry). The cattle/sheep ratio was reversed with about three times as many sheep as cattle. According to Perry's mapping of grants the smaller farms were located on small patches of alluvial land along the Hunter River particularly in the east of the Valley while the larger grazing farms were located in the western end.

There were also agricultural settlements at Port Macquarie and in the Illawarra region. As well, there were a number of small settlements of sealers and later whalers on the Victorian coast and at Eden. Although these were not primarily agricultural settlements they were established by Sydney and Tasmanian capitalists (such as the Henty family) who had an interest in the wool industry as well.

Brisbane's successor Governor Darling arrived in 1825 with instructions to reform the current land alienation procedures (Abbott 1971:130). The reform introduced a system of both grants and land sales as well as the renting of Crown Lands adjacent to freehold property (Abbott 1971:133). Darling also implemented orders to divide the colony into counties and parishes resulting in the creation of the "limits of location", the boundaries of the Nineteen Counties (Perry 1963:45-46). These have been seen by some as a form of "iron curtain" but as Perry (1963:46) points out, at the time the limits were seen as temporary pending further expansion at a later date.



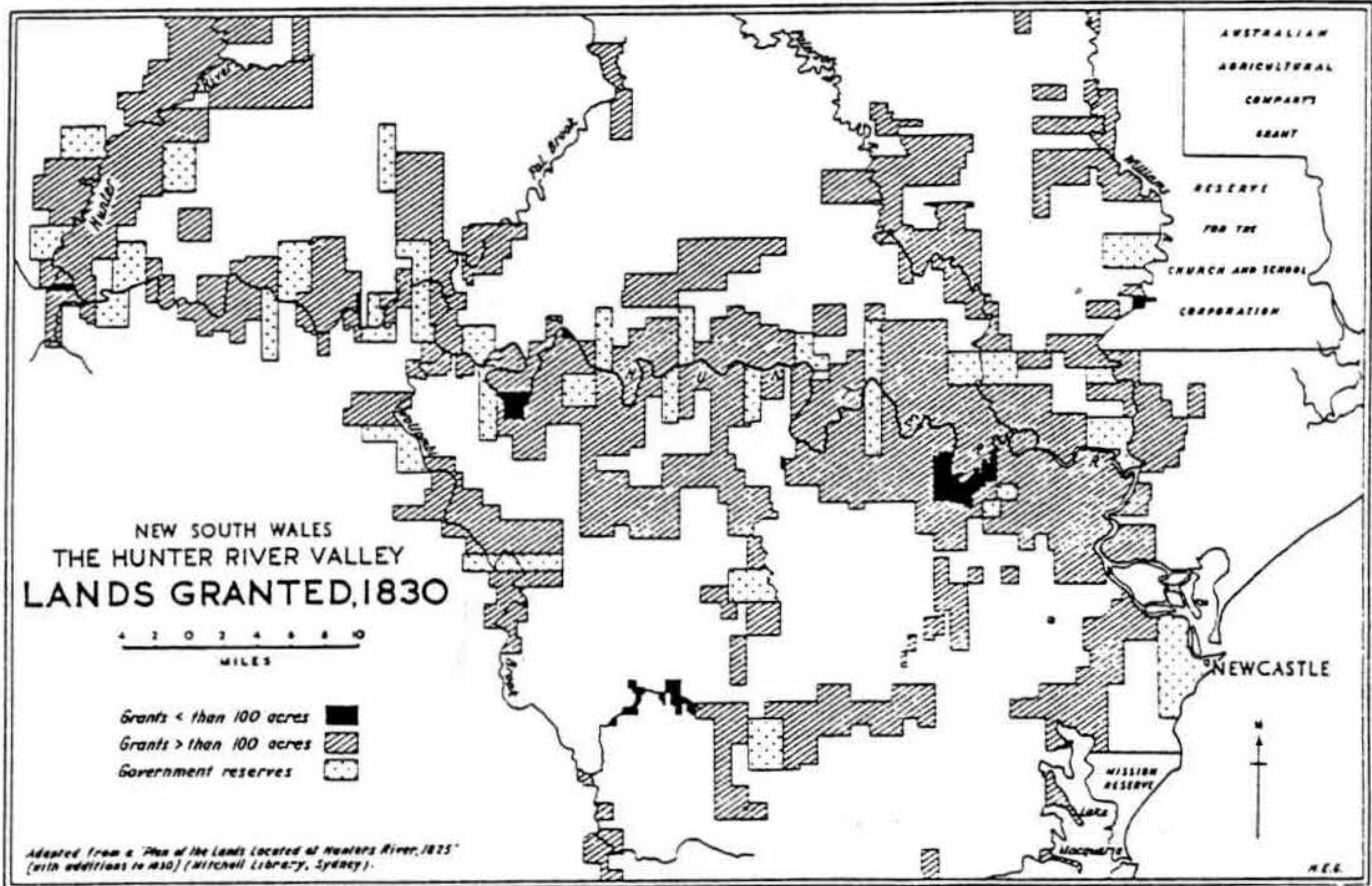


Figure 3.4 Settlement in the Hunter Valley (after Perry 1963)

### The Limits of Location

The wool industry reached a peak in 1826, a year of intense economic speculation in sheep and cattle (Abbott 1971:57-59). The onset of a drought in 1827 (which lasted several years) and a decline in wool prices from 1828 reduced some of the investment in wool. This caused a recession and many colonists became insolvent and the flow of immigrants slowed to a trickle. However by 1831, the drought had broken and wool prices began to climb higher, prompting another wave of immigration. The demand for land and thus the ever-increasing spread of settlement was underpinned by the increasing success of the wool industry and the need to find good grazing land. It should be stressed that it was only the top class clips that attracted high prices, most clips were not of that quality and so profits were hard to come by, but this point was obscured in the general feeling of optimism.

By 1828, settlement had reached the boundaries of the limits and the continuing success of grazing was requiring that even more land be found for settlement outside the existing Nineteen Counties. Darling's successor, Governor Bourke, implemented the so-called "Ripon" regulations of 1831. The regulations were aimed at concentrating settlement within the limits of location and regularising the forms of





**Figure 3.5 The Limits of Location**

occupation. As such, they have been seen as reflecting to some extent the settlement theories of Edward Gibbon Wakefield in his *A Letter from Sydney*, published in 1829. Wakefield argued for a denser level of settlement and higher land prices (Jeans 1975:114, Wakefield 1929 [1829]). Wakefield's views had a great deal of influence in Westminster despite the fact that the letters were written while Wakefield was in gaol. The regulations abolished land grants and all land was to be sold with the reserve price of 5/- per acre (no credit). Revenue from the land sales was to sponsor immigration. Land outside the "limits of location" was not for sale, lease, or grant.

The policy of containing settlement within the limits could only work if the "limits of location" was a strong boundary. There were a variety of boundaries that could potentially hold back settlement. In terms of economic geography, settlement in the late 1820s was at the end of a long track back to Sydney. Theoretically, this would have limited the economic utility of cultivation as the largest market was weeks of travel away. Grazing sheep and cattle for meat also encountered problems with transporting the animals back to Sydney and in any case, there must have been a limit to how much meat the local market could absorb. In short, there is an argument supporting the notion that the limits of location might have been an effective barrier due to the distance back to the market for agricultural produce. But the advantage of wool as a product was its durability: it didn't need quick transport to market and it could be stored for some time so transport costs could be minimised.



More importantly in terms of landscape, the limits were drawn almost at the start of the plains stretching enticingly out west from the barrier of the Great Dividing Range. Even today you can stand on the edge of the limits of location and see the plains stretching out into the distance. Crossing the limits required little effort. Had there been a major physical barrier to movement (such as the Blue Mountains were) the limits could have worked but there was not. With no physical constraint to movement, the limits were ignored. Darling wrote, "It is impossible to prevent their sending their cattle [and sheep] beyond these limits" (quoted in Jeans 1972:115). In fact it was the Government itself that officially breached the "limits of location" when, in 1831, it allowed the Australian Agriculture Company to exchange its grant at Port Stephens for one on the Liverpool Plains, well outside the limits (Jeans 1972:136-137).

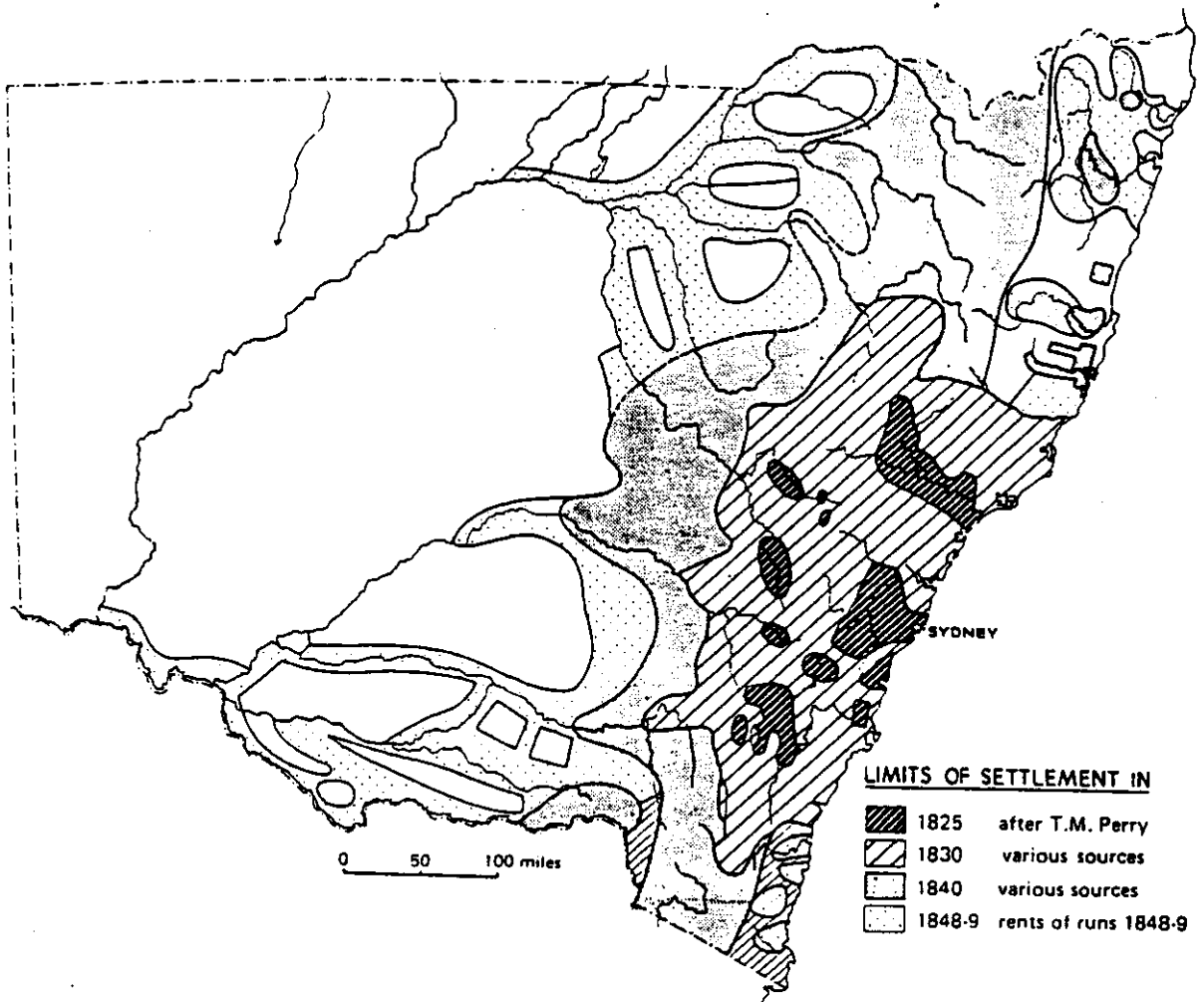
By 1828 the pressure to find and occupy grazing land caused by the increasingly successful pastoral industry was too much for the system of colonial land regulations to cope with. Neither Governor Darling nor his successor Bourke wanted to act to stifle the wool industry, which required more land if it was to continue to expand. The Governors were caught in a classic dilemma. As the men on the spot, they were aware of the importance of the wool industry to the colony. Yet they also had conflicting instructions from the British Government, fearful of increased expenditure of the colonies and influenced by Wakefieldian theories on colonisation, to contain settlement.<sup>30</sup> Despite the variety of regulations introduced in 1828, 1831 and 1833, with the ban on settlement outside the limits of location, sheep farmers were forced, if they were to find land and make a profit, to look outside the colonies formal boundaries. The land policy of the Colonial Office was inevitably doomed in the face of a successful pastoral industry requiring of necessity a dispersed settlement and the lack of any physical, economic or military force to prevent dispersal. One suspects the Governors knew this as well but had to make the best of it.

### THE SQUATTING OCCUPATION OF SOUTH-EASTERN AUSTRALIA

With the expansion of pastoral settlement beyond the limits of location, the "Squatting Age" had begun. There was no official sanction of settlement beyond these limits and so all settlement beyond was squatting on Crown Land. It is this lack of sanction that makes it difficult to establish precisely when a particular area was settled. For example, Robert Campbell was granted land at Duntroon on the Limestone Plains (County of Murray within the limits) where he established a farm in 1826. It is also widely known that by 1829 Campbell had established a squatting run Delegate at the far end of the Monaro Tablelands (see Andrews 1979:136) yet there is no real record

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<sup>30</sup> Edward Gibbon Wakefield argued in his "*A Letter from Sydney*" against the dispersal of settlement as being uneconomic and proposed a complex control on land sales to encourage emigration. Wakefield also argued strongly against the wool industry basically arguing that it was speculative and that over supply of wool would keep wool prices below a profitable level (1929:39-41). Although his colonisation theories had considerable influence in Australia and New Zealand he was, at the time he wrote *A Letter from Sydney*, in Newgate Prison for elopement with a minor, and thus lacked colonial experience. Why such an analysis had such influence has never been explained. In his introduction to *A Letter from Sydney* Mills notes that the analysis was "clear, the remedies appropriate and the method of presentation entertaining" (1928:ix). I suspect that means of reducing colonial expenditure was bound to be of interest to the Colonial Office and the virtues Mills attributes to Wakefield's writing served to help the adoption of his ideas.



**Figure 3.6 Standard Squatting Settlement Map of New South Wales**  
(after Jeans 1972)



of the run nor why it was located so far away in country still to be occupied by squatters.

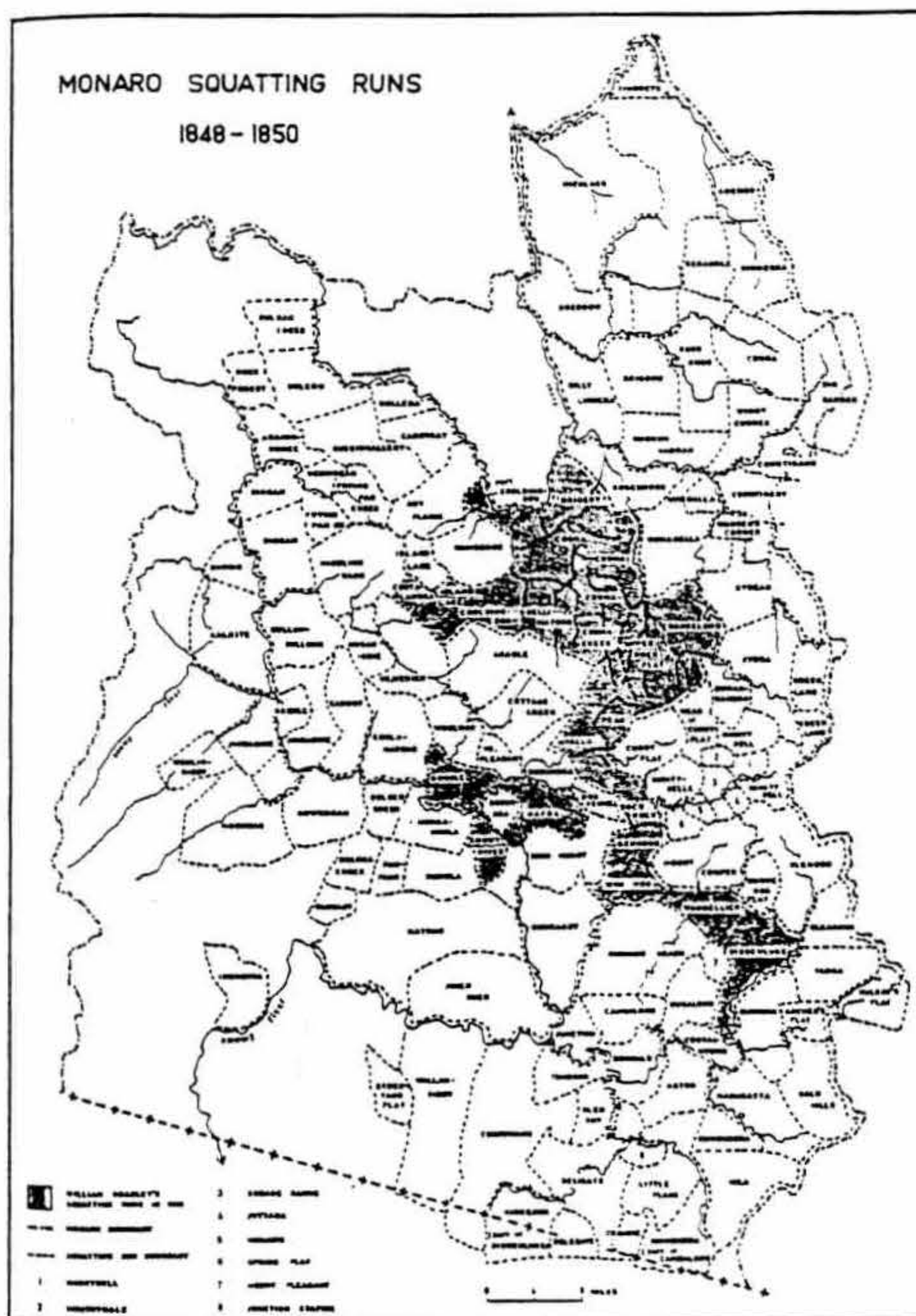
It must also be noted that there is a great deal of variation in the histories of the initial squatting settlement. The history of expansion from the Hunter into the Liverpool Plains has been outlined in great detail (e.g. Rolls 1984) yet there seems almost nothing written of squatting west of the Bathurst area with historians relying mainly on the squatting runs listed in the 1848 Gazette at least 10 years after squatting had begun. There is a great deal of material on squatting from Victoria. Squatters were seen as "founding" a great state and care was taken to collect squatting records, beginning in 1854 when Governor La Trobe on his departure from the colony wrote to pioneers asking for their reminiscences which were published in 1898 as *Letters from Victorian Pioneers*. The reminiscences of other pioneers are readily available as well as the six volumes of the Clyde Company Papers. Also, the government records relating to squatting runs in Victoria were transferred from NSW after Separation and thus escaped incineration in the Garden Palace fire - the fate of the NSW squatting files. For these reasons, the history of squatting has a distinctly Victorian flavour as this is where the best evidence comes from.

Given these difficulties and the immense size of the land the squatters moved into it is hard to write a coherent account of squatting settlement. This section attempts a brief survey of the squatting expansion organised according to broad physiographic divisions within South-Eastern Australia. The survey briefly outlines the landscape into which the squatters moved and establishes when and where squatting runs were established. The standard map of squatting expansion in South-Eastern Australia can be found as Figure 3.6, this gives a broad scale view of the process of squatting settlement.

### **The Monaro Tablelands**

South of the Southern Highlands are a series of grassy plains, which were explored from 1818 onwards. The Limestone Plains (now Canberra) and the plains around Lake George and Lake Bathurst were settled in the mid-1820s. As this land was within the limits of location, the land was granted. Further south, beyond the limits are the Monaro Tablelands, a series of rolling tablelands between the Great Dividing Range (which runs parallel to the coast) and the Australian Alps. The tablelands are elevated between 600 – 1500m and thus the climate is cool with snow and frosts in winter. At contact, the plains were grasslands which graded into open woodlands with grassy understoreys (Hancock 1972, Harrison and Clifford 1987).

The Tablelands were first explored by Captain Mark Currie in June 1823, who learned from the Aborigines he met that the name of the land was Monaroo. Andrews has recently discussed the question of the earliest settlement on the Monaro (1998). He argued that Jijedery near Delgetty was established by 1827 and Cooma in the heart of the Monaro by 1828 (1998:95-96). Andrews discounts the claim that Robert Campbell had established Delegate (located at the southern end of the Plains) by 1826 considering that perhaps the evidence refers to other stations on the Monaro (1998:96). Between 1827 and 1832 squatting runs covered the majority of Monaro and squatters had penetrated through the ranges south into Victoria.



**Figure 3.7 Squatting settlement on the Monaro Tablelands**  
(after Hancock 1972)

Governor Bourke wrote to Lord Glenelg in July 1834 as follows:

“Already have the flocks and herds of the Colonists spread themselves over a large portion of this southern Country. They are to be found in great numbers in Monarro Plains to the westward of Twofold Bay, and some are said to roam as far to the south as Cape Howe” (HRA (1) XVII:468).

The Monaro Tablelands were fully occupied by 1835 and associated runs extended into Gippsland and in the Alpine areas.

### **South west from Yass**

Squatting settlement had reached Yass by at least 1824 with the Hume family taking up their run on the Yass River. It was from Hamilton Hume’s run that Hume and William Hovell had departed on their exploratory journey south along the Murrumbidgee and into Victoria in 1824. The limits of location ran through Browning Hill (a very prominent hill) just outside Yass township and standing on the hill you can see the plains and the course of the Murrumbidgee so it was really easy to head



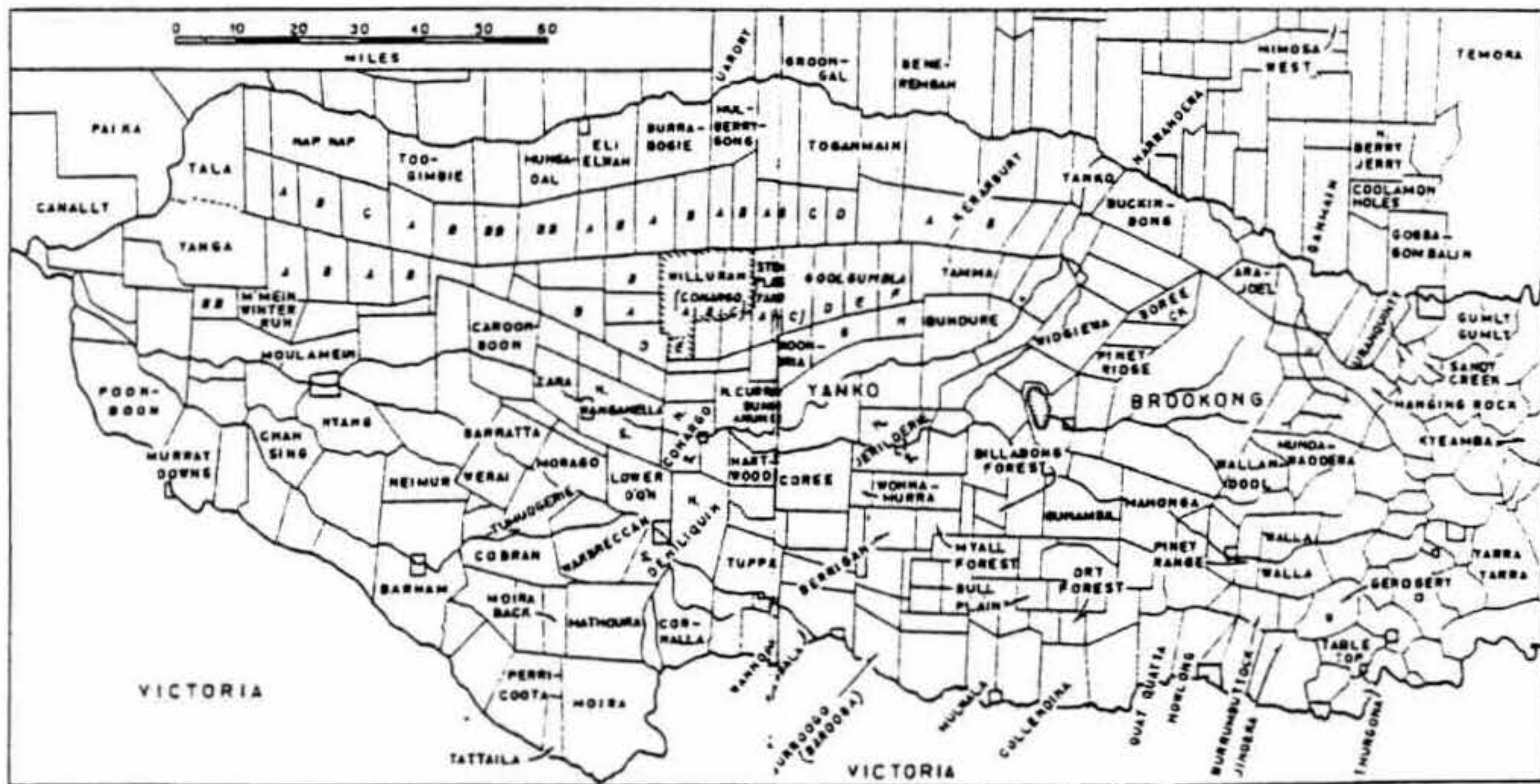


Figure 3:8 Runs in the Riverina

off beyond the limits of location. By 1829, when Charles Sturt passed through on his exploration down the Murrumbidgee and Murray, Harry O'Brien had established a run on the Murrumbidgee at Jugiong. William Warby had established a run further downstream at the junction of the Murrumbidgee and Tumut Rivers (now Gundagai) by 1829 and there were three runs recorded as being further down the river (Freeman 1982:175-188; Gammage 1986:29).

At this point near Gundagai the Murrumbidgee turns west and runs roughly parallel with the Murray system across the Riverine Plains. Thus, the squatters were on the eastern edge of a vast area of plain although the extent of the plain was as yet unknown. The eastern end of the plain was mainly open woodland but as one moved west the country becomes drier and salt bush becomes the normal vegetation and water becomes more difficult to find. Sturt traversed much of this country in his exploration and his report was not glowing, describing land in terms such as "rotten and blistered earth" or "dreary" and concluding "the expedition returned to Sydney, without any splendid discovery to gild its proceedings" (quoted in Langford-Smith 1968:102). Thus while Sturt mapped the course of the Murrumbidgee to its junction with the Murray and then to the sea his report was no incentive to settle in these areas.

The squatters moved west along the Murrumbidgee. In 1832, George Bennett wandered down to the Yass region and south to Warby's station Darbylara<sup>31</sup> and up the Tumut River, which had been extensively occupied by that time. He listed some 10 stations further down the Murrumbidgee (Bennett 1834:309). Later in 1832 two runs (one owned by George Best the other by Charles Thompson) were established on the Murrumbidgee near what is now Wagga Wagga. Gammage notes the rapid settlement of land on the Murrumbidgee near Narrandera by a number of sons of emancipist farmers from the Airs district. He comments "by the end of 1833 the entire Narrandera frontage had thus been occupied" (1986:30). This took settlement right onto the edge of the salt bush plains. There Langford-Smith suggests the squatters paused a while as the land changed in physical appearance, the hills and ridges changed into plains and due to the lower rainfall the country obviously looked drier (1968:104-105).

Settlement in the hilly areas immediately south of Gundagai was much slower. Major Mitchell on his return from "Australia Felix" found traces of cattle and the tracks of a gig on the northern bank of the Murray on 24th October 1836. He was actively looking for squatters after hearing rumours of settlement having reached the Murray. However, it was another six days of travel before his party reached a squatting run on the Murrumbidgee. Undoubtedly, the reason for this lack of settlement was that the terrain and drainage runs roughly to the north west parallel to the Murrumbidgee and Murray Rivers and squatters took the easy route of following the terrain rather than going over the rises. Settlement along the track towards Melbourne occurred after Mitchell's trip in 1837, when the Port Phillip settlement became the destination for overlanders bring cattle and sheep from the Monaro and the direct route was made over the hills.

### **North from the Hunter**

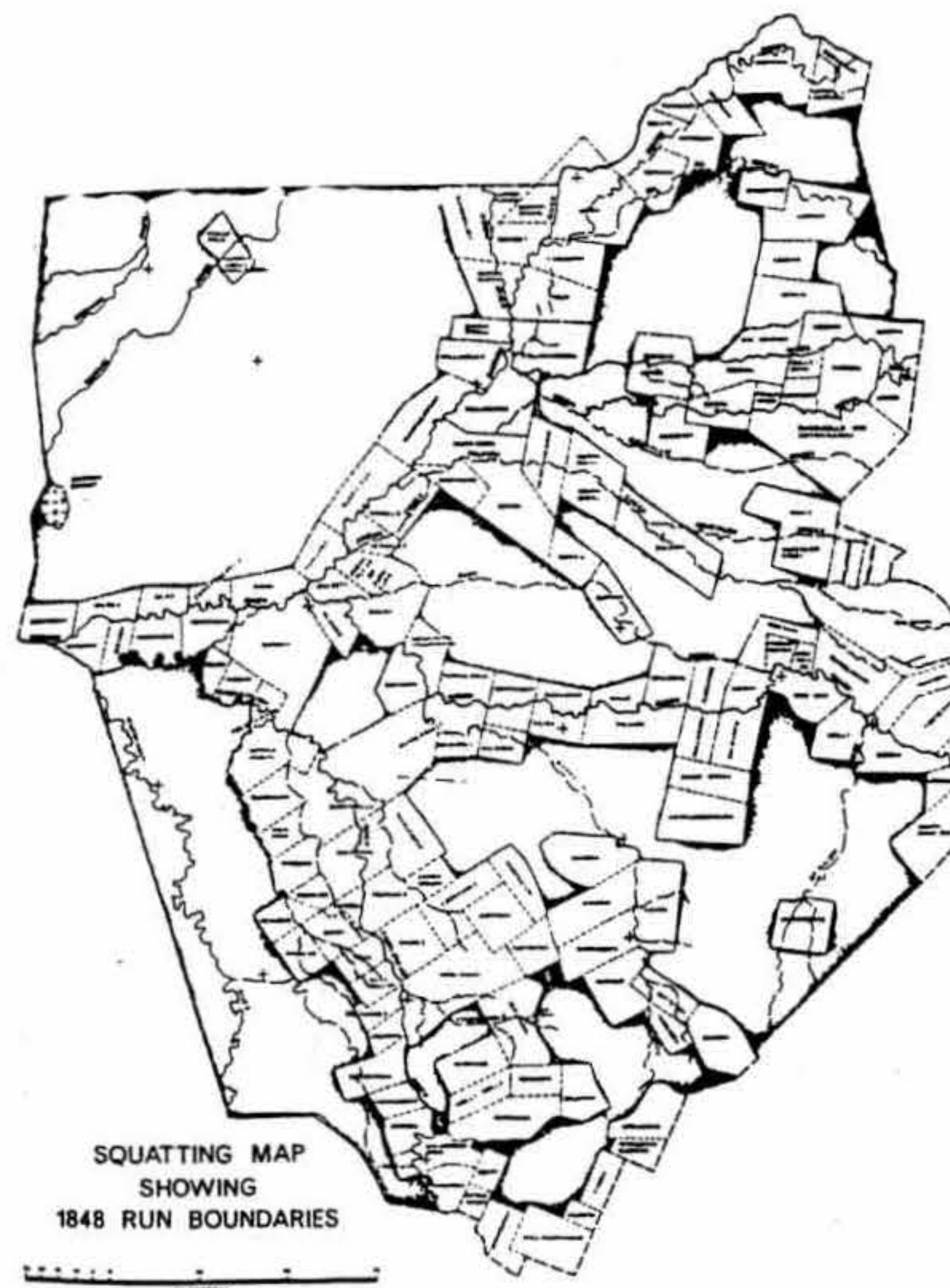
To the north, the Hunter Valley provided a natural jumping off point for the Liverpool Plains and the New England Tablelands. However, between these areas lie the rugged Liverpool Ranges. Once over the ranges the headwaters of streams run north west into the Namoi River system which ultimately form the headwaters of the Darling river system. This area was later called the Liverpool Plains. The terrain is generally characterised by low hills and ridges. The original vegetation would have been open woodland with hummock grasses. In other words, it was readily useable for grazing once the cattle and sheep got there.

Important exploratory journeys by Surveyor-General John Oxley in 1818 and by Government Botanist Allan Cunningham in 1823 and 1827 had defined to some extent the lands to the north. The difficulty was finding a pass over the Liverpool Ranges. In 1824 Henry Dangar while on duty surveying the farms of the Upper Hunter Valley made several short exploratory trips in 1824 and 1825 and found several passes through the Ranges (Rolls 1984:60-62).

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<sup>31</sup> Later owned by Leopold de Salis.





**Figure 3.9 Squatting on the Liverpool Plains**

Pastoral settlement over the Liverpool Ranges did not commence until 1826 when pastoralists considered that the Hunter Valley was full or overstocked and new lands were needed. Benjamin Singleton was the first, moving 200 cattle to Yarramanbah Creek in 1826 from Jerry's Plains. Cattle belonging to his partner Joseph Onus who squatted nearby followed him. In late 1826 William Nowland took 100 head of cattle from Fal Brook over Dart Brook Pass and began squatting on Warrah Creek. Nowland later found the Murrurundi Pass in 1827 and this rapidly became the main route over the Liverpool Ranges (Rolls 1984:73-74). At the same time squatters, notably William Lawson and William Cox, were approaching the Liverpool Plains from the south as a series of squatting runs were established based on their grants within the limits of location in the Bathurst – Mudgee area.

By 1829 squatting settlement had moved down to the Mooki River near the current town of Quirindi and on the Peel River where Tamworth would later be established. In November 1831, the Surveyor-General Thomas Mitchell explored the area to the northwest. At that stage, squatters had only settled as far as the site of Tamworth. Mitchell explored parts of the Namoi River then moved north and located the Gwydir River. After Mitchell's return in February 1832 squatting runs were established at the junction of Cox's Creek and the Namoi and by 1833 a number of runs were established along the Namoi (Rolls 1984:100).

Many of these runs were from squatters dispersed by the Australian Agricultural Company. The Australian Agricultural Company has already been discussed. The first agent /manger Robert Dawson chose land at Carrington near Port Stephens. This was most unsuitable for sheep but by the 1830s, the Australian Agricultural Company began to seek better land to swap for its grant at Port Stephens. Henry Dangar was employed by the company and suggested that two blocks, one at Warrah the other on the Peel river (later called Goonoo Goonoo) be swapped and despite objections that these lands were outside the limits, by 1833 the British government approved the swap (Bairstow 1988, Rolls 1984:101-103). This displaced a number of squatters who then squatted further down the Namoi and the Peel rivers.

In the mid 1830s settlement began on the Gwydir River and by 1837-38 squatters were all along the river to the present town of Moree. Similar squatting runs were established along the Namoi as far down as Wee Waa, along the Castlereagh river and into the Pilliga scrub (Rolls 1984). To the north settlement moved down the rivers which began to run to the north-west. Settlement reached the Barwon at Pockatoo in 1842 or earlier (Ferry 1978:41) and settlement up and down the Barwon system proceeded thereafter but the plains or back country between the rivers was not taken up due to the lack of water.

Aboriginal resistance however truncated settlement down the other two rivers running north, the Macquarie and the Bogan. In 1824, a run was established near the present town of Narromine and for about six years this was the most western settlement in this location. Squatting runs were taken up in the upper reaches of the Macquarie and Bogan rivers between 1835 and 1840. Major Mitchell had a man killed by Aborigines on the Bogan in 1835 and there were some other outrages (*i.e.* resistance). Consequently, the Government banned settlement along the Bogan and Macquarie rivers because settlers could not be protected. When William Lee, a squatter from Bathurst, took up a station on the Bogan in September 1841 Aborigines attacked his men and three of them were killed. This required an expedition by the Mounted Police in which a number of Aborigines were killed and captured. Governor Gipps cancelled Lee's licence no doubt because he saw Lee's disregard of instructions as the cause of the trouble (Heathcote 1965:95; Jervis 1956a, 1956b). Lee's case however was taken up as a cause celebre in the squatter's struggle with Governor Gipps (Heathcote 1965:95; Jervis 1956a:6). The ban on settlement remained until 1858 no doubt helped by the lack of water in the region.

### **New England Tablelands**

By 1832, squatting had reached the southern edge of the New England Tablelands (Walker 1966:11). The New England Tablelands are about 300km long and between 35 to 70km wide. On the eastern (seaward) side they are bounded by a series of steep escarpments and broken ranges. To the west, the Tableland slopes gently until it joins the western plains. The altitude of the plains is around 1200m above sea level (Jeans 1972:33, Walker 1966:2). Like the Monaro, it is mainly grassland with numerous granite boulders and areas of light timbering. Early settlers considered it too open for cattle but ideal for sheep (Norton 1971:4). Norton considers that "grass fires were already a common feature" of the Tablelands at contact although Norton considers that they were caused by "the careless attitude of aborigines" rather than considering that they might have been part of a deliberate pattern (1971:7).

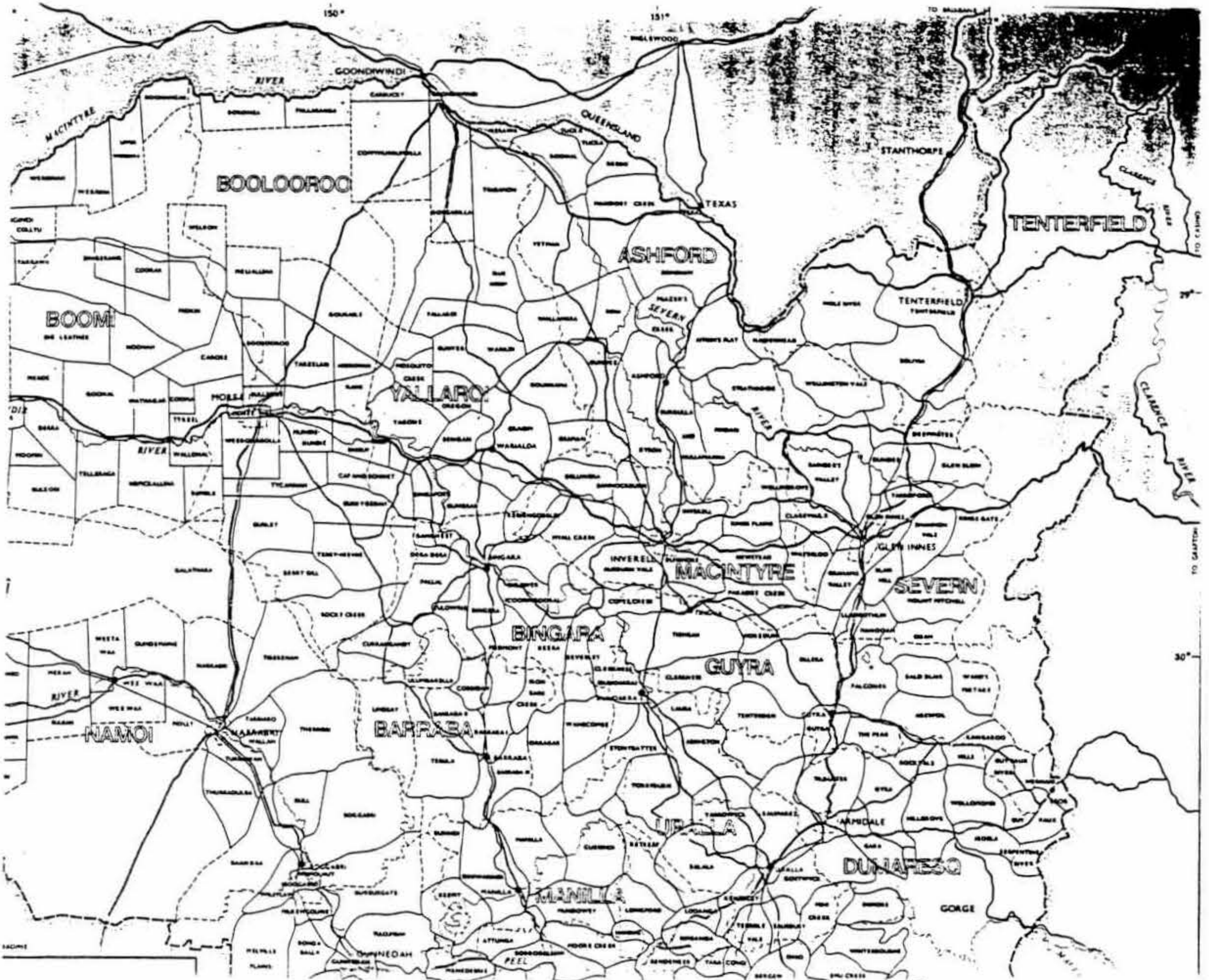
In 1832, H.C. Sempill moved stock from Belltrees in the Hunter Valley up the Nundle spur to occupy a run near Walcha. Later that year Edward Gostwyck Cory established Gostwyck run, which he later sold to the Dangar family. The Australian Agricultural Company had displaced Cory from his first run. These two events are generally held to be the start of squatting on the New England Tablelands.

By 1835 Saumarez and Tilbuster runs (near Armidale) had been occupied by the Dumaresq family and other runs such as Guyra had been established nearby (Ferry 1996:123; 1999:15). By 1840 Tenterfield at the northern end of the Tablelands had been occupied. Land to the west (to the east were the hills and rainforests of the Great Dividing Range) was occupied along the western margins of the New England Tablelands. Bundarra had been taken up by 1836 (Schofield 1979) and Inverell by 1838 or 1839 (Walker 1966:17). Settlement was opposed by the Aborigines and by 1837 there were a series of attacks on shepherds and reprisals (Ferry 1999:18-21). In a recent book on Armidale, Ferry takes time to attack the historical myth that New England was an exemplary region for race relations pointing to the acts of disposition both physical and in terms of the language used to discuss settlement in New England (1999:21-35).

Expansion from the New England tablelands into the Darling Downs to the north began in 1840 when Patrick Leslie, looking for a squatting run for his families interests, travelled to the Darling Downs from Beardys Plains. Leslie was armed with a copy of Cunningham's map of his 1827 route across the Downs (French 1994:27). The Darling Downs are not dissimilar to the New England Tablelands, being bounded on the eastern side by the Great Dividing Range and sloping gently to the west meeting the headwaters of the Darling River. The Darling Downs were elevated plains covered with open woodlands and grassland – ideal country for grazing.

Patrick Leslie returned from the Darling Downs and met up with his brother and 4000 breeding ewes, 100 ewe hoggets, 1000 wedder hoggets, 100 rams, 500 wedder ewes, 2 bullock teams and draws and 22 ticket of leave convicts. This crowd took a month to move to the Darling Downs and arrived on the 4<sup>th</sup> June 1840 on the Condamine river where they made a temporary camp until the Leslies established their head station at Toolbuna (French 1994:32-33). Rapid settlement of the Darling Downs followed thereafter.





**Figure 3.10 Runs on the Darling Downs and New England**

### **Settlement of Victoria**

By the early 1830s, Victoria was surrounded by squatting occupation with settlements along the Murrumbidgee, on the edge of the Monaro, into East Gippsland along the route of the Snowy river and along the coastal fringe south of Twofold Bay. As well, the available land for sheep grazing in Tasmania had all been granted and there was a real shortage of suitable land.

There are a great many landform and vegetation types in Victoria but a simplified description of the landscape at settlement is useful in understanding the pattern of settlement. The northern boundary of Victoria is the Murray River which runs roughly north west from its headwaters on the edge of the Monaro Plains. A series of alluvial plains are found running west from Albury and stretching south by up to 100km until the northern edge of the Great Dividing Range is met. These plains were vegetated by a mixture of open woodland and grassland. Further to the west along the Murray are a series of aeolian plains (*i.e.* sand dunes) covered by scrubland vegetation, mostly tall shrubs such as Mallee.



Western Victoria is primarily a flat to gently undulating volcanic plain stretching from Port Phillip Bay west to the coastal swamps of the Coorong. There is a narrow coastal plain. In the South-Eastern corner rises the Otway Range running parallel to the coast and consisting of cool temperate rainforest. The volcanic plains in contrast were either grassland or savanna woodland mixed with a series of swamps, wetlands and small rivers. They are notable for volcanic cones and areas of lava flows known as Stony Rises.

The Great Dividing Range, which starts or ends at the Dundas Plateau, runs through the middle of Victoria. In the Western half of Victoria the ranges are not particularly high or steep (with the exception of the Grampians) and were covered with open forest. To the East the Great Dividing Range is higher and wetter leading to the development of closed forests and rainforests with Alpine plain grasslands developing above the tree line or in frost hollows.

South of the Great Dividing Ranges is the La Trobe valley, an area of open forests and grasslands along the valley of the La Trobe River. There is a definite coastal zone marked by the Ninety Mile Beach and the Lakes behind. To the south east are the Strzelecki Ranges covered with cool temperate rainforest.

The coast of Victoria was well known as from the early 1800s it had been the site of a number of sealers camps and had been well explored by parties looking for seals. On the western coast, William Dutton had established a whaling station at Portland Bay by 1828 and the coast attracted other whalers. Whaling settlements were located at Portland and at Port Fairy and were run by Tasmanian merchants. Among these, were the Henty family who had immigrated from England to the Swan River in 1830 and later moved to Van Dieman's Land.

The Hentys were an established farming family from Sussex. They specialised in fine-wool Merinos (descendants from the Royal Flock) some of which they exported to NSW. Following the decline in agriculture in England after the Napoleonic wars and the unrest in the country they felt their hard-won economic position slipping and resolved to seek opportunities in Australia. Seduced by Stirling's accounts of the Swan River they began the move there in 1829. Discovering that the colony there was not suitable for sheep they moved on to Tasmania in 1832, which of course had little to offer in the way of cheap land as they arrived just after the ending of free land grants. Traditional accounts of the Hentys (eg. Bassett 1962) emphasise their sheep farming however they were a mixed business; selling agricultural produce to whalers, whaling themselves, shipowners, dealing in wool and general merchandise and banking. In this, they were typical of merchants rather than the general run of squatters (Forth 1984 also makes this point).

The Hentys visited Portland Bay twice in 1833 to assess its suitability for grazing and decided to attempt a settlement. Sending James Henty to England to apply for a grant, they began settling in November 1834, a date that the Henty's were successful in establishing as the founding date of Victoria. The farm that the Hentys established was a mixture of cultivation and grazing with about 800 sheep (see the Henty journals in Peel 1996). The farm was established on the coastal fringe rather than on the inland volcanic plains.

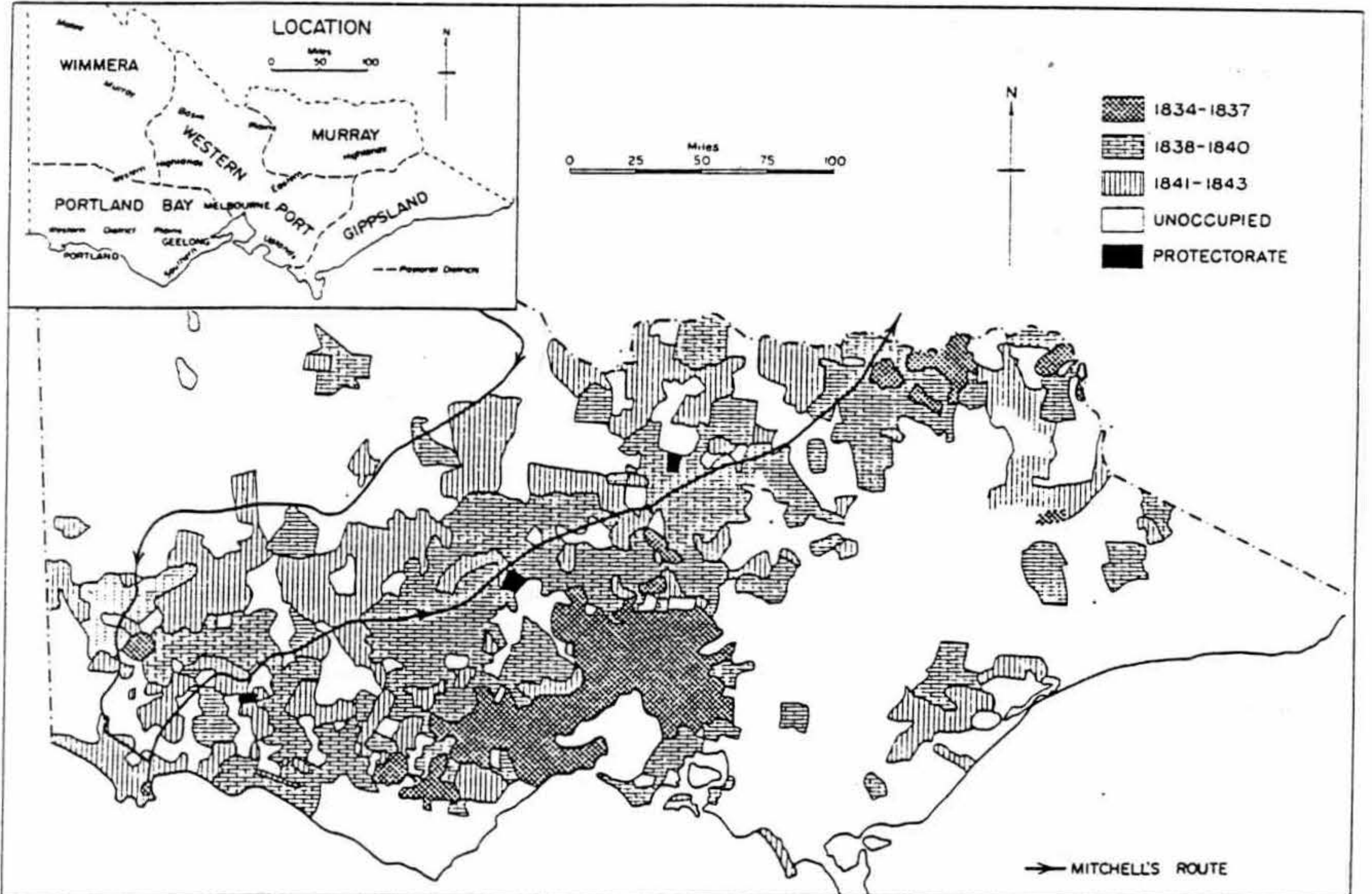


Figure 3.11 Settlement of Victoria (after Powell 1974)

A similar settlement, although based on agriculture and wattle-bark stripping as well as whaling was established at Port Fairy by the Launceston merchant Griffith. The Farm as it was called was established by 1836 and was managed by the Mills brothers (Carroll 1989). Similar to the Henty's first farm, the Farm was an agricultural establishment farming rich volcanic soil at the foot of the Tower Hill volcano. Both the Henty and Griffith farming establishments also served the purpose of keeping the specialised whaling crews intact by giving them work in the "off" season.

In January 1827, two Vandemonian land owners, Joseph Tice Gellibrand and John Batman applied to Governor Darling for permission to take up land at the newly established convict settlement at Corinella in Western Port Bay. Permission was not given, presumably as the settlement was about to be abandoned. In 1834 Gellibrand and Batman, later with 13 others, formed the Port Phillip Association. Their purpose was to establish grazing runs at Port Phillip. In May 1835 Batman toured Port Phillip and signed two treaties with the local Aborigines that purported to sell him 60,000 acres of prime grazing land along the Western side of Port Phillip. Batman established a camp at Indented Head. John Helder Wedge arrived in July to map the land and divide it among association members. In September, he discovered a party sponsored by John Pasco Fawcner establishing a settlement on the Yarra and moved his party there to maintain the Associations rights. The first sheep arrived in November 1835 and a number of runs were taken up.

The final act in the initial settlement of Victoria was the exploration of Major Mitchell, Surveyor General of NSW. Mitchell's expedition was to locate the course of the Darling River and its junction with the Murray. Having done that, Mitchell moved upstream along the Murray (*i.e.* east) to Swan Hill (which he named) and then headed south towards Portland Bay. Mitchell "discovered" large areas of good grazing land, which he named "Australia Felix".

Imagine the feelings of the explorer when, on 29<sup>th</sup> August 1836, some house-like rocks that he was in the process of discovering, turned out to be in fact real houses - one of the Henty out-stations. Imagine the feelings of the Henty's (Edward and Francis were at Portland) to discover a senior government official - The Surveyor General no less, at their illegal front door. Nevertheless, both being gentlemen, the squatters and the surveyor had dinner and that night Mitchell slept in a house with glass windows (Cumpston 1954:127-129). Edward Henty wrote in his journal "he (*i.e.* Mitchell) had not the most distant thought of our being here, and was not a little surprised to find Englishmen in this Part of the World" (Peel 1996:162). Major Mitchell's party was recorded by Edward Henty as consisting of the Major, Assistant Surveyor Staplyton, 23 men and servants including Aborigines, eight carts and drays, two whaleboats, 60 draught oxen and 100 sheep although only the Major and his disaffected Assistant are remembered today (diary of Edward Henty 26 August 1836 in Peel 1996).

Mitchell returned across the Western Plains towards what is now Albury. On a diversion south, he climbed what is now Mount Macedon and thought he could see evidence of the settlement at Port Phillip which he had learned about from the Henty's. On his return trip, Mitchell encountered Joseph Hawdon's party which was driving cattle overland to Port Phillip. This officially unoccupied land was buzzing with settlement. Ironically on his return bringing news of this wholesale trespass,

Governor Bourke was more concerned with the legalities of Mitchell's assault on the Aborigines on the Murray River rather than his report that squatters were at Portland and Port Phillip.

The effect of Mitchell's expedition was not so much the new discoveries he made but in making more widely known the grazing potential of much of Victoria hitherto known mainly by the Vandemonians. Mitchell's tracks were used as a guide for settlers known as "the Majors line"<sup>32</sup> (Forth 1984). Uniquely however Victoria was settled from two separate areas, the Nineteen Counties and the settlement at Yass and on the Monaro and from Van Dieman's Land. Thus, there were two types of settlers the overlanders and the overstraiters. Powell's settlement map shows that settlement was initially mainly focused around Port Phillip (rather than Portland) with a rapid settlement of adjacent areas by overstraiters and some overlanders.

### **The sanctioning of squatting**

The rapid expansion of settlement beyond the "limits of location" posed an administrative problem for Governor Bourke. When, in 1834, he cautiously supported a proposal to settle at Twofold Bay, the Secretary of State, Lord Aberdeen replied, instructing Bourke to discourage further plans for settlement outside the limits.

"His Majesty's Government are not prepared to authorise a measure, the consequence of which would be to spread over a still further extent of territory a population which it was the objective of the late Land Regulations to concentrate" (Aberdeen to Bourke 25/12/1835 HRA).

Such a reply must have placed Bourke in a dilemma. He would have been quite aware of settlement beyond the limits. Indeed, later in 1835, he was to inspect Twofold Bay and return across the Monaro through all those squatting runs! At least Lord Aberdeen did not investigate too much into the squatting question, he merely wanted the regulations adhered to. In 1835, with settlement at Port Phillip established<sup>33</sup> Bourke had to persuade the British Government to recognise squatting. His argument was that wool was the chief product of NSW and to constrain it would be disastrous. Grazing of necessity required settlement beyond the limits and Bourke admitted "the proprietors of thousands of acres already find it necessary, equally with the poorer settlers, to send large flocks beyond the present boundaries of location". Besides, the expense of removing the squatters from beyond the "limits of location" would be greater than extending administration to cover them. Bourke suggested the introduction of guidance and control funded by revenue from land sales in townships to be established in suitable locations. While Bourke's dispatch mentioned specifically Port Phillip and Twofold Bay, in principal the case covered all squatting occupation (Bourke to Glenelg 10 October 1835, HRA).

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<sup>32</sup> Today the line is marked by a series of cairns and arrows, the result of a bequest commemorating Major Mitchell.

<sup>33</sup> Bourke was informed of Batman's settlement by the Lt. Governor of Van Dieman's Land, George Arthur as well as by memorials from Gellibrand on behalf of the Port Phillip Association and of course by Mitchell. Bourke suspected Arthur of wanting to administer Port Phillip hence the first paragraph of Bourke's letter reminded Lord Glenelg that his commission covered Port Phillip, as it was part of NSW.

Fortunately Lord Glenelg, who was now Secretary of State, agreed. His reply arrived in Sydney in August 1836. Glenelg was concerned to ensure that the rights of the Aborigines "be studiously defended" but conceded the inability to prevent dispersion of settlement. "It is wholly vain to expect that any positive Laws, especially those of a very young and thinly peopled Country, will be energetic enough to repress the spirit of adventure and speculation in which the unauthorised settlements at Port Phillip and Twofold Bay have originated" (Glenelg to Bourke 13 April 1836, HRA). Thus with these high thoughts Glenelg recognised the squatters fait accompli.

Uniquely in Colonial history, Lord Glenelg concluded by giving Bourke a more or less free hand on the matter, closing his dispatch "I feel that writing at this distance on a subject so novel and peculiar, I should rather encumber than assist you by attempting to enter with more minuteness into the detail of your plan" (Glenelg to Bourke 13 April 1836 HRA). On the 9th September 1836 the Port Phillip District was proclaimed and a party of officials dispatched to the Yarra to bring law to the wilderness and to survey the land into township blocks for sale. Governor Bourke visited the settlement himself in March 1837.

Legislation authorising squatting was passed in July 1836 when the curiously titled "*An Act to restrain the unauthorised occupation of Crown Lands*" (7 Will IV c. 4)<sup>34</sup> was passed. This allowed people of "good character" to be licensed to occupy Crown Land outside the "limits of location" for an annual fee. Evidence of occupation was to be manifested by some kind of building or cultivation. The revenue from the act was to pay for Crown Lands Commissioners who would administer the Act (Abbott 1971:137, Fletcher 1989). The system of licences came into operation on the 1<sup>st</sup> January 1837. This bill put into effect the decision of Glenelg to recognise squatters and emphasised that respectable squatters at least were to be tolerated.

## THE 1840S STRUGGLE AND STRIFE

The decade of the 1840s was the period in which the squatters entrenched themselves as the political, economic and social elite. The decade opened with a severe economic downturn, which acted to shake up the economy and removed the speculators and the inept. Shortly thereafter came the struggle with Governor Gipps for squatting tenure and rights that established the squatters as the squattocracy.

### The Depression of 1841

At some point in the 1830s, squatting moved from a simple expansion of the wool industry into the realm of a speculative boom. Abbott points to excellent prices for ordinary grades of wool in the years 1834-36 and for sheep during "the later half of the 1830s" as the seeds of the industry's downfall (Abbott 1971:66). Capital flowed into NSW for the expansion of the wool industry, irrespective of a rational view of the return on investment. This created a speculative demand for runs, sheep, labour, and goods, forcing prices higher. However, the price for wool began to decline. The overall wool price declined, as well wool quality, giving lower returns on the wool

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<sup>34</sup> Short title is the *Crown Lands Occupation Act 1836*.

clip. Lower quality wool was inevitable, given the high demand for sheep irrespective of the nature of their fleeces.<sup>35</sup> Thus, returns on investment were diminishing. This seems not to have been a problem so long as sheep and runs could be sold to the next potential squatter off the boat from England, but inevitably, the speculative bubble burst.

Precisely when the bubble burst is not clear, sometime in late 1840 or early 1841.<sup>36</sup> The precipitating factor was a severe El Nino/ Southern Oscillation (ENSO) event from 1837 to 1839 creating drought throughout South-Eastern Australia (Churchill *et al.* 1978; Foley 1957; National Climatic Centre 1988; Nicholls 1992; Quinn 1992). This limited returns to the squatters from sheep sales (the sheep dying off in the drought) and wool. At the same time, wool prices dropped by about 3d per pound (Abbott 1971:64). The effect of the wool price drop is a matter of contention. Fitzpatrick (1941) argued for its importance, while S. Butlin (1953) argued for taking into consideration all the factors of production in the wool industry (such as declining wool prices, increasing labour costs, increasing transportation costs as pastoral stations moved further from the ports and so on). The net result was bad returns on investment, which took the edge off the speculative market (Butlin 1953:317). A point to be noted is that for many runs created in the latter half of the 1830s it would have taken four or five years for the costs of production and returns to be established and communicated to investors. A further factor considered by Fitzpatrick is the withdrawal of British capital following an economic downturn in England during 1839, although this is discounted by Butlin (1953). Broeze points out that what he terms investment capital was not withdrawn but that it was short term "mercantile capital" that was in trouble (1993:159).

Broeze (1993) viewed the 1840s from the viewpoint of capitalist/merchant Robert Brooks, and saw the origins of the depression as a glut in the colonial market for commodities as well as a collapse in the overpriced colonial land market (1993:157-158). Broeze argues that much of the capital that financed the pastoral boom and real estate speculation was derived from merchants such as Brooks. Brooks allowed his Australian agents some latitude in investing the Australian profits of Brook's trade in other fruitful ventures. "With prices buoyant, profit rates of up to 100 per cent, and demand apparently growing with every passing month, partial remittances were sufficient to enable British principals to meet their obligations. Local investment and speculation was tolerated and even encouraged" (Broeze 1993:159, see also Dyster 1993).

An additional factor in Port Phillip was the first Melbourne land boom. With the opening up of Port Phillip the Government surveyed the township of Melbourne and put the land up for sale. From the first land sales in June 1837 prices were higher than expected and when sales were held in Sydney in 1839, prices were trebled (Shaw 1996:71-72). Shaw notes that land was sold at an average price of £1.30 per acre but resold at an average of £10 (1995:163). The prices were speculative given the

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<sup>35</sup> This point is made in a letter to George Russell from his agents Eddie, Walsh and Co. dated 16th December 1837 where they note the fall in wool prices and stress the need of wools to be "very clean and strong in the staple, which none of them were last year" (Brown 1952:112).

<sup>36</sup> There is a well known debate between S.J. Butlin (early 1841) and R.M. Hartwell (late 1840) on this point. There would of course be inevitable lag effects as there is not one clearly defined initiating act.



undeveloped nature of Melbourne and surrounding areas. Many of the speculators were Sydney merchants. Sales proved strong until the end of 1841 (Shaw 1996:163). Shaw blames the change in government land policy as being a factor in the bursting of the speculative bubble for land in Melbourne (1996:163), but surely, this is too parochial a factor. The collapse of squatting speculation across South-Eastern Australia inevitably caused the collapse of expectation for the development of Melbourne and consequently speculative land values.

The economic squeeze would have begun to be evident in late 1840 causing over-extended squatters to fail and, in a domino effect, causing banks and merchants to fail or at least begin to call in their debts. This would have snowballed once investors realised there perhaps was not the fortune to be made in Australian wool that they had imagined. Thus, the flow of capital and immigrants into NSW slowed to a trickle while debts grew, compounding the situation. The first major failure in the City of London was Montefiore Brothers in February 1841 and others followed quickly after. In Australia the case of A.B. Spark of Tempe is well known. Spark acted as an agent for a number of British merchants such as Duncan Dunbar. Using their funds Spark invested in all sectors of the economy including nine squatting runs (Broeze 1993:162-163). As a Director of the Bank of Australia, Spark also seems to have been involved in some dubious practices such as authorising loans to himself, although the Bank's major defaulting loan was to Hughes and Hoskins of some £144,895. Spark merely owed £44,244 (Butlin 1953:347), but went bankrupt in August 1843.

The depression cut a swathe through the ranks of the squatters. Despite the importance of the depression, no comprehensive listing of squatters bankrupted by it has been made. Shaw quotes Gideon Scott Lang as stating that there were 277 reported insolvencies between February 1842 and August 1845 (Shaw 1996:166). Paul de Serville concluded his account of good society at Port Phillip with a chapter on the early 1840s called "The End of the Golden Age" (1980). This was certainly the view of author Rolf Boldrewood (Thomas Alexander Browne) looking back on the time before his father's ruin in the depression.<sup>37</sup>

The "hero" who ended this cycle of depression was apparently Henry O'Brien of Yass who invented "boiling down". This was the conversion of live sheep to tallow for which there was at least a market. O'Brien publicised this in June 1843 (Roberts 1975:204). Kiddle reports that by August 1843 George Russell at Golf Hill and Stephen Henty had both successfully experimented with boiling down (Kiddle 1962:136). A number of extensive boiling down establishments were set up along the banks of the lower Yarra and Saltwater (Maribyrnong) rivers in the mid 1840s, all financed by squatting interests. Abbott argued that the tallow market at least gave the squatters some cash and cause for optimism, but this in itself was not sufficient to promote recovery (1971:82).

In conjunction with the discovery of boiling down were legislative measures to ease the pressure on squatters. The *Solvent Debtors Act* (1843) and the *Lien on Wool and Livestock Act* (1843) were passed by the Legislative Council. The *Solvent Debtors Act*

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<sup>37</sup> Browne's family lived in the rural suburb of Heidelberg on the site used by the Heidelberg School of Artists (and incidentally where my grandfather later built his house). His was perhaps the first in a long line of "golden summers" at Heidelberg. Rolf Bolderwood wrote a number of articles and books looking back on this period.

allowed a person to trade their way out of debt without fear of imprisonment. The *Lien on Wool and Livestock Act* allowed the squatter to borrow money on the security of the next wool clip without losing possession or control of the sheep. The Legislation although rejected by the Colonial Office, was passed again by the Legislative Council and finally expired in 1848. These measures gave some respite to the squatters, allowing the industry as a whole to regroup and giving some sense of security to investors. From 1843 or 1844 matters began to improve for the wool industry with a slow increase in the prices for tallow, sheep and wool and a consequent increase in the value of squatting runs.

### The struggle against Governor Gipps

The background to the squatter's battle with Governor Gipps lay in the state of the pastoral industry following the depression of the early 1840s and the insecurity of squatting tenure. Gipps antagonised squatters on both these points. In 1843 he allowed the *Lien on Wool Act* to run for only 3 years and his refusal to renew a squatting licence to William Lee highlighted the insecurity of squatting tenure (Roberts 1968:217).<sup>38</sup> It should also be noted that following extensive debate the *Australian Constitution Act* (5 & 6 Vic c.76) passed through the British Parliament replacing the old Legislative Council with a "blended" Council containing 24 elected members and 12 appointed ones (see Ward 1981:100-118). This gave the squatters the opportunity to move onto the political stage through election to the Legislative Council.

From a Government point of view squatting was marked by an increasing demand for Government services such as police and cheap immigrants<sup>39</sup> all of which cost money. However the nature of squatting tenure made sure that there was little revenue from the lands occupied, a point made by Lord Russell when Secretary of State for the Colonies (Russell to Gipps 20 June 1841 HRA). Gipps was required to put forward the *Australian Land Sales Act* of 1842 (5&6 Vic c.36) which imposed a minimum price of £1 per acre for Crown Lands sold after survey.

The squatting legislation of 1836 had been renewed in 1838 (by a continuation act 2 Vic c.19). In 1839 a new act introduced a "Border Police", mounted police whose role was to bring order and prevent clashes with the Aborigines.<sup>40</sup> They were paid from a levy on stock. The land outside the limits of location was divided into nine squatting districts each with its own Commissioner of Crown Lands and a detachment of police. These changes were not opposed. The 1839 Act was renewed for a further period in 1841 but was due to expire in 1846.

Governor Gipps found himself having to consider long term policy for squatting. On one side was the undoubted benefit of squatting but on the other the need to generate revenue and protect the Crown's right to the land. There was also the need for the moral improvement of the squatters. In a dispatch on the squatting problem Gipps wrote "I next desire to draw your Lordship's attention to the Social and Moral evils, which such a state of things, if left unameliorated, must of necessity lead to". The

<sup>38</sup> Lee's case was previously discussed.

<sup>39</sup> In late 1843 it was decided in England to resume subsidised emigration which Gipps was to pay for out of colonial funds thus placing another demand on a depleted Treasury.

<sup>40</sup> *An Act further to restrain the unauthorised occupation of Crown Lands, and to provide the means of defraying the expense of a Border Police* (3 Vic c.).



problems were the lack of Religion and Schools and the poor quality of squatter living conditions due to lack of secure tenure. If this situation was not fixed, Gipps held out the prospect of "a race of Englishmen...springing up in a state approaching to that of untutored barbarism" (Gipps to Stanley 3 April 1844 HRA). Gipps' answer was to allow each squatter to obtain on easy terms land for a "Homestead" while maintaining the Crown's ownership rights of squatting runs. Gipps clearly saw a link between creating a home and moral improvement.

In April 1844, Governor Gipps introduced two sets of proposed regulations, which were to replace the earlier squatting regulations. These proposals have been divided by Roberts into occupation regulations, which regulated how the land was to be held, and purchase regulations, which allowed limited purchase of runs (1968:191). The occupation regulations were gazetted on the 2<sup>nd</sup> April 1844 and were really a tightening up of the earlier regulations. They limited the size of runs forcing squatters to take out a licence for each run they occupied. Under the old legislation, squatters, such as Benjamin Boyd, held numerous runs under the one licence. Making them pay for each licence was one way of increasing land revenues. Gipps made these changes through regulation rather than trying to push legislation through the Legislative Council which was in favour of squatting and might have opposed any changes involving increased cost to squatters (Abbott 1971:162-163).

The purchase regulations, about which there were only rumours until mid-May 1844, proposed that after 5 years occupation of a run a squatter should have the opportunity of purchasing 320 acres for a homestead. Having made such a purchase the squatter would then be entitled to possession of the run for eight years. A second 320 acres block could be then purchased giving a further eight years possession. The land could not be sold for less than £1 per acre and sale would have to be by auction, however the value of improvements would be deducted from the price or refunded if a stranger purchased the land (Gipps to Lord Stanley 17<sup>th</sup> May 1844 HRA). The ability for squatters to purchase land for a homestead fulfilled Gipps' plan to improve their moral condition.

The squatters saw the Gipps regulations as a denial of security of tenure, a source of increased costs and an abuse of the Governors powers (through his use of regulation rather than legislation). Opposition to Gipp's regulations was drawn from squatters and others such as the "Gentry". Rather than go into the details of this (see Abbott 1971: 158-176; Buckley 1956, 1957; Dyster 1965; Roberts 1968:214-262) it is important to note that the political campaign that followed marks the emergence of the squatters as a political group.

In discussing the political debate Buckley divided the squatters into two groups; the large non-resident squatters like Ben Boyd who held numerous runs and was Sydney based and the smaller resident squatters in which group he includes the Port Phillip squatters (1957:178-183). The Sydney based squatters founded the Pastoralist Association (Roberts 1968:244-246). The Port Phillip squatters rode in from all districts. They were 1000 strong when, lead by a piper and band, they rode through the streets of Melbourne to make their protest. In the evening, some 300 of wealth, rank and beauty attended a grand ball after which some windows in the town were broken and the Pastoral Society of Australia Felix was formed (Kiddle 1962:166-167). Both Societies began to lobby and protest through the Legislative Council and

the press against Gipps' proposal. Their basic concern was for security of tenure and of the investments made in improving their runs.

The squatters were also able to effectively mobilise political support within the United Kingdom. This was done through the existing familial and business ties between the squatters and "home". For example, Neil Black's business partner was Gladstone's cousin. Ben Boyd dispatched Archibald Boyd home and the Port Phillip squatters sent the barrister and squatter Archibald Cunninghame "home" to Britain to lobby for them. This approach was effective in forcing the United Kingdom Government to shift ground.<sup>41</sup>

In their campaign, the squatters were supported by a variety of other groups such as merchants, small squatters, and the colonial Gentry. Buckley (1956, 1957) and Dyster (1965) have discussed the reasons for this wide range of support. Abbott sums up this discussion by concluding that the squatters were supported because the commercial and trading groups were all interlinked with the pastoral industry (which was the staple industry in Australia at the time) and thus had an interest in the success of pastoralism (1971:166). The Gentry supported the squatters initially as they had similar interests and because of the way Gipps tried to introduce the regulations (Abbott 1971:167; Ward 1981:144-145).

However, as the campaign developed the squatter's supporters began to have second thoughts. James Macarthur for example although opposed to Gipp's land policy, led a group of Gentry to condemn the violent verbal attacks on Gipps and the integrity of his office (Ward 1981:145-146). Roe argued that as the squatters attacks intensified it became more obvious that their motivation was self-serving rather than for the common good and this alienated many of their supporters. He quotes Robert Lowe, then a prominent member of the Legislative Council as saying "He thought then the squatters fought for liberty, but he found they fought only to defend their breeches pocket" (Roe 1965:65).

Ultimately Gipps' proposed legislation was replaced by *An Act to amend an Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies, and to make further provision for the management thereof* (9 & 10 Vic c. 104) of 1846 was passed in England<sup>42</sup> and brought into operation through the *Orders in Council* of 1847.<sup>43</sup> The *Orders in Council* divided NSW into three districts:

- 1) Settled Districts: these included the original 19 counties plus the counties of Macquarie and Stanley, three miles inland from the coast, two miles either side from major rivers (these were the Glenelg, Clarence and Richmond rivers), areas around major cities such as 25 miles from Melbourne, 15 miles from Geelong, and 10 miles from Albertyn and Portland.

Annual pastoral licences were issued for squatting runs in this area.

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<sup>41</sup> This was helped by political changes in the position of the Secretary of State for the Colonies.

<sup>42</sup> Otherwise called the *Waste Lands Occupation Act*.

<sup>43</sup> Made on the 9<sup>th</sup> March 1847 in England and gazetted on 7<sup>th</sup> October 1847 in NSW.

2) Intermediate Districts: which in Victoria comprised the remainder (after removing settled districts) of the counties of Normanby, Grant and Bourke as well as Gippsland. After 1848, the Western District was included.

Runs of up to 1600 acres could be leased for 8 years with additional fees for large holdings.

3) Unsettled Districts: which comprised the rest of NSW as it then was. Leases for 14 years could be granted for each run of 3200 acres.

The Orders in Council empowered the Governor to issue leases for runs to anyone he saw fit for duration of up to 14 years. The use of the run was for pastoral purposes but the lessee was able to cultivate to provide for the family and establishment. A minimum rent of £10 in advance was payable with an additional £2-10 for each 1000 sheep above 4000 based on an estimate of the capability of each run to stock sheep.

During the term of the lease, the land was not open to purchasers other than the lessee. It was lawful for land to be sold to the lessee in lots above 160 acres in area. The land was sold at a minimum price of £1 per acre. Each lot was to be rectangular in form with at least two sides of the lot had to be aligned to the cardinal points of the compass. No lot was to have more than 440 yards of frontage for every 160 acres. If a lease expired, the Governor could put the run up for sale, the former lessee having a right to purchase at the unimproved value. Otherwise the value of improvement was estimated and added to the value of the upset price of the land. If the land was sold, the former lessee received the value of improvements.

As part of the Orders in Council, the squatting runs had to be described, assessed and licensed. The descriptions of runs were printed in the Government Gazette through 1848 and provide base line information for the squatting occupation of NSW and Victoria (see Billis and Kenyon 1974; Campbell 1968; Spreadbrough and Anderson 1983) Squatting runs have been fully mapped in Victoria, so far no-one has attempted a NSW wide map, although there is one available for the New England region and many local histories have maps of squatting runs based on the 1848 Gazettes.

The squatters got the security they wanted from the 1846 Act and this allowed them to undertake capital improvements on the land with some degree of security for their investment. However, others viewed the outcome of the 1846 Act as locking up land, which should have been available to all, rather than a few squatters. Thus, the 1846 Act marked the beginnings of the free selection movement (see Chapter 4).

### **The Consolidation of squatting**

The decade of the 1840s was, in addition to economic woes and political actions, a time when many squatters consolidated their runs by building modest houses, purchasing some land, adjusting the stocking rates to suit the land and generally settling down.

The traditional historical accounts of 1840s emphasise that the new form of tenure following the passing of the *Waste Lands Occupation Act* allowed the squatters the security to construct substantial houses and otherwise invest capital into fixtures on

the land (e.g. Freeman 1982:60; Jeans 1972:142).<sup>44</sup> Margaret Kiddle writing on Western Victoria notes “hardly any squatters as yet attempted to buy any part of their runs” (1962:171) but then notes that “building of substantial home stations in stone was rare before the Order-in-Council was published, and more common afterwards” (1962:171). Kiddle goes on to note three examples of stone house construction<sup>45</sup> but curiously Golf Hill (1846) and Murnal (1841) date before the Order in Council. Niel Black’s house, Kiddle’s third example, was started in 1847 “no doubt after he had received word from England” about the question of tenure. An alternative view might be that after the recovery from the 1840s depression (*circa* 1844), the surviving squatters were at a point where consolidation could take place. They knew the capability of their runs and the economics of grazing so they could afford to upgrade their housing. One might go further to argue that construction of a good house might be one way of expressing the respectability of squatting and therefore the need for the Government to treat squatters “fairly”. The construction of good houses in the mid-1840s during the struggle with Governor Gipps might be part of a broad political strategy based on the importance of the wool industry to Australia and the respectable nature of squatters.

The evidence of colonial statistics would be one way of testing this idea but as the collection districts and information categories vary with each round of data collection colonial statistics are notoriously difficult to work with. The 1841 Census shows that of the 356 houses outside the County of Bourke (which included the town of Melbourne) there were only 17 houses of brick or stone. This proportion (about 5%) seems to be much higher than the census data for other squatting districts of NSW as there are 10 brick houses recorded for the rest of NSW outside Sydney! Of course building material is only an extremely rough guide to housing value and status, as a wooden hovel counts the same as a wooden mansion.

Another important factor in the creation of more substantial houses was the age of the squatters. As many squatters arrived in Australia in their twenties, by the mid-1840s they had reached a period in their lives when they were expected to marry. Once marriage occurred then the influence of the wife was thought to “improve” both the squatter and the house (see Kiddle 1962:287). The squatter wives were often found among the family circle at “home” and thus, once established, many squatters made long trips to the United Kingdom and returned with a wife.

Although under the *Waste Lands Occupation Act* squatters were able to purchase pre-emptive rights and had the option of purchasing at auction any parts of their runs surveyed and put up for sale it is difficult to find out how many squatters actually did this. Powell notes that squatters had made large purchases of freehold land in the Western District and on the goldfields (1970:70, 74-75) but these are not discussed in detail. Kiddle notes that “hardly any squatters as yet attempted to buy any part of their run” (1962:171). For NSW there is little information on the extent of pre-selection purchases of runs.<sup>46</sup> There are some statistics on the acres of land alienated under pre-

<sup>44</sup> This security was based on the pre-emptive right and the promise of leases.

<sup>45</sup> For those not familiar with Western Victoria there was abundant good quality building stone available in the volcanic outcrops, so most squatter homesteads were constructed in basalt rather than brick.

<sup>46</sup> There is no doubt that this information could be amassed for both States if one was to laboriously search through the entire Parish plans systematically.

emptive right in NSW. This was provided in a return to Parliament listing the land alienated from the beginning of responsible government (1856) to 1860. This return gives some indication of the extent to which squatters were actually purchasing land immediately before selection. The data used relates to the land in the various squatting districts and excludes the settled districts (the 19 counties and additions).

In the four years there were 603 purchases listed averaging 290.47 acres each. However in reality the most common purchase was for 160 acres, a quarter of a square mile and most purchases (221) were of either the square mile or half or quarter mile blocks indicating the performance of this unit. Analysis of the unit sizes shows two distributions one of small lots and one of larger lots. The small lots would be the result of pre-emptive purchases of town or village allotments. This is where a village or town has been surveyed on a run, under their pre-emptive right the squatter could purchase village or town land although at a greater upset price.

Perhaps the most interesting aspect is that in all cases the actual land purchased as pre-emptive right is less than 1% of the relevant district even in the Macleay and the Clarence where settlement was more intensive. This suggests that while 159,853 acres of land were sold this was a very small portion of the land in squatting districts.

**Table 3.1 Land sold in NSW 1856-1860**

Pastoral district	Area of District (square miles)	Acres sold	No of lots sold	Average size	Most common lot size	Percent of District sold
Bligh	13020	2805.6	9	311.7	320	0.03
Clarence	9760	11841.1	63	187.9	2.5	0.19
Gwydir	11075	641	3	213.7	320	0.01
Lachlan	22800	14546.2	38	382.8	160	0.10
Liverpool Plains	16901	9315.4	34	274	160	0.09
Lower Darling	80690	0.7	1			0.00
Macleay	3180	4052	10	405.2		0.20
Monaroo	8335	49433.6	193	256.1	160	0.93
Murrumbidgee	26897	33731.2	99	340.7	320	0.20
New England	13100	20966	118	117.7	160	0.25
Wellington	16695	12521	35	357.7	160	0.12
<b>All districts</b>	<b>222453</b>	<b>159853.8</b>	<b>603</b>	<b>290.5</b>	<b>160</b>	<b>0.11</b>

Land sales depended on the slow progress of land survey. First the surveyor had to survey and mark out all the land in a parish and then, once checked (in Sydney) the land was put onto the market. The squatters were able to purchase surveyed parts of

their runs as freehold. The Clyde Company was able to do this by writing to the Colonial government requesting that certain lands be surveyed for auction and then purchased them at auction. This was a comparatively rare occurrence in NSW and Victoria as the speed of the survey of land was very slow due to the limited number of surveyors employed by the Government.

In other areas, large tracts of freehold land were purchased outright. The Austin's acquired "Avalon" by purchasing 29,000,000 acres at £1 per acre directly from the Government and from the initial purchasers of small blocks. They displaced smaller squatters such as Walsh who could only afford to purchase a small pre-emptive right and adjacent block from their original squatting holding. Again, this was a relatively unique situation as Avalon run was close to Melbourne and within the settled districts.<sup>47</sup>

Another method of consolidating runs was by applying for a Special Survey. These were permissible under changes in the land legislation made in England by Lord Russell, which existed for a short period of time before pressure from Governor Gipps forced a change back. However before this happened several "Special Survey" orders were taken out in the Port Phillip District (Chappel 1996:8-10, Roberts 1968:108-109, 208-209). These allowed large areas of land to be sold and the unfortunate squatters were forced to move. W.J. Clarke used a similar provision in the *Sale of Crown Lands Act* (5 & 6 Vic c.36 1842) to arrange for a private contract between him and the government to purchase 31375 acres of land. In doing so, he displaced six established squatters including John Aitken who had been one of the original overstraiters in 1836. Clark's purchase was unique.

Possibly more typical was the situation in Narrandera where Gammage noted that with the gazetting of the run boundaries in 1848 every one of the Sydney based squatters in the district disputed their boundaries. Gammage also points to the use of squatters connections with "Officials" (by virtue of their social status) to draw boundaries favourable to the elite to push "Airds Irish" (*i.e.* less respectable squatters) off their runs. Finally, runs were tendered, for this allowed the Sydney based squatters to out-bid established but poorer squatters (Gammage 1986:46-48). Unfortunately, there are few historical studies with the detail of Gammage so whether this was the situation all over NSW and Victoria is not clear.

A further function of consolidation was that of the squatters actually realising what the land in the runs was best used for. Thus as Jeans argues there was a notable change in the ratio of sheep to cattle between 1839 and 1848. Cattle required more space to graze but less labour to maintain, however the big problem was the lack of a market for cattle. Jeans notes that the major market - Sydney would only take 20,000 fat cattle per year and the market for leather was small (Jeans 1972:148). Sheep in contrast had a ready market for wool and later tallow but shepherding costs were greater especially in broken hilly country. Also in moist low-lying areas sheep suffered from footrot.

Consideration of these factors, often not apparent until several years experience on the land resulted in the emergence of regional differences. Jeans presents this change in a

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<sup>47</sup> Based on unpublished research by the author on land occupied by Walsh on Corio Bay.

pictorial form (1972 Figures 27 & 28). There appears to be a decline in numbers of cattle in the Monaro, Murrumbidgee, Lachlan and Bligh Squatting Districts while the Liverpool Plains, Wellington and New England Districts seem unchanged. However cattle dominated the Clarence and the Macleay and the newly settled Gwydir is evenly split between cattle and sheep. It also should be noted that the boundary of pastoral expansion was in the 1840s roughly the edge of the Central division of NSW and there was little settlement in the Western division of NSW of the Mallee or Wimmera regions of Victoria.

### WHO WERE THE SQUATTERS?

Who were the squatters? Simply put a squatter was any person (there were a few women squatters) occupying Crown land without permission or after the passing of the *Crown Lands Occupation Act* with a licence. However, there were degrees of squatting and squatters were not a homogenous group. The first popular use, from the mid-1820s, of the term "squatter" referred to mainly ex-convicts who occupied Crown land without any right. Their settlements were seen by the Gentry and other respectable people as the centre for criminal activity in a particular area. They were commonly accused of stealing cattle and sheep, buying and selling stolen property, grog and their wives, as well as "skulking" and other suspicious activity such as insolence (Fletcher 1989:272-273; Roberts 1964:67-68). The Legislative Council and the Colonial Gentry were very much opposed to skulkers.

On the other hand the Government, especially Governor Bourke, attached no moral tone to its references to squatting other than the illegal occupation of land (Fletcher 1989:272). As Governor Bourke pointed out in a dispatch to Lord Glenelg:

"The persons ... familiarly called squatters are the objects of great animosity on the part of the wealthier settlers. As regards, however, the unauthorised occupation of waste lands, it must be confessed that these Squatters are only following in the steps of all the most influential and unexceptional Colonists, whose Cattle and Sheep Stations are everywhere to be found side by side with those of the obnoxious squatter and held on no better title" (18/12/1835, HRA).

Fletcher suggests, as Governor Bourke was suspicious of the motives of the large landowners in the colony in protesting against the evils of squatting, official action against squatting was not swift. As Bourke's dispatch indicates, there were respectable and non-respectable squatters.

By the 1830s, squatting was emerging as an economic force and many squatters were claiming a place in society through their economic and social connections. Roe in "*Quest for Authority in Eastern Australia*" discusses two strata to what he calls the "Gentry". The first is the older Gentry (such as the Macarthur's) whose origins stretched back to the first twenty years of the colony, the second being a group of free emigrants arriving in the 1820s and 1830s (Roe 1965:35-40). Both groups shared common attitudes and notions of respectability (1965:40). However, there was tension

between the established Gentry and the up-and-coming squatters that claimed equal social position and wealth. Roe characterises the Gentry's attitude to the early squatters as being implacably hostile (1965:49). However squatting posed a series of divided loyalties largely because so many of the Gentry were squatting themselves. Roe argues that the essential Gentry position on squatting was "squatting was acceptable only when brought within the framework of land ownership and attachment to land" (1965:51). Roe's view of the squatters is entirely negative. The squatters in Roe's view, wreaked havoc not only on the Gentry's established power base but also on Government, Aborigines, the working class and the orderly use of land (Roe 1965:61-75). He wrote "(the squatters) must appear not as heroes of the golden fleece or happy spirits of the wilderness, but as men acting without grace or restraint or care for the public good, as their efforts underpinned the economy this behaviour carried all the more weight" (1965:61).

De Serville in his study of "Good society in Melbourne", where there was no previously established Gentry, drew some fine distinctions between groups in the upper classes. De Serville identifies the gentlemen as one group (comprising gentlemen by birth, by profession and by upbringing) and the respectable (1980:30). There were gentlemen squatters, respectable squatters and (most regrettably) lower class squatters (1980:32, 84). The rivalry between the gentlemen and the respectable men was marked by the exclusion of the respectable from "good society" (the exclusion was helped no doubt by squatters not being resident in Melbourne) for about 15 years. The respectable survived the tough economic conditions of those times to enter "good society" as the squattocracy in the 1850s (1980:32-33).

That shared social and economic characteristics with the Gentry separated the squatters from the skulkers was recognised if somewhat grudgingly by the established Gentry (see Ward 1981:88-92 for James Macarthur's position). After all if Abbot's analysis of the pastoral industry is correct then the main profit in the industry was found in the selling of surplus stock to new squatters (1971:108-125), so the squatters were business associates of the Gentry rather than criminals. Moreover, they shared the same value of respectability which was incorporated into the *Waste Land Occupation Act* as the requirement that squatters be of "good character". This emerging class of respectable squatters became the squattocracy. Two elements separated the respectable squatters from the skulkers- capital and character.

### **Capital**

Abbott has made a comprehensive analysis of the economics of the wool industry. Abbot presented data on the costs and returns of the wool industry from a variety of contemporary sources (1971:108-125). These showed that a squatter would have to outlay between £700 to £2000 to establish a run depending on the size of the run and its location. There was also the annual cost of producing the wool. The gist of Abbott's argument is that the main source of profit in the industry was due to the sale of surplus stock rather than purely by sale of wool. The costs of squatting therefore favoured those with access to capital, which were the middling and upper classes (a similar point is made by Connell and Irving 1980:39).

The capital used to finance the pastoral expansion came from a variety of sources. Some came from successful colonial trading enterprises. Frank Broeze has discussed



how some of this money in fact came from the investment by Australian agents for British traders of the profits from their trading operations. These were supposed to be remitted to England but often were used to invest in the pastoral industry (1993). Colonial borrowing raised some capital. The majority of capital came from overseas in the form of personal, family or company capital (Connell and Irving 1980:39, see also Butlin 1994:182). The Henty's, for example, came to Australia with modest personal wealth hoping to improve it in the colony. Ben Boyd as well, for his large pastoral interests came with the capital of the Royal Bank behind him. George Russell squatted in Victoria as manager of the Clyde Company, a company formed by Scottish capitalists, friends, and his brother Phillip. Most pastoralists had some personal connection back to the United Kingdom, which supplied finance.

It is also worth reflecting on Abbott's evidence of the poor rate of return on investment in the wool industry (1971:114-118). If as the evidence Abbott quotes is true there was little profit to be made in wool then surely there would be little money left over for luxuries. Thus the squattocracy may have been relatively well off in terms of assets but they were cash poor, a factor that would have limited their ability to express their social position through material culture.

What the squatters did have in abundance was access to land, as a licence of a run cost only £10 annually and, until the Orders in Council, the size of the run was unlimited. Thus, a large pastoral estate could be claimed for minimal cost. This must have seemed incredible to many squatters coming from a background where only the aristocracy held such large estates. Admittedly their title to the run was insecure, but this did not stop the squatters behaving as if this was not the case, taking action against trespassers, buying and selling the runs and so on.

### Character

The character of an individual was expressed in terms of respectability. Respectability was the underpinning of the squatter's status; it is what separated them from the "skulkers" and aligned them others such as the Gentry.<sup>48</sup> The Oxford English Dictionary defines respectable as "worthy or deserving of respect by reason of some inherent quality or qualities" or alternatively "of good or fair social standing and having the moral qualities regarded as naturally appropriate to this". Respectability is defined as "the state quality or condition of being respectable in point of character or social standing".

Respectability must be seen in the context of what the particular qualities of character or social standing were at any particular time. In turn, these qualities must be seen as dynamic rather than static over the period from 1820 to the 1890s. What is considered as respectable may vary between social groups at any one time and also of course over time as well. The "inherent qualities" that establish whether one is respectable are culturally defined, usually by the group that wants to be seen as respectable and define others as not respectable. There has been agreement by historians that there is a distinct set of "Victorian values" that relate in large way to respectability. These have not been particularly systematically or comprehensively outlined, but it is argued that

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<sup>48</sup> Linda Young uses the terms "gentility" and "genteel", referring to the qualities of both breeding and birth that are of course part of respectability. I have chosen to use respectability as it is applied across class barriers thus one has "respectable working men" but not genteel working men.

adherence to the “cult of domesticity” is what makes an individual respectable (see Davidoff and Hall 1987 as well as the discussion in Appendix Two).

Respectability was a series of values shared between the Gentry and some of the Squatters although some respectable squatters were excluded from “Good Society” because of their lack of rank, both classes excluded the lower classes because of their lack of rank and respectability. Respectability seems to involve a sense of maintaining civilised standards such as manners (and other forms of proper behaviour), education, polite conversation, taste and some sense of public duty.<sup>49</sup> Importantly it included adherence to the “cult of domesticity”. By being respectable, the squatters formed a platform for social advancement in later years.

In a recent study of Armidale on the New England tablelands, Ferry argues that the squatters held a predominantly masculine ideology (as propounded in Ward’s *Australian Legend*) which emphasised violence, binge drinking, hard riding and fist fighting (1999:128-134). Ferry argues that the origins of this ideology lie in part in the extreme gender imbalance in the New England district of 622 adult men for each 100 adult women. Certainly Ferry’s argument would hold true for much of the squatting territories as a similar gender imbalance existed across much of South-eastern Australia.

Greater attention to squatter journals and squatter material culture shows that there were also respectable squatters who had an alternative way of life based on what Ferry calls the “ideology of respectability”. From the pioneering period some squatters adopted domestic ideology and set standards for themselves to live up to. For example James Willis’s journal (in itself showing Willis’s determination to set standards as journal writing was seen as an important self-improving activity) written in 1837 shows the influence of the domestic ideology in particular in his comments on his parents (Cannon and MacFarlane 1991:195). This is not to say that being a squatter was not an incredibly exciting adventure for some. The squatters, like the early gold diggers, would have been attracted by the freedom of restraint squatting had. As Goodman argues for gold mining (1994:149-178), the squatting life offered independence from domestic responsibilities which some squatters found liberating, other squatters hankered for the solace that domestic life would bring and endured squatting as a means to achieving that aim.

John Robertson writing his letter to Governor La Trobe on 26<sup>th</sup> September 1853 (Bride 1969) made a number of interesting remarks about his life as a squatter. Although his comments on the changes to the environment of his run are well known, he also discussed his fellow squatters.

“Numbers of the young gentlemen who came out to this colony about that time (*circa* 1836) ...expected to make fortunes in a few years, from the way they spoke, and the way in which they managed their sheep farms. Few of them knew anything of mechanics, and they were totally unable to make comfort for themselves or their servants. In consequence of which they fell back lower in morality and energy than many of their men, for dirt and filth were noticeable

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<sup>49</sup> Much of the criticism of the squatters from the Gentry was based on the squatter’s apparently blatant self-interest especially as shown in their dispute with Governor Gipps (see Roe 1965:75). The Gentry of course masked their self-interest with the veil of “public good”.

in *places* and *persons*, and their pride was, who would rough it best. They even went so far with their indolence as to drop shaving themselves, and it was no bad criterion to know how a man managed his station if the owner was looking out through a large wisp of hair on his face. The three eventful years, which will be long remembered in this colony, of 1841-2-3, swept off most of these young gentlemen with their herds and all..." (Bride 1969:157-158).

This quotation shows both Robertson's adherence to the domestic ideal but also the emphasis placed on appearance and husbandry as a mirror of an individual's moral state. In short, ones character was shown through ones actions, ones appearance, and ones husbandry of ones property.

Thus the respectable squatter, one who was on his way to becoming a member of the squattocracy, would express his respectability or character through the medium of the squatting landscape through speech, gesture, dress, etiquette and so on. Historical accounts can give us access to the squatter modes of respectable behaviour in particular non-material elements such as speech. Historical archaeological analysis of the landscape can access material aspects of how squatters expressed their respectability through their husbandry of the landscape.

## SQUATTING LANDSCAPES

### Pre-squatting landscapes

There are two categories of pre-squatting landscapes. Firstly, there are the landscapes created since 1788 within the limits of location. These were created as an outcome of the development of agriculture discussed above. In terms of squatting the larger estates refined the technique of sheep and cattle farming in Australia, which was then applied beyond the limits of location. The second pre-squatting landscape is of course that created as a result of Aboriginal settlement.

Studies of Aboriginal settlement at the contact period are numerous and the evidence points to a sophisticated understanding and manipulation of their environment through activities such as constructing canals, weirs and complex fish traps. Importantly the Aborigines, when asked, have demonstrated a detailed knowledge of the use of fire to maintain and expand desirable ecosystems and plant associations. Termed "fire stick farming" it is generally considered that Aborigines would have been regularly burning the landscape throughout much of South-Eastern Australia, although in some specific areas such as cool temperate rainforests there is a reasonable doubt about whether fire stick farming would have been used.<sup>50</sup> The salient point in respect of squatting is that Aboriginal burning patterns were aimed at opening and maintaining grasslands or grassy understorey which contained plant foods and provided food for kangaroos which could then be hunted. This grass was eminently suitable for cattle and sheep so

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<sup>50</sup> Fire Stick farming has almost become a cliché of Australian environmental history (Pyne 1991). One of the best studies is by Chris Haynes (1985) as he was both a trained ecologist and was living with the Aborigines so he could ask them. Other studies are more romantic and tend to promote the view that Aborigines were living in some form of the "Garden of Eden" (Lines 1991). My own work on fire regimes where these questions are further discussed is in Gell and Stuart (1989) and Gell *et al.* (1993).

all squatters had to do in terms of adapting the Aboriginal landscape to squatting was to get rid of the Aborigines. Removing the Aborigines was not an easy task particularly as the top levels of government were concerned that Aboriginal rights were maintained and on occasion were prepared to attempt prosecution of squatters for murder. The squatters were concerned to ensure that their rights to graze were maintained and this often required the removal of Aborigines. This process is quite well documented for example in the studies of Christie (1979), Corris (1968), Milleas (1992) and in the published journals of the Protector of Aborigines in Victoria, George Augustus Robinson.

### Pioneering

Settlement of South-Eastern Australia shows a common pattern. Firstly there was exploration, which located suitable areas for grazing. Then leap-frogging from an established area to new areas followed by in-filling behind. This simple model which seems to work on both the regional and local level was outlined by Powell (1974) for Victoria but applies to New South Wales as well. Exploration focused on discovering grassland or savanna woodland, which in principal would be suitable for grazing.<sup>51</sup> Settlement seems to have moved down the valleys of major rivers rather than across catchment boundaries unless necessary.

The initial layout of a squatting run was similar across South-Eastern Australia, being a simple hut and stock yard with perhaps an area of cultivation around it. This was the homestead or head station. The homestead was located in a central place within the run, which is the area claimed to be occupied by a particular squatter. Run boundaries were located on natural features such as watercourses or ridge lines. Where this was not possible lines of blazed trees or plough lines were used to mark a boundary. On sheep stations flocks were dispersed into various areas with a shepherd and hut keeper. The shepherd located his hut or watch box near a watercourse. The sheep were brought in at night and kept in one spot by movable hurdles. Cattle were branded and allowed to wander across the run, to be mustered when required. Large scale modification of the landscape was not attempted partly because of the lack of tenure and partly because grazing did not require much in the way of technology; a few shepherds huts, some folds for the sheep and a crude shearing shed was all that was required (see Abbott 1971:Chapter 4). As much of the land occupied was well grassed, there was little need for clearing except around the head station on the run where typically some ground would be fenced and cultivated to provide food for the men.

Within one or two years more substantial houses were constructed, on slightly better sites once squatters had learned about natural phenomena such as flood levels. Wool sheds replaced the practice of shearing in the open. Freeman quotes Curr's description of his woolshed (*circa* 1841) "as being a common bark building" and also points to woolsheds of the same era being thatch and slab construction (Freeman 1980:13). There was also the question of wool washing. The idea was to wash the various impurities out of the wool before shipment for sale. Initially it seems it was convenient to do this while the wool was on the sheep's back and simple sheep

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<sup>51</sup> In practice the actual environmental conditions varied but no one was to know this until after settlement.



washes began appearing in the Western District and Port Phillip from 1840 onwards. Kiddle demonstrates that even during this early phase of squatting the squatters developed a range of sheep washes ranging from a simply driving the sheep through running water to a sophisticated system of spouts and warm water established by the Learmonth's in 1842 (1962:71-72).

Overseers or managers occupied many of the runs on behalf of squatting interests located well inside the limits of location. Given the fragmentary nature of the historical records it is impossible to quantify the precise numbers of managed runs versus owner occupied runs but managed runs seem to be greater in overall number. However, significant areas of owner occupied runs can be identified, Port Phillip, the Western District and New England all seem to have more owner occupiers than managers. The overseer's and managers have not been studied as a social group in the way that de Serville and others have looked at the squatters. They were most likely a mixture of emancipists, convicts and currency lads, in other words, not a respectable class of people. There would have been little incentive for more substantial structures such as houses to be constructed on managed squatting runs, after all the owner would have had their substantial house within the limits or settled areas. If one had the time, the 1841 Census returns could be analysed and compared with the 1828 Census

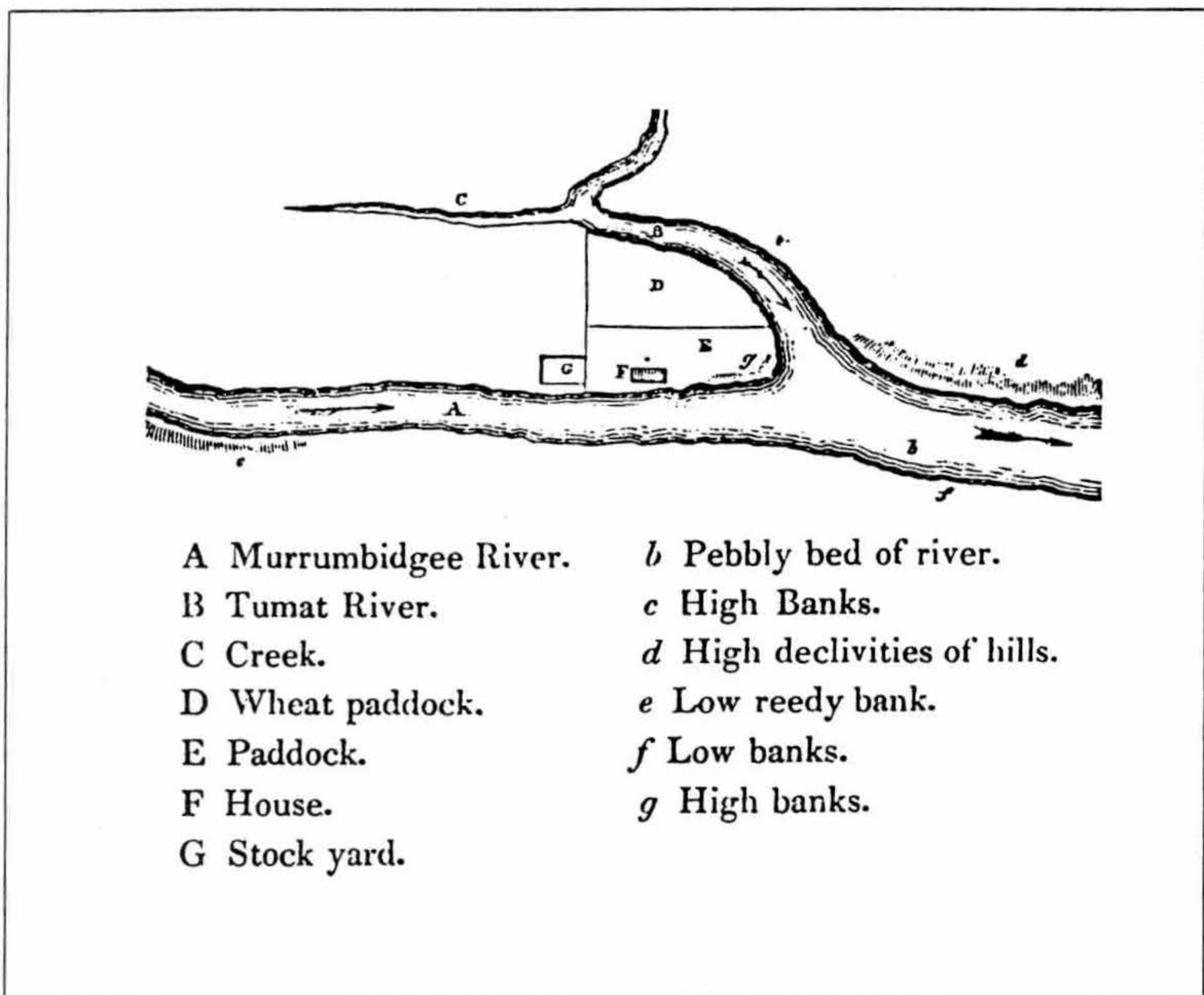


Figure 3.12 Darbylara Station 1832

returns to provide an overview of squatting and the transformation from the pre-squatting period. As an example of a squatting run, Figure 3.12, a sketch plan of Darbylara Station by George Bennett in 1832 is shown. A simple house and some cultivation is shown.

The Aborigines whose land was being occupied, did not fade away but frequently actively opposed squatting settlement. It should be noted that although there was active Aboriginal opposition to squatting settlement, the actual squatting runs were not set out for defence but dispersed in a way that made shepherds vulnerable to attack. If Aborigines were a real threat then squatters would have fortified their home stations and established them in defensive positions such as on rises rather than by creeks. This suggests that squatters were of the view that Aboriginal attacks were manageable rather than a real threat to settlement. This is in contrast to squatter rhetoric about Aboriginal attacks and indicates that much of the squatter concern was really justification for their attacks on Aborigines. Many of the surviving squatter homesteads (such as Bontharambo<sup>52</sup>) have things like loop holes which are supposed to be a defence against Aborigines but of course the squatter mansions were constructed well after the pioneering phase and there was no longer any threat of Aboriginal attack.

#### A RESPECTABLE SQUATTING RUN

An example of a squatting landscape is given in the watercolours and sketches of Duncan Elphinstone Cooper published as the *Challicum Sketch Book* (edited by Phillip Brown 1987). Cooper came from an Anglo-Indian family and when he arrived in Melbourne in July 1841 he was 28 years old and unmarried. On the voyage out Cooper had befriended the brothers George and Harry Thomson who had connections with J. & A. Dennistoun (principal investors in the Clyde Company) and through them to George Russell. After two months experience with George Russell at Golf Hill the partners of Thomson and Cooper moved to the Challicum run on Fiery Creek in the northern part of the Western District of Victoria. There they developed the property and gained a reputation for producing fine quality wool and showing benevolence towards the Aborigines. Cooper eventually returned to Britain in 1854 but maintained investments in Australia (Brown 1987:4-20).

The corpus of Cooper's work is based on his experience as a squatter in taking up and settling his run. Plate 24 (Figure 3.16) from 1850, shows the view from the homestead to the men's quarters on the creek and the woolshed opposite them. In the foreground are seen the garden beds and bridge over the creek. The view is of the heart of the station, the wool shed and the men's huts and the landscape looking rather like the park of an English estate. In this way Cooper differs from the artists such as Eugene von Geuard who sketched and painted many squatting runs throughout the Western District but

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<sup>52</sup> Even Como in Melbourne has loopholes allegedly to deter Aboriginal attacks! Obviously, there was some other function for these features.





Figure 3.13 Challicum Plate 4 First House

who was not a squatter himself.<sup>53</sup> Coopers watercolours also reflect something of the diverse nature of squatters. He was not a bluff and hearty, unrefined squatter but had an interest and sensitivity to more refined matters such as art. The first series of paintings and sketches, from January 1842 when they took up the run, show the tent and the sheep. However later sketches from 1842 show that two simple slab huts with bark roofs had been erected on a low ridge overlooking the creek (Brown 1987 Plate 3 & 4, Figure 3.13). The huts seem to develop more substantial chimneys during 1842. There is nothing else in the way of infrastructure in the landscape. The flocks would have been managed by shepherds and their dogs and dispersed across the run. The sheep were contained in folds during the night and the shepherds lived in a mobile watch hut (these are shown in Brown 1987:Plate 6).

A watercolour from 1843 shows the "second hut" which formed the basis of the head station at Challicum (Brown 1987: Plate 5, Figure 3.14). The second hut is a more substantial slab structure with a brick chimney, shingle roof, glazed windows and verandah. Two slab huts (possibly the original huts) are to the rear and the area appears to be enclosed by a paling fence (Brown 1987:Plate 5). Plates 6 and 7 (all from 1843) show that the out-stations were equipped with substantial huts and rudimentary stockyards.

A sketch from 1844 (Plate 9) and a watercolour (Plate 10) show three distinct groups of buildings. A core group around the main hut consists of the hut and separate kitchen with a store and carpenters shop behind and a separate hen house, all associated with a fence that seems to keep the main hut separate from the working buildings. To one side is a yard and calf pen, a simple dairy. To the other side downhill and at some distance was the woolshed. Detail of the woolshed by the creek is shown in Plates 12 and 13. It was an extensive structure incorporating a "Spanish windlass" to press bales. In Plate 10 and Plate 11, a rider is also depicted in riding gear with greyhound-type dogs (chasing a recalcitrant cow in Plate 10). By this time, a distinct geographical separation between the main hut and house where the owners and their servants lived and the "mens huts" emerged. This is in line with the principal of separating work and workers from the respectable family.

What was termed "the final house" was constructed in 1845. This involved the construction of a larger building in front of the second hut. This larger building was of weatherboards with shingle roof. Its front was decorated by a lattice arch over the entry which was decorated by flowers. The second hut abuts the building and appears to be smaller. It is depicted in the sketch as having the slabs covered by stucco. The kitchen building remains behind this group.

Surrounding the buildings is a substantial garden that shows evidence of some design although it is in essence practical. The main axis is a path running over the creek via a simple wooden bridge. The creek banks seem to have been raised slightly and supported by timber slabs driven into the ground. This has the effect of forming a ha-ha. On one side garden beds are laid out in a rectangular fashion it is difficult to say

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<sup>53</sup> Coopers work frequently appears in works discussing squatting including two on squatting in NSW!





Figure 3.14 Plate 5 Second hut, Chalicum, 1843





**Figure 3.15 Plate 14 Third Hut, Challicum 1845 (the Last)**

whether these are flower or vegetable gardens. Opposite to the beds are trees, probably fruit trees.

An undated painting (but after the construction of the final hut) Plate 25, shows men at work in an extensive cultivation paddock adjacent and to the rear of the homestead group.

Finally, Cooper painted a panorama of the run from the Homestead (no date is given). The landscape of the run is shown as mainly open plains with rolling hills and patches of open forest. Several out-stations are shown in the distance as well as shepherds and their flock. Small groups of cattle are shown grazing. An Aboriginal encampment is shown. A bullock wagon is depicted carrying small timber. Overall the environment seems little changed since settlement, or if it was changed, Cooper chose not to emphasise the change. In fact the painting seems to emphasise minimal change with Aborigines and emus sharing the landscape with sheep, shepherds and cow.



Taken as a whole Cooper's work shows how a squatting run developed and in the images we can read the relationship between the run and the environment and social and economic relations within the run itself. The run is not shown as being heroically carved out of the environment but more as naturally occurring there (even though there was obvious change especially in establishing the house). Spatially, the run seems unbounded even though it was. The vistas in the images run off into the distance with no sense of any boundary between Challicum and the neighbouring run. The bounded landscape occurs around the homestead, which forms a core from which small nuclei in the form of the out-station huts radiate.

The landscape around the homestead from the time of the "second hut" is physically bounded into work areas and it seems into a servants and masters area. The third hut and the development of men's quarters by 1845 reinforces this. The ha-ha in particular, while a useful garden design feature, read from the men's quarters perspective would have seemed like a small castle with moat and small drawbridge. From the educated visitors point of view the garden would have looked quite well ordered and set out emphasising that both the Thomson's and Cooper were respectable. In additions the riding clothes shown in two images as well as the behaviour of sketching in itself would have acted to separate out Cooper and the Thomson's as respectable gentlemen.

Here is an example of an extensively developed pastoral property with some substantial capital investment at a time when squatters were complaining that they could not develop their runs due to lack of tenure. Yet Coopers sketches along with other illustrations show that some squatters were prepared to invest in their runs despite the lack of secure tenure. For example, the sketches of Emma von Stieglitz show the development of the runs occupied by her brother and her husband. In particular her "Interior of a Squatters Hut and Port Phillip 1841" shows a solid building well fitted with the comforts of home including numerous books and a writing desk. A human (presumably Aboriginal) skull is shown resting on the top wall plate. The illustration reinforces the impression that these are educated respectable people who occupy the run.

Other illustrations emphasise books, guns and riding gear (such as whips and bridles), typical male related material culture and relating to the values of muscular Christianity. Visitors to the hut or house of such a squatter would be in no doubt through the material culture encountered of the squatter's station and rank.



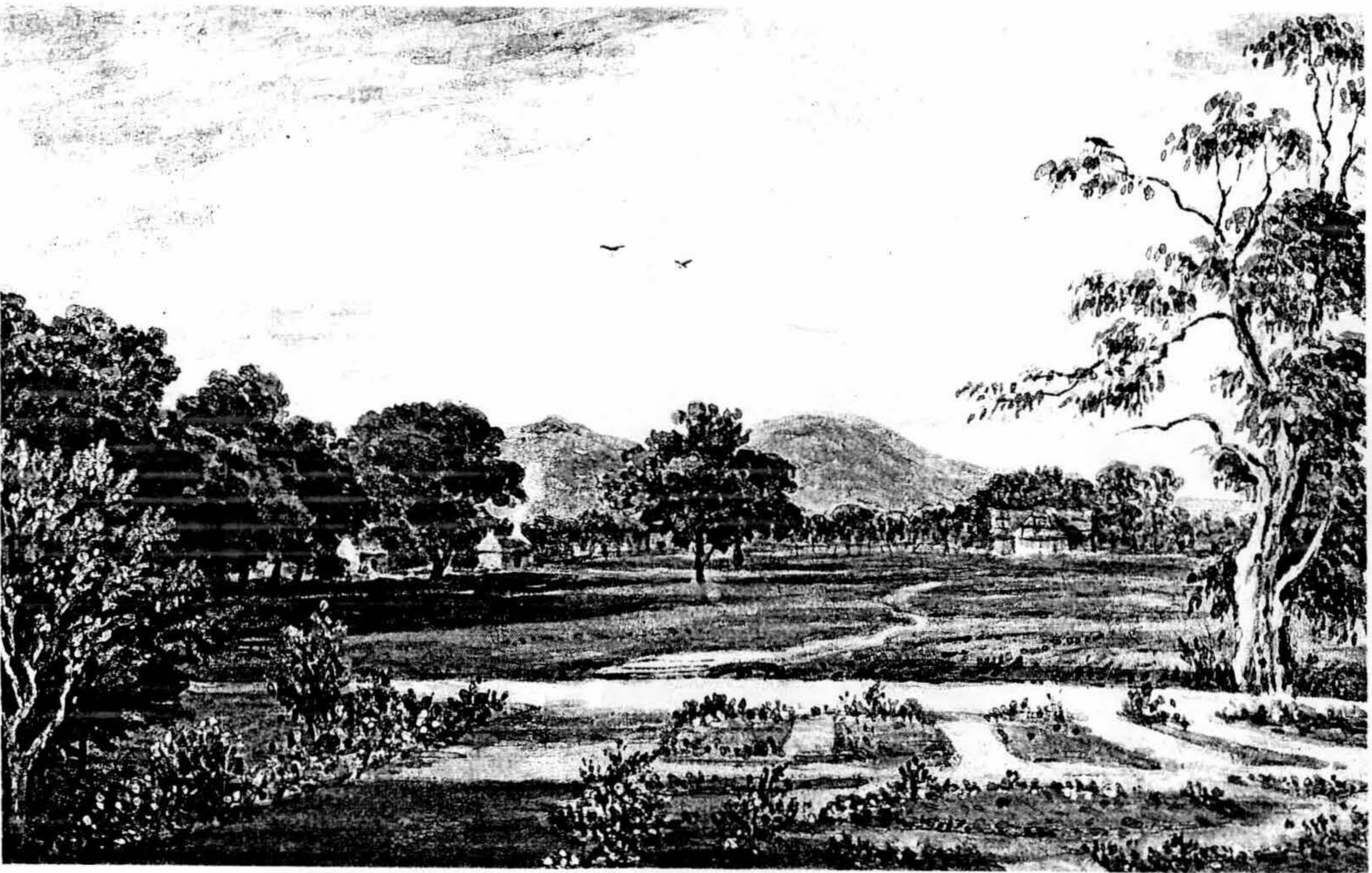
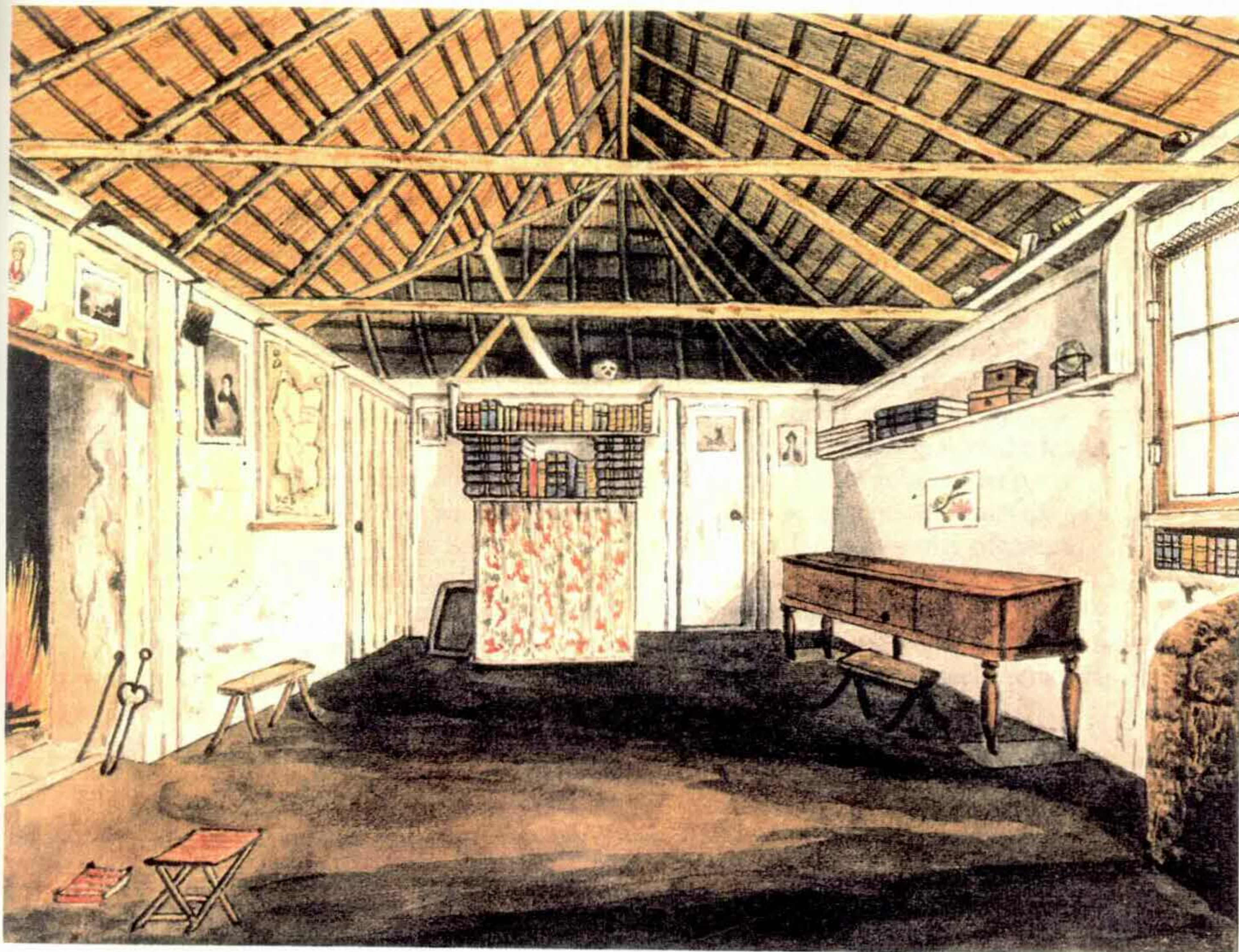


Figure 3.16 View from the Window of Hut, Challicum, 1850





**Figure 3.17 Interior of a Squatters Hut at Port Phillip, 1841**

Charles Norton's watercolours from 1844, 1846 and 1847 show more disorganised (male) interiors. Cotton's sitting room at Doogallook station 1844 shows an extensive library and two ladies hard at work reading and conversing. *Hut at Terinyallam* and *Terinellam 1847* (same place) by Alexander Dennistoun Lang show the establishment of a garden and carriage loop and the well-furnished hut interior (all these illustrations are reproduced in Lane and Serle 1990). Henry Godfrey's sketches show Cathkin and Karlsruhe runs in 1843, which show similar developments (reproduced in Canon and MacFarlane 1991:236, 247).

These illustrations suggest that the common historical statement that squatters only developed their runs after tenure was secured in 1848 is repeating a squatter myth.<sup>54</sup> In particular the *Challicum Sketch Book* provides an alternate view and shows that some squatters were prepared to invest despite insecure tenure. While some squatters undoubtedly lived in very squalid conditions, the pictorial evidence is that for some squatters the tent or hut was only a temporary accommodation. The respectable squatter moved quickly to construct a larger more substantial dwelling, one which is represented as being ordered, comfortable and containing among other things books and writing implements. The exteriors of the dwellings are shown as having rudimentary gardens and features such as carriage circles and ha-ha's. Thus right at

<sup>54</sup> Used to argue for security of tenure.



edge of the frontier the squatters were projecting their social position in the form of material culture and in their husbandry of the run.

## CONCLUSION

The main process underlying development and expansion of the pioneering period of squatting was the successful development of the wool industry, which offered the enterprising settler the chance to make good profits on a small capital outlay. Squatting was a result of the expansion of the wool industry colliding with the land policy of the Crown that sought to limit expansion. The result was in favour of expansion especially as it was comparatively easy to move beyond the limits of location and take up a run. Squatting offered cheap land (but no security of tenure) and the promise of good profits and in the 1830s took on the characteristics of a speculative boom. The boom resulted in the squatting occupation of most of the available grasslands in South-Eastern Australia between 1828 and 1840. By 1850, the squatters through their struggle with Governor Gipps, had established tenure for their runs and much of South-Eastern Australia was held under squatting lease.

In looking at squatting landscapes, the rudimentary nature of a squatting run has often been emphasised. However for some squatters, the rudimentary huts were rapidly replaced by more respectable dwellings. These, in their interiors and surrounding landscape, displayed the respectable nature of the squatter. It is this desire to be seen as respectable that separates the squattocracy from the other skulking squatters and was an important argument that sustained squatting. That is the squatters argued that they were respectable people pursuing the economic and moral improvement of the "waste" land by taking up the land and grazing sheep and cattle on it.

This view, which was largely accepted by the Governors, firstly forced the sanctioning of squatting in 1836 when the Colonial government was forced to recognise the defacto settlement of South-Eastern Australia and bring it under control. Secondly it was used to argue for some more secure form of tenure for squatting in the 1840s, although in this case the view of Governor Gipps differed from those of the squatters as to the form and implementation of this tenure.

Thus, the broad processes forming squatting landscapes are the economics of the wool industry (and to some extent cattle grazing as well), the desire for squatters to be seen as "respectable" and lands policy of the Colonial government. These operated on a landscape which, possessing extensive grassy plains and open woodlands, was readily suited for grazing.

The actual settlement pattern was for each run to have established a head station consisting of crude huts or tents and for the sheep flocks (of 500 to 1000 sheep) to be located in out-stations across the landscape area. The boundaries of runs were established on natural features or marked by plough lines or blazed trees. Initially the runs were lightly held with little attempt to clear or improve the runs, this was largely because the environment was readily adapted to grazing. Small areas of cultivation were established adjacent to the head station to provide some vegetables to add to the relentless diet of meat.

The phase of pioneering seems to have been comparatively short, especially for the squatting runs where the squatter was resident on the run. The historical evidence suggests that squatters who saw themselves as respectable moved quickly from the original tents and huts to developing comfortable houses which allowed them to pursue activities such as reading and writing as well as the more sporting activities of squatting such as chasing stock and shooting things. This period of construction marks the end of the pioneering phase on a squatting run. Typically this occurs much earlier than the usually given date of 1848 when squatters were given security of tenure.

Thus while the pioneering of squatting runs across South–Eastern Australia occurred throughout the period (and on until the 1860s) the actual pioneer period on each run was comparatively short as some of the squatters moved to assert their respectability by constructing a more comfortable house and establishing gardens and other improvements suitable to a respectable individual in society.

**CHAPTER 4: THE SQUATTOCRACY AND THE  
YEOMAN FARMERS**

### Hurrah for Australia

Hurrah for Australia the golden,  
 Where men of all nations now toil,  
 To none will e'er be beholden  
 Whilst we've strength to turn up the soil;  
 There's no poverty here to distress us,  
 'Tis the country of true liberty,  
 No proud lords can oppress us,  
 But here we're untrammelled and free.

Then hurrah for Australia the golden,  
 Where men of all nations now toil,  
 To none will e'er be beholden  
 Whilst we've strength to turn up the soil;

Oh, government hear our petition.  
 Find work for the strong willing hand,  
 Our dearest and greatest ambition,  
 Is to settle and cultivate land:  
 Australia's thousands are crying  
 For a home in the vast wilderness,  
 Whilst millions of acres are lying  
 In their primitive wild wilderness,  
 Then hurrah for Australia ...etc.

Upset squatterdom's dominion,  
 Give every poor man a home,  
 Encourage our great population,  
 And like wanderers no more we'll roam;  
 Give, in mercy, a free scope to labour.  
 Uphold honest bold industry.  
 Then no one will envy his neighbour,  
 But contented and happy will be,  
 Then hurrah for Australia ...etc.

(Charles Thatcher *circa* 1864 reproduced in Clark 1955)

## INTRODUCTION

This chapter traces the history of squatting from the period of consolidation until the period after the depression and drought of the 1890s. Looking forward from 1848 the squatters could have expected a peaceful and fruitful life made secure by their leases and the right of pre-emption with only the traditional Australian devils of drought and flood to give any cause for concern. Such peace however only existed until 1851. The period from 1851 until the 1890s was as turbulent as any and ended with squatting in its essence extinct.

There are two themes in this chapter: the development of the selection movement, and the further development of the squatting and the pastoral industry as a whole. The selection movement was a crucial process as the demand for small farms for selectors resulted in wholesale changes to the way land was administered affecting squatters and selectors alike. Unfortunately, an understanding of how this affected the landscape requires a detailed and somewhat technical description of the land legislation in order to trace the changes in the landscape. The squatter-selector debate was not only played out in the political sphere but also on the landscape, both in the actual selection of land and in the way the selection legislation worked in the landscape.

The second theme is the development of pastoral industry during this period. The squatters moved into the arid regions of Western NSW and the channel country of Queensland. This land was a different environment from that previously settled by squatters and the pastoral industry adapted its settlement pattern to take up this land. As the pastoral industry consolidated, more money was spent on capital items to improve squatting runs and this again had an impact on the squatting landscape. The environment however was not as readily adaptable to grazing as the more grassed areas of South-Eastern Australia and in the 1890s the combination of rabbits and severe drought ruined many of the squatters in the arid region. The chapter concludes in the 1890s with the pastoral industry and squatting fundamentally changed by selection and the effects of the depression and droughts of the 1890s.

### **Squatting and responsible government**

“Responsible government” refers to the granting of constitutions to the States and the establishment of parliamentary government by the United Kingdom as allowed under the *Australian Colonies Government Act 1850* (13 & 14 Vic c59). Responsible government *inter alia* removed the ultimate responsibility for land policy from the British Government in London to the government of the states of Australia. Therefore the tenure of the squatters was in the hands of the various state governments and their electors, notably New South Wales and Victoria in which most of the squatting heartland lay. However, the squatters retained considerable power through their representation in the NSW Legislative Council.

The onset of responsible government was preceded by the separation of Victoria from NSW in July 1851. Agitation for separation had begun almost as soon as the squatters arrived<sup>55</sup> and soon there were complaints about the imbalance of revenue collected in Port Phillip versus the expenditure of the Government on infrastructure there (Shaw 1996:239-240). These complaints were followed by ones concerning immigrants (not enough) and transportation (too many convicts). Although Victoria was represented in the reconstituted blended Legislative Council of 1842 (five members from Port Phillip and one from Melbourne) the difficulties of attending meetings in Sydney were obvious from the start. Following an election on the 17<sup>th</sup> and 20<sup>th</sup> June 1843, Council members could not make the trip to Sydney in time for the opening (Shaw 1996:184-185). Later the electors demonstrated their discontent by electing Lord Grey, Secretary of the Colonial Office, to the Council (Shaw 1996:246). Confirmation of

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<sup>55</sup> Indeed the Port Phillip Association agitated for Victoria to be administered from Van Diemens Land.

separation was announced in Victoria on the 11<sup>th</sup> November 1850 and was formally proclaimed on 1<sup>st</sup> July 1851 (Shaw 1996:234-237).

Separation was authorised under the *Australian Colonies Government Act* (13 & 14 Vic c59) which allowed the separation of Victoria, the establishment of blended Legislative Councils, extended the franchise to landholders who had six months tenure of a freehold estate of £100 or occupation of a dwelling of £10 annual value or leasehold or tenure of a pastoral run. The Colonies were empowered, with the consent of the Queen in Council, to alter the electoral laws or to change their blended Legislatures into separate Legislative houses (Ward 1976:294-295). As Ward noted this left "part of the constitutional future of the colonies ... in their own hands, subject to royal assent" (1976:296).

The instigator of responsible government was the then Secretary of State for the Colonies, the Duke of Newcastle.<sup>56</sup> On the 5<sup>th</sup> August 1853, the Secretary of State for the Colonies informed the Governors of NSW, Victoria, South Australia and Van Diemen's Land that the recent discoveries of gold had made it become urgent that powers of self government be granted to the colonies. This was not quite independence from the United Kingdom<sup>57</sup> but gave colonies the freedom to make decisions about their own affairs. The establishment of responsible government had obvious issues for squatters who after all were tenants of the Crown and therefore more vulnerable to the whims of Government than owners of freehold land.

In NSW the Legislative Council had already acted with the *Electoral Act* of 1851 which was brought into the Legislative Council to implement the reforms of the *Australian Colonies Government Act*. These amendments were to ensure that the "city" interests did not outweigh the "country" (*i.e.* squatting and conservative) interests due to their numbers (Ward 1981:170-171). In 1852, a select committee of the Legislative Council began to formulate a new constitution. According to Ward, the Council although in favour of responsible government did not want party government or collective responsibility as was in the Canadian constitution (Ward 1976:308). The committee was dominated by conservatives. They produced a very conservative constitution that appeared to enshrine conservative power. One proposal, favoured by W.C. Wentworth was for the establishment of a hereditary aristocracy.<sup>58</sup> Opposition to the proposed constitution outside the Council was great and was carried over to the lobbies of the House of Commons where former liberal Council member Robert Lowe (now an M.P. in Westminster) lead opposition to the constitution's provisions. The constitution was amended to remove many restrictive measures and passed as the *NSW Constitution* 18 & 19 Vic c54 (Gollan 1960:20, Ward 1976:328).

The NSW constitution comprised a nominee Legislative Council and an elective Legislative Assembly. Members were required to hold property and electors (for the

<sup>56</sup> For the background to this see Ward (1976).

<sup>57</sup> The British retained foreign affairs and defence powers for example and of course even today we still have their wretched Queen.

<sup>58</sup> This was ridiculed in the liberal press as a "bunyip aristocracy". Charles Harpur in *the Empire* argued that the main qualification for membership of this aristocracy should be the possession of a huge Wellingtonian like nose, "pack our nominee chamber with noses of such amplitude and consequently of such roaring sternutational power, that one and twenty of them ... might even discharge (if need were) on the anniversary of a coronation, or what not, a very satisfactory and right royal salute, to the public saving of much excellent gunpowder".



Lower House) were required to hold property worth £10. The provisions, intended to enshrine power in the Legislative Council, proved surprisingly easy to overcome. As the appointment of members was in the hands of the Crown as advised by the Premier of the day, it proved feasible to threaten to “swamp” the Legislative Council with new appointed members to pass certain measures. This proved to be an effective threat in the debate over free selection. Furthermore, after the passing of the *Election Act* of 1858 (22 Vic.c. 20), the property qualification for members and electors was abolished allowing “universal” suffrage. This change fundamentally weakened the legislative power base of the squatters as it allowed anti-squatter forces to be elected to Parliament.

In Victoria, after separation, rule was, as in NSW, by the Governor and the semi-elected Legislative Council. The Legislative Council’s electorates were biased towards the country. Searle says that Melbourne, Geelong, and surrounding counties which had 70% of the population had 8 of 20 seats (*i.e.* 40% of seats). However this gerrymandering “produced a Council so unrepresentative that its authority was gravely weakened” (1963:14). However in 1853 the Victorian Government initiated moves for a change in the Victorian constitution and without going into detail (for which see Searle 1963:146-152) the change was to bicameralism with a democratically elected lower house and an upper house to check the democratic ambitions of the lower house. In Victoria, Wentworth’s suggestion of a nominated Upper House or the creation of an aristocracy was rejected in favour of a property qualification for electors. This entrenched the conservative nature of the Legislative Council. “Time was to prove the good judgement of the Victorian founding fathers; for, whereas by 1861 Wentworth was already crying out in agony against the ministry of the day ‘sweeping the streets of Sydney’ to ‘swamp’ the Legislative Council, in Victoria the council for a century was to bar the road to progress with unruffled calm and dignity” (Searle 1963:148).

The Legislative Assembly was to be elected by a broader property franchise where voters had to hold £50 worth of property or equivalent. This was later broadened to include holders of miner’s rights. The property qualification for the Council was set at £5000 for members and £1000 for electors. There were six multi-member electorates biased towards interests rather than population. The property requirements entrenched the squatting interest in the Legislative Council. The *Victorian Constitution Act* was sent to the British Parliament in March 1854 and, with the *NSW Constitution Act* passed in 1855 (18 & 19 Vic c54, 18 & 19 Vic c55).

One of the more useful acts of the first Victorian Parliament was to modify the constitution to remove the property qualification for voters. This was the work of political maverick Charles Gavan Duffy, an Ulster Catholic and advocate of the “Irish cause” especially the Irish land question. Duffy brought to Victoria his intellectual vigour and the experience of having been a member of the House of Commons. Duffy migrated to Victoria in 1856 (Searle 1963:249-252). Duffy was elected in the first parliament and brought in a private bill to abolish the property qualification for members of the Assembly, which was passed in 1857. The legislation allowing universal manhood suffrage was passed in late 1857. A longer battle was fought over the nature of electorates in 1858. Reform legislation was passed in the Assembly but defeated in the Council and a resubmitted bill was passed which still held the “diggings vote” to about half the value of votes in electorates outside the gold

diggings. The concern was that the interests of the diggers, due to their large numbers, would swamp the legitimate interests of the rest of the Colony (Searle 1963:282).

To conclude, both states had elected Lower Houses but the elected Victorian Upper House was gerrymandered so that it could obstruct the business of the Assembly. In contrast, the Lower House in NSW could tame the appointed and non-democratic NSW Legislative Council if the Premier was politically strong enough to swamp the Council with appointees. Importantly both States now had control of land administration. This means that through Parliament, laws and regulations could be passed that could literally shape the landscape and displace the squatters. However, the extent to which they could make and change land legislation depended on the degree to which legislators in the Lower House could push legislation through the generally conservative Upper Houses.

### **The Gold Rushes**

The unexpected discovery of gold, first near Bathurst in New South Wales and then in the immensely rich Victorian fields in 1851, turned both colonies upside down. Finds of gold in Australia had been made from 1838 and generally had been dismissed by squatters on whose runs it had been found. The celebrated remarks to the amateur geologist the Reverend W.B. Clarke by Governor Gipps "put it away Mr Clarke or we shall have all our throats cut" (Blainey 1964:8) represent the general view of government and the squatters that with the discovery of gold, social disorder would follow. They were not far wrong as far as the existing order of pastoralism was concerned.

William Forlonge, a prominent squatter, wrote from the Seven Creeks Run near Euroa in December 1851 that "No one seems to know what to do. Government, Bankers, Merchants, Squatters, all, all seem in a maze of bewilderment". Forlonge claimed that all his tenants "had been ridiculously fortunate" and were worth "from £500 to £1000 each". As for the effect on the squatters "we are hard up for Shepherds"... but ... "The Diggers must eat and I have no doubt we shall ere 12 months passes be getting 20/- for fat wethers." In the long term Forlonge saw that the squatter's monopoly of land would prove to be of greater economic benefit to them than the gold fever (William Forlonge, 30 December 1851).

The initial impact of gold for some squatters was disastrous when gold was found on their runs. Squatters such as David Cameron at Clunes, William Campbell at Strathloden,<sup>59</sup> David Barker at Mount Alexander (the latter two held the Castlemaine-Chewton goldfields), the Learmonth brothers (Buninyong and Ballarat gold fields) David Reid at Reid's Creek (Beechworth and the Ovens Valley) virtually lost control of their runs as miners invaded and dug up their runs and there were no police to remove the trespassers. The land law was changed to allow areas to be proclaimed as "Gold Fields" to prevent squatting (Blainey 1964:28-43). Immediate indirect effects were digging up the ground, discharge of sediment into creeks, dislocation of water supply into creeks and so on, rendering the land unsuitable for pastoralism (Kiddle 1961:198). Surprisingly few squatters seem to have become diggers, although in the later period of company mining some, such as the

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<sup>59</sup> Whose front garden was dug up by over enthusiastic diggers (Searle 1963:11)!

Learmonth's, invested in mines.<sup>60</sup> Many squatters however, visited the diggings out of curiosity.

It was fortunate for the government that so much of the goldfields were Crown Land (*i.e.* Crown Land leased to squatters) for, had the land been freehold, access for gold digging would have been a major problem. There is no doubt the diggers would have trespassed on the freehold land as they did on squatting runs and there was no effective force to remove them. Some freehold land at Clunes held by squatter McDonald<sup>61</sup> was leased to the Port Phillip Mining Company, the first major company gold mine in Australia. (Blainey 1964:66). As it was, only a comparatively few squatters were directly displaced by the Gold rushes.

The result of the gold rush for most squatters was a shortage of labour as labourers deserted to the diggings. Despite the provisions of the *Masters and Servants Act*, which bound servants to their contracts, labourers simply left. The act could not be enforced as the Government was in a similar position to the squatters with most police deserting to the diggings. In the absence of labourers, Squatters, Chinese, Aborigines, Lunatics and even women were co-opted into shearing and washing the 1851 fleece (Kiddle 1962:181-212). With a major labour shortage wages had to rise. Jeans quotes wages of shepherds as rising from £20-25 per year in 1850 to £30 in 1853 and £35 in 1835 (Jeans 1972:166). Kiddle argues that wages in effect doubled from 1851 to 1853 (1961:199). The high cost of labour rekindled interest in fencing as one way of controlling flocks and reducing the need for shepherds. Kiddle claims that wire fencing was introduced at this time to the Western District (1961:200) presumably to help alleviate the labour shortage.

However, all was not lost for the squatters particularly for runs near the diggings as the sale of meat to the gold fields proved to be highly profitable. Gammage noted that the gold fields created an insatiable demand for meat which made the Riverina squatters rich (1986:51). In the Riverina the demand for meat first favoured cattle (which also required less labourers to manage) but later, as the huge alluvial rushes peaked and subsided, sheep were favoured as the wool supplemented falling income from meat (Gammage 1986:53). The demand for meat also led to squatters pushing into the back blocks between the rivers to establish staging paddocks for cattle.

In the long term however the huge population increase in Victoria and New South Wales<sup>62</sup> increased pressure to unlock the lands from squatter's controls. Once the initial labour-intensive alluvial rushes had subsided, there was a large population with no occupation. The pastoral industry and the emerging company mining (with its associated manufacturing industry) could only absorb a small portion of the available labour. An obvious choice was to turn (or return) to agriculture but the land was

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<sup>60</sup> The Learmonth example is salutary. Although well known as expert fine wool sheep breeders, they invested unsuccessfully in the New Enterprise and Mount Egerton mines. Both the mines made spectacular profits after the Learmonth's sold them, suggesting that the mine managers had misled them as to the prospects of the mine. The Learmonth's then lost even more money, suing their manager right up to the Privy Council.

<sup>61</sup> Blainey says McDonald, who seems to be absent from the lists, possibly this was Robert McDonald one of David Camerons executors, Searle says McDonald bought the run from Cameron (1963:226).

<sup>62</sup> Goodman claims for Victoria an increase from 77,000 in 1851 to 237,000 in 1854 and 411,000 by 1857 (1994:ix). For NSW Jeans claims an increase from 187,000 in 1851 to 350,000 in 1861 (1972:171).

mostly held under squatting title and herein lies one of the underlying forces driving the selection movement.

Thus by the 1860s two of the elements driving selection were in place: a large population ready to take up land and political changes in Government that allowed comparatively free elections in the lower houses and for each State to make laws about land. At the same time, much of the available land was held by the squatters under lease from the Crown.

### EXPANSION INTO THE WEST

In Chapter 3, the discussion of the expansion of squatting was left with the squatters looking at the land now known as the Western Division of NSW or the Western Plains. Squatting expansion in the Liverpool Plains and in the Riverina had slowed as squatters took up the land in Port Phillip and on the New England Tablelands in the mid-1830s. The squatters were also faced with the prospect of taking up country seemingly hostile to settlement with large waterless plains and inedible saltbush. This was a different ecosystem to the grasslands and open woodlands settled in the initial squatter expansion from the limits of location. Faced with this squatters had to learn how to use the land. Expansion into the Western Plains was slow and further limited by the effects of the 1840s depression that cut funds for pastoral expansion.

The geography of the Riverina and the Western Plains is dominated by major rivers, the Murray (which forms the southern boundary of the Riverina), the Darling, the Murrumbidgee and the Lachlan as well as the numerous prior streams which now form smaller watercourses but were in the Pleistocene, the former main courses of these rivers. In between these streams are broad alluvial plains devoid of trees and water. The One-Tree Plain is between the Murrumbidgee<sup>63</sup> and the Lachlan and the Old Man Plain between the Murrumbidgee and Billabong Creek. West of the Lachlan is the Darling River which curves from the western side of the Darling Downs and the New England Tablelands across western NSW until it joins the Murray River at the south west corner of NSW. A simplistic, but easy to understand approach is to view the major rivers as being good for squatting and the plains between them as unsuitable for squatting settlement.

Settlement of the western Riverina proceeded by following along the main streams, largely ignoring the plains. Langford-Smith notes that expansion into this area began in the early 1840s. Uardry Station (near Hay) was taken up in 1840 and by 1845 Paika just below the junction of the Murrumbidgee and the Lachlan had been established. By 1842, squatters had occupied the areas on the Murray around Deniliquin and careful exploration had found the Edwards River and Yanga Lake between the Murrumbidgee and the Murray. By 1848, squatters had taken up all the river frontages as squatting runs. Settlement had reached the junction of the Darling and the Murray by 1847 and squatting runs were slowly taken up along the Darling to the present site of Menindee (Shaw 1987:16).

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<sup>63</sup> The One Tree Plain features in the well-known song "Flash Jack from Gundagai".



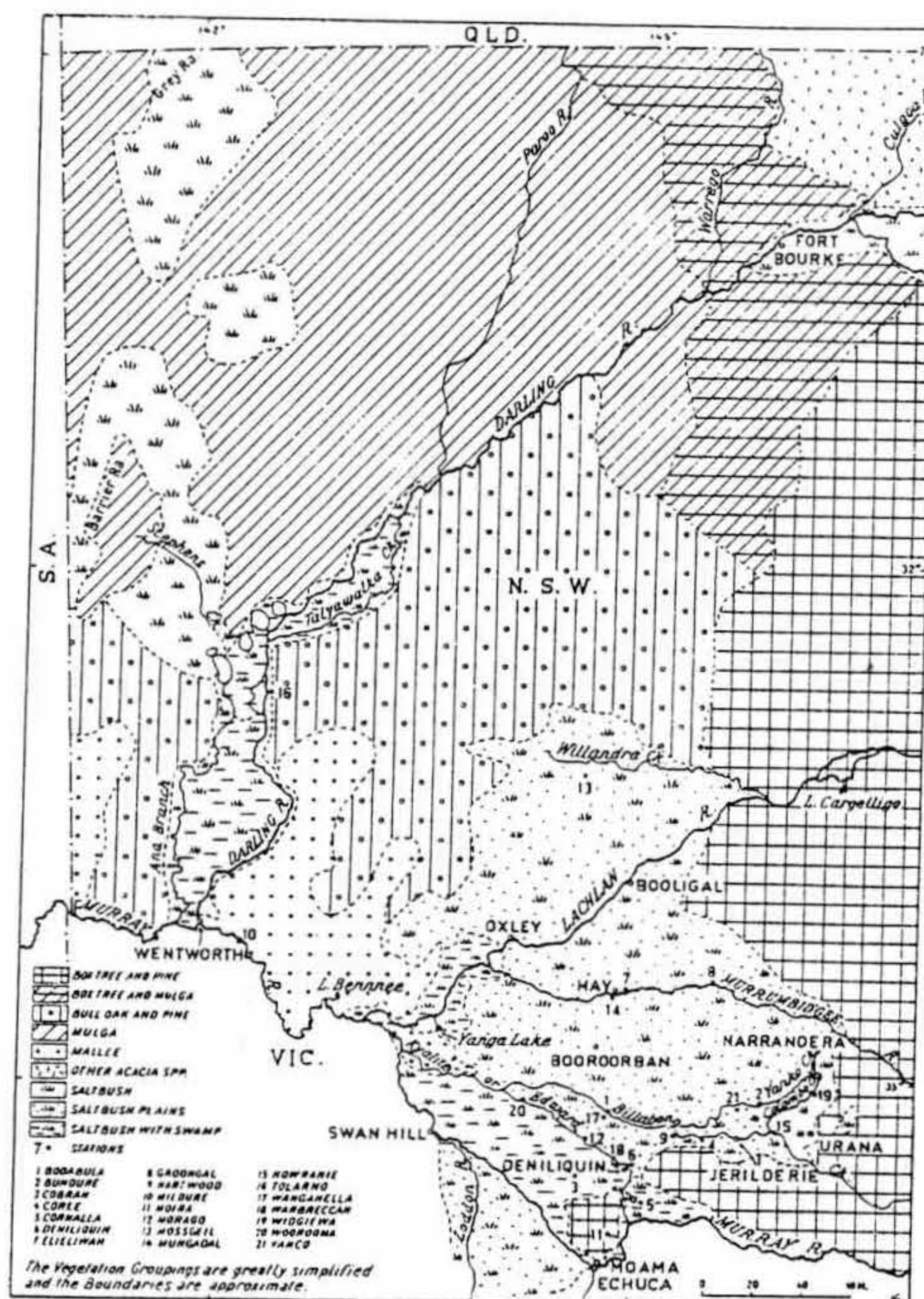


Figure 4.1 The Riverina

The plains between the major rivers (Darling, Lachlan, Murrumbidgee, and Murray) however were not seen as suitable for squatting due to the lack of water. Such areas were largely unoccupied up to the 1870s except for stray sheep. In January 1847 an expedition scouting the plains to the north to the Murrumbidgee near Mirrool Creek resulted in one member, a Mr. Stewart, dying of thirst. This experience was typical of exploring parties moving from river system to river system across the plains. The geography of the rivers also helped exploration and settlement from Victoria and from Queensland as the rivers ran on a roughly North–East to South West axis making it relatively easier to move along the rivers rather than having to cross waterless plains as explorers from Sydney had to do.

Langford-Smith made a rough comparison of grazing licences issued in the Murrumbidgee, Lachlan, and Monaro districts in 1840 with lease claims in 1848. This demonstrated the rapid pace of settlement in the Lachlan and Murrumbidgee districts over the eight years with a more than 50% increase in both areas (1968:108). Much of this land was along river frontages (of which the Murrumbidgee District had more due to the various anabranches and prior streams).

Settlement followed up the Lachlan and up the Darling. Major Mitchell had surveyed the Darling in 1835 from "Fort Bourke" south to the Murray. Charles Sturt followed up Mitchell's exploration in 1844-45 by travelling up the Darling to Menindee and



then exploring the land to the north reaching into Central Australia. By 1847, squatters were moving up the Darling and by 1851, the future site of Wilcannia township was occupied (Shaw 1987:14-15).

At the same time settlement was proceeding South West (*i.e.* downstream) along the Darling from the squatting runs established on the Barwon River in 1840. The squatters moved slowly and by 1847 settlements were established on both banks of the Barwon and on rivers flowing into it from the north in the Warrego country (Heathcote 1965:96-97). The squatters in this area were exclusively grazing cattle and Heathcote points out the difficulties of moving cattle to market especially in the droughts (1965:99-100). One wonders why settlement occurred here at all, it being so far from Sydney.

By 1857, the frontage along the Darling/Barwon<sup>64</sup> had been leased but Heathcote notes it was not until 1859 that these were actually occupied (1965:100). There was also exploration and occupation along the streams running through the Warrego country. A similar pattern of exploration and occupation was occurring further downstream where small parties financed by squatters were exploring the country to the north of the small towns of Menindee and Wilcannia in 1860-61 (Shaw 1987:20-21).

Following squatting interest in these areas Government officials in the form of Commissioners for Crown Lands or surveyors moved in to survey land for tendering as pastoral runs. Shaw's detailed history of Yancannia Creek, a run to the north of the Darling, shows that virtually as soon as the land had been surveyed it was applied for, in this case by the Henty family now based in Melbourne (1987:39). Heathcote notes a similar pattern of settlement in the Warrego in the period 1859-1865. He describes the settlement as being speculative, based on a few good seasons. This enthusiasm ran to taking up runs on the plains and lasted until the onset of drought in 1865. The resulting severe shakeout led to a retreat of settlement to the river frontages (1965:102-03).

Shaw quotes a detailed account of Yancannia Creek (then called Toorwotto) prepared by George Watts, an accountant who inspected the run for the Hentys in 1867. The run seems to have been largely unfenced with most capital improvements centred on the homestead (see figure 4.2) and the woolshed. The run would have been carrying around 25,000 sheep. Notably Watts does not mention water conservation measures such as tanks and dams. The run, it seems was not much different from the pioneering runs established by the Hentys in 1835 in Victoria.

Settlement along the Lachlan is less documented than either the Darling or the Murrumbidgee. By 1841, settlement had reached the area of Lake Cargelligo (Cannon 1992:32). Settlement must have moved down the Lachlan from there and up from the junction of the Murrumbidgee but no historical work seems to have been done to outline the process of settlement. Freeman however notes that settlement at the junction of the Lachlan and Murrumbidgee dates from 1846 or 1844 (Freeman 1980: 140; 1982:129).

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<sup>64</sup> The Darling being so long was discovered and named in two main places hence the Barwon River runs into the Darling but really they are the same river.

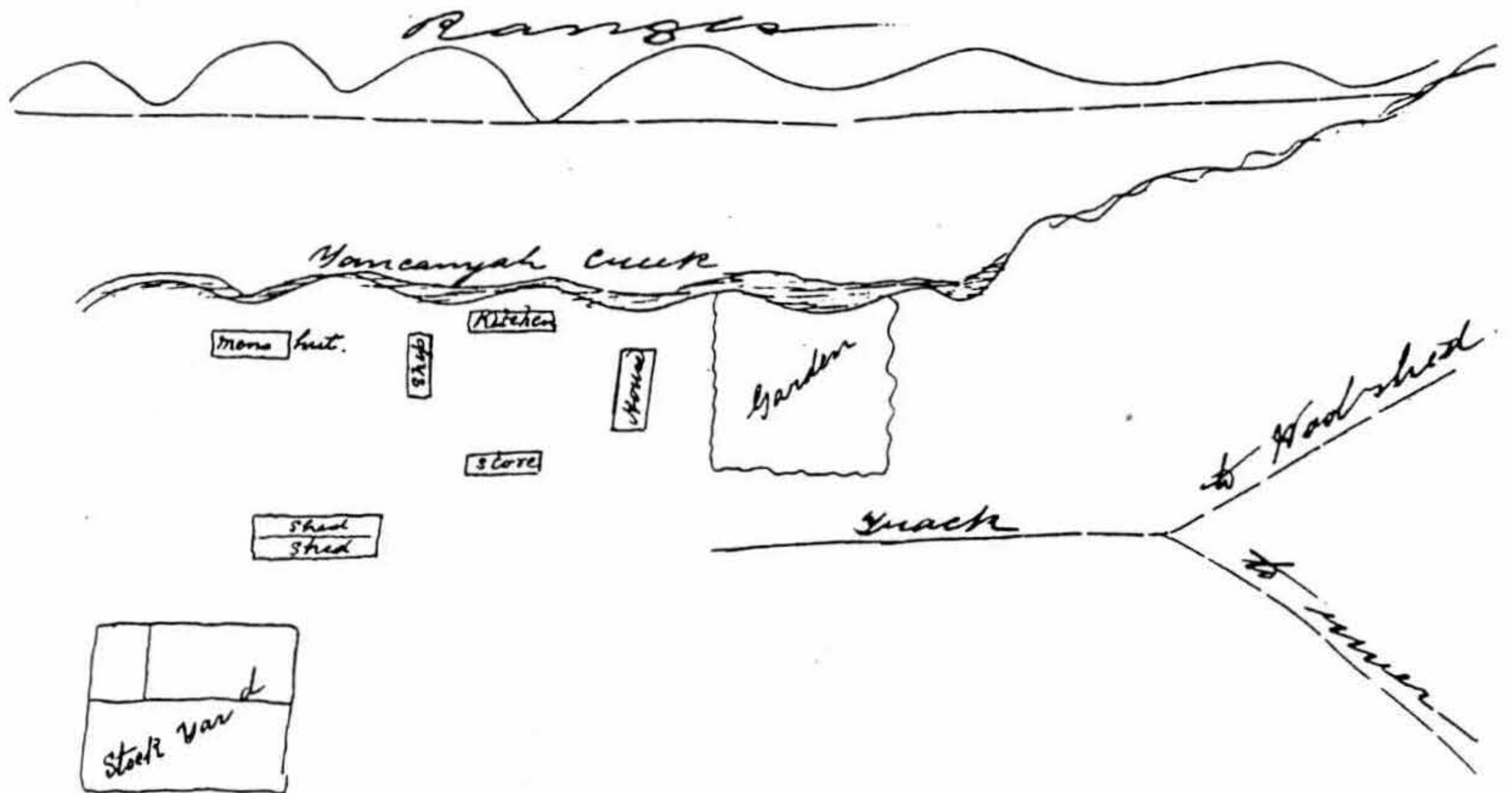


Figure 4.2 A typical Western Division run, Yancanniah Creek in 1867

The process of settlement seems similar in each case. Initial exploration along the rivers and then forays into the areas away from the rivers in which the explorers nearly die from thirst or are speared by Aborigines. Settlement proceeds along the streams and Commissioners or Crown Lands then document the runs. Finally surveyors were sent in to survey the back blocks for lease. Thus there was an interesting settlement pattern expressed on the cadastral maps consisting of runs orientated to the frontages of streams and then a series of blocks orientated to the cardinal points on the plains (see Figure 4.3).

The gold rushes produced an enormous demand for meat and squatters in the Riverina, Western Plains and as far north as Queensland found a ready market for their cattle. The problem was actually getting the cattle to market. This was done on the hoof with droving routes from the north running south to Dubbo. From Dubbo, two routes were used. The most easterly ran to Wagga and then along Billabong Creek to Deniliquin on the Edwards River. The western route ran down the Lachlan and across the One Tree Plain to the Murrumbidgee and then across the Old Man Plain to Deniliquin. At Deniliquin, the cattle were sold to Victoria buyers. The great boom in cattle ran from 1851 to 1858 (Jeans 1972:166-67).



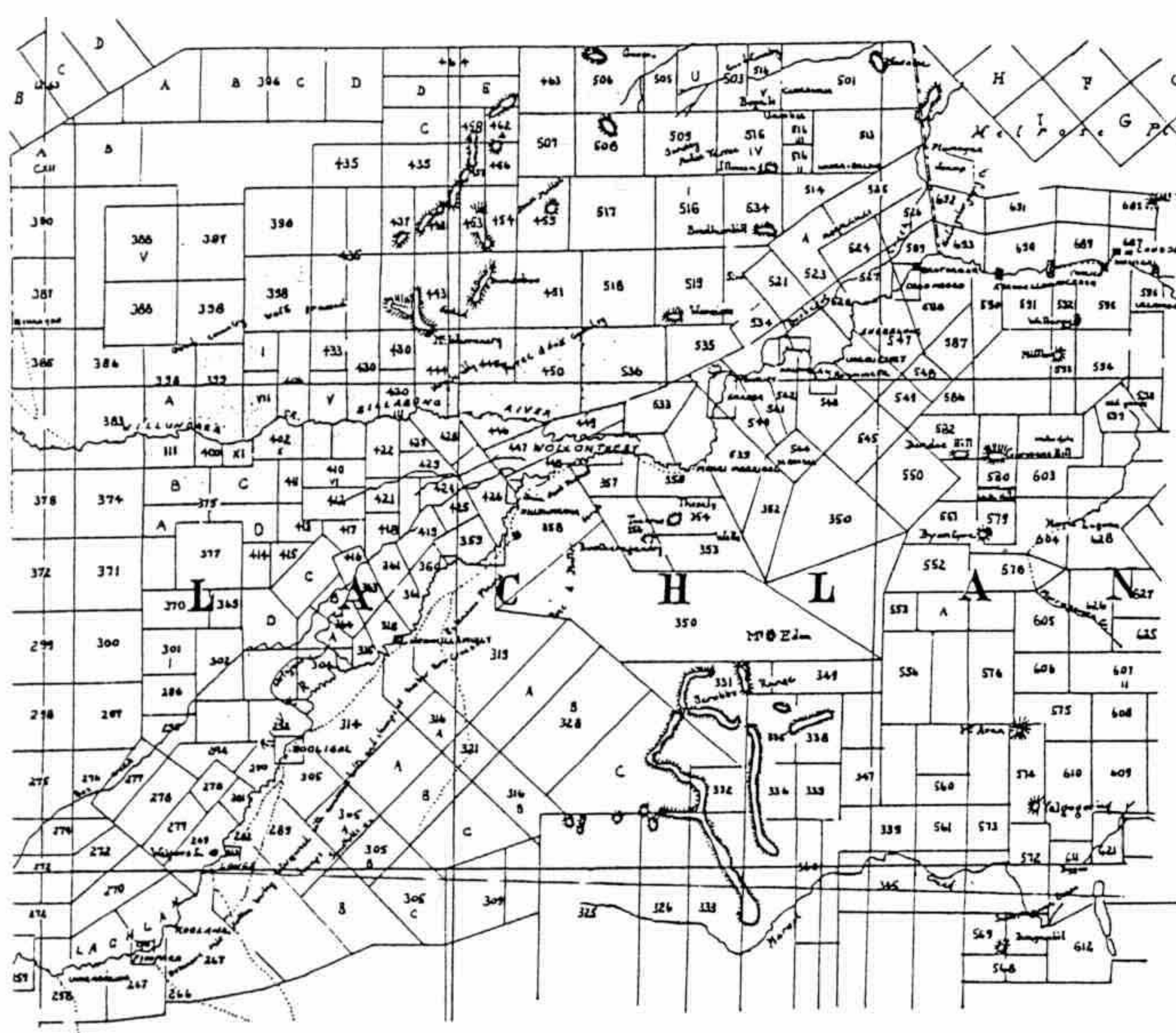


Figure 4.3 Pattern of Runs on the Lachlan near Hillston

The settlement along the Murray-Darling river system was assisted by the development of the riverboat traffic. In 1853, steam-powered riverboats began to explore the Murray. The initial boats were based at Goolwa in South Australia and aimed to supply the pastoralists taking up the river frontages (Jeans 1972:170). Unfortunately for the South Australian merchants, the riverboat trade actually centred itself on the town of Echuca where transport to Melbourne was relatively efficient. The emerging riverboat trade supplied the outlying settlements and was a suitable and cost effective means of transporting a wool clip to the ports.

The connection to Victoria and Melbourne, the capital, was reinforced by the construction of the railway to Bendigo and then to Echuca (1864) where the railway connected with the riverboat and coach networks. This transportation network linked much of the Riverina and Western NSW with Melbourne rather than Sydney the capital of NSW. An investment network paralleled the transportation network by leading Victorian squatters into squatting runs in those areas. It is of no surprise to find the Premier of Victoria owning a pastoral station in the Riverina.

By the mid-1860s, the pastoral occupation of South-Eastern Australia was largely complete. The 1860s were also a period when reliable statistics allow some understanding of the nature of the pastoral industry across South-Eastern Australia. Butlin summarises the situation as Australia having a sheep population of 16.7 million



in 1862. NSW and Victoria had roughly equal sized flocks while Queensland had a flock of 4.3 million or 25% of the total. In Victoria, the flocks were mainly in the Western District and the Wimmera with smaller numbers in the Central and Gippsland districts. In NSW, the majority of the sheep (65%) were in the Eastern Division (which included the Monaro and New England). Some 33% of sheep were in the Central Division mostly south of the Lachlan (*i.e.* the Riverina). Only 5.8% of the sheep were in the Western Division. In Queensland 80% of the sheep were in the Darling Downs or on the Coast while a small number were in the bits of the Warrego in Queensland (Butlin 1962:284). In contrast, cattle grazing seem to be dominant in the Central Division of NSW north of the Lachlan, in the Western Division and on the coast.

### SELECTION AND THE "YEOMAN MYTH"

The selection movement<sup>65</sup> and the associated "land debates" were one of the major political issues of mid-to-late nineteenth-century Australian political life. The selection movement aimed to break up the monopoly on land enjoyed by the squatters and to settle "yeoman farmers" in small holdings on the land where they could form a solid yeomanry engaged in agriculture. While the initial period of the land debates from the 1850s to the mid-1860s concerned the process of establishing selection, in the remaining period, the debate revolved around the effectiveness of the various selection acts in achieving the aims of putting "bona fide" small farmers onto the land. In trying to understand the selection movement, it is useful to separate the underlying ideology - "the yeoman myth" and the varying attempts of government to translate the ideology to physical reality on the ground through legislation and administration.

The "Yeoman Myth" was based on the notion of the small farmer as the basic social and economic unit in Australia. The term Yeoman has its origins in the Middle Ages where a Yeoman was a free person cultivating a small holding. I always imagine the Yeomen as being the long bowmen at Agincourt. Lake has commented "the invocation of the yeoman ideal grow out of an idealised memory of England. There is some irony in the fact that Australian colonists began to implement practical measures to establish the yeoman in the Australian countryside at about the same time English commentators were lamenting his disappearance from the English scene" (1987:12). The Yeomen fitted in below the nobility and Gentry but above the peasants and other rural workers. They were seen as the heart of England and in Australia, the establishment of the small farmers as yeomen was seen as having a great benefit to the country.

Exactly where the "yeoman" myth came from has never been explicitly studied. Roberts saw the selection movement as emerging from the increase in population due to the gold rushes but was not particularly specific about how selection came about

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<sup>65</sup> Free Selection was the term used in the 1850s and onwards. Towards the 1890s the term Closer Settlement came to be used which referred to an aspect of selection in which the government resumed pastoral estates and sub-divided them for smaller settlements. Following both World Wars there was also Soldier Settlement which was Closer Settlement for surviving servicemen (not Aboriginals however). All these programs aimed at implementing the "Yeoman Myth". Thus, the aims of selection persisted for over a century.

(1968). Manning Clark seems to have seen selection as an outcome of the growth of the bourgeoisie, again as a result of the gold rush, and the general push for equality in things such as the franchise and in access to land (Clark 1978). Most historians have followed this route although the involvement of some reformers in the Chartist movement has been well noted (e.g. Powell 1970:59-60).<sup>66</sup>

Baker in the 1960s presented a challenge to the whole historiographic notion of selection by arguing that the Robertson Land Acts were less about helping the former gold diggers settle on the land than a class war between pastoral wealth and bourgeois wealth (1964:104). Thus, the selection movement is seen in Bakers article as an agent of the rising middle class. There are shades of similar arguments about the rise of the middle class in England in Bakers paper, even to the point where the poor workers are criticised by Baker for being an "immature" colonial working class whose prophet was Thomas Paine rather than Karl Marx (1964:118-119). This is similar to the way that the middle class is seen, by some historians, to have failed in England. Baker argues that the important question about the selection movement "is not: how many people did it settle on the land? But rather: by what methods were people prevented from obtaining independence through land ownership?" (1964:126). Baker is right to consider the role of the middle class in the selection movement, it is clearly middle class, however he seems to ignore the middle class nature of the squattocracy.

What is not clear in these explanations is why selection was such a strong movement which persisted in one form or another, despite various disasters and obvious flaws and much human pain and suffering until at least after World War II, over a century. Historians have failed to explain the hold that the "yeoman myth" had on the population. Gammage in an otherwise interesting article on selection in NSW seems at a loss to understand this vital point and after reviewing the literature really only outlines possibilities such as "the land acts hoped to re-create an ideal or rural England in NSW" (1990:115).

What has not been discussed is Victorian-era culture. At heart of the yeoman myth is the concept of domesticity. What is more domestic than the ideal of the home with the woman hard at work looking after it and the man improving the land and his family by his hard work. The yeoman myth is the cult of domesticity as applied to an idealised conception of the selector and the Australian landscape. Selection therefore is not some yearning for a fading England but one of the central "Victorian values" that formed the culture of the time. This helps explain why there is evident squatter support for selection; they supported the same domestic ideal as the selectors (and indeed were playing out their own form of domesticity as expressed in squatter's respectability) although not its direct application to their land.

Goodman's work on the Victorian goldfields has shown that the cult of domesticity was well entrenched in Australian society by the 1850s. Goodman argues that domesticity as an ideal stands in opposition to the masculine freedom of the bush that was realised in life on the goldfields and mythologised by later masculinist writers as the heroic bushman<sup>67</sup> (Goodman 1994:149-152, see also Lake 1986). Goodman sees that this freedom (from domestic responsibilities and obligations) was a threat to

<sup>66</sup> The Chartists had land reform on their agenda.

<sup>67</sup> By extension this argument would also apply to aspects of early squatting (c/f Ferry 1999).

Victorian-era society based on domesticity. The threat was countered by a propaganda war restating the domestic ideals and projects such as Caroline Chisholm's that aimed at creating domesticity by supplying diggers with respectable wives (Goodman 1994:165-178). However, the land issue became an obstacle in this project, for the domestic ideal involved in its rural application some form of farm, a difficult prospect when most of the land was held by the squatters.

The difficulty was that it was never in the squatter's interest to have their families and estates broken up by selection. This would spell the ruin and failure of their domestic aims and squatters acted to oppose selection. Thus in the land debates and the squatter/selector conflict there are two groups in society struggling to live out the same ideology of domesticity. This explains why explanations in class terms are not satisfactory as often squatters are seen as acting against their assumed class interests (for example by passing the legislation); they approved of the principle but not its practice.

It is important to note that selection was an Australia wide movement not confined to a particular colony. There was also an evident link with land reform movements in England, primarily the Chartist policies on land reform and with Irish Land Reform and American Homestead Acts. This suggests that the "yeoman myth" was tapping into a broad international movement, which is not surprising given the international spread of the cult of domesticity. Agitation for selection began in 1853 but it was not until the end of the 1850s that political campaigns for universal (male) suffrage and an elected Lower House were linked with land reform. "It becomes increasingly more difficult to distinguish a real desire to farm from consuming passion to oust the squatters from their land monopoly and their social and political dominance" (Powell 1970:64).

Perhaps the most interesting aspect of the rhetoric of selection was its divorce from the physical landscape. The successes of any farming or grazing movement must rely on the environment for the creation of wealth. Thus, the success of selection was dependent on the physical features of the landscape in which it occurred. Yet, little attempt was made to modify the yeoman ideal to the obvious variation in environments across even as small a state such as Tasmania let alone a large state such as New South Wales. It was only after drought and ruin that attempts were made to respond to environmental conditions. Similarly, the economics of small farming were barely considered. In 1860, there were minimal transport facilities in place and small producers would have been limited in the markets and produce they could sell. It was only in the 1890s when efficient refrigerated transport was introduced that those small producers could sell produce into the markets of the large towns and export to the United Kingdom. Given these two points, the interesting question is why anyone would want to select at all but it seems clear that the ideology of domesticity - "a vote, a rifle and a farm was the slogan" (Searle 1963:296-300) - seemed to override the practicality of actually making a life.



## THE SELECTION ACTS

The 'yeoman myth' was translated into policy by the various State Parliaments legislating to allow selection on Crown Land. The process of translation was contested by the squatters both in Parliament and in the country where the application of the legislation was contested by a variety of means. The legislation and its working within a particular landscape are imprinted onto the landscape and it is really impossible to understand the process of selection and the squatting response without a detailed explanation of the legislation that implemented the ideals of selection. In this thesis, the discussion has focused on the two main Parliaments covering the squatter heartlands, those of New South Wales and Victoria.<sup>68</sup>

### NSW Selection Acts

Central to the passing of the NSW Land Laws and their subsequent history was John Robertson (later Sir John). Robertson came from a family in the Upper Hunter, which owned land and held more on annual lease. Robertson is often described as being a squatter or of squatter origin but his method of landholding suggests that he was not. Robertson supported the squatter's against Governor Gipps but by the mid-1840s, he was more concerned with the need for responsible government based on a democratic franchise (Nairn 1976:38). Robertson was strongly active in the 1850s for the "universal" franchise and equality of electorates and in opposing Wentworth's proposals for a hereditary upper house.

Hand in hand with this democratic urging was Robertson's support for selection. One of his earliest statements on the question was given to the Legislative Council's Select Committee on the State of Agriculture on 31<sup>st</sup> August 1855. In a written submission he claimed that the failure of agriculture to develop in NSW was caused by the current government policy, which mitigated against the formation of small holdings. Robertson first pointed out the contrast between the squatter, who occupied land on a cheap lease with the option to purchase areas at the lowest possible price without competition and the agriculturalist. The agriculturalist had innumerable problems, firstly in applying for and having measured a block for sale during which time a squatter had ample time to select it himself or outbid the farmer at auction. Secondly, he pointed out that while the squatter may impound animals on his run and charge fees for impounding them the freehold farmer could not impound the squatter's cattle. Finally, while the squatter could raise capital by borrowing on his wool crop or cattle through the *Lien of Wool Act* and the *Lien on Stock Act* the farmers could not raise money in such a way. Robertson's remedy was a simple selection proposal allowing any person to enter on 80 acres of waste land before survey and pay the upset price for it four years later provided that he cultivated 10 acres in the first year and an additional 10 acres per year thereafter (Robertson 1855).

Robertson was asked why people would not settle on agricultural land as tenants. Robertson claimed it was natural for people to want their own piece of land and not to spend their lives making improvements to the land of others. In support of his

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<sup>68</sup> A slightly greater emphasis is given to the New South Wales legislation, as this is where the case studies are located. The Victorian legislation is discussed in detail by Powell (1967, 1970). Roberts 1968 gives details of selection in other states.

argument for selection Robertson cited the way "it is done in America" where selection before survey was the system (Robertson 1855). Robertson was not the only person involved in the selection movement. This was a period of political agitation for land reform, which Baker has identified as being supported by three groups: wealthy landowners holding freehold estates, middle classes and working classes (1964:111).

Robertson entered Parliament in 1856 and his Parliamentary work on the land issue resulted in his incorporation into Cowper's government as Secretary for Lands in January 1858. Following the February 1858 elections Robertson began to reform the Lands Department, including increasing pastoral rents and introducing land legislation. Following the election of 1859 Robertson introduced three lands acts to do with sales, occupation, and leases of Crown Land.<sup>69</sup> The latter was defeated and the ensuing parliament chaos resulted in Robertson's resignation from the ministry and eventually his return as Premier.<sup>70</sup> As Premier he introduced two land acts but was defeated in Parliament in October 1860. Robertson and his supporters won the ensuing election in December 1860 on the issue of land laws. In January 1861, Robertson resigned the Premiership to concentrate on pushing the land laws through, Cowper became Premier. The legislation passed the Assembly in March 1861 and Robertson had himself appointed to the Legislative Council in April 1861 to carry on the fight there. Faced with defeat in the Council, Cowper and Robertson persuaded the Governor to "swamp" the Council.<sup>71</sup> Faced with this, 19 Legislative Councillors resigned in protest. Eventually the legislation was passed in October 1861.

The Robinson Land Acts were in fact two bills: the first dealt with free selection and the sale of Crown Land, the second with occupation of Crown Lands by the squatters and others (such as for quarries, jetties and so on).

Under the *Crown Lands Alienation Act (1861) 25 Vic c.1*, the principle of selection without survey was established. Any person (or their agent) could select from 40 to 320 acres<sup>72</sup> of Crown Land prior to survey in areas other than town or suburban land or areas in a proclaimed gold field or under mining lease or land containing improvements on leased land (Section 13). From 1st Jan 1862 a selector could apply to select Crown Land (less certain exceptions) by tendering a written application on Land Office day (Thursday) for land between 40 and 320 acres. The selector could only make one conditional purchase of up to 320 acres but could make additional conditional purchase up to the total of 320 acres if frontage conditions were not exceeded.

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<sup>69</sup> In 1860 Robertson was Secretary for Lands and he began the process of tightening the screws on the squatters by limiting the right of pre-emptive purchase to 640 acres (*i.e.* a square mile) in any 25 square miles. Robertson rightly foresaw that, while Parliament debated the land question, the Orders in Council could be used to facilitate large purchases of land so these restrictions were brought in by regulation (see Lands Department - Miscellaneous Branch *Correspondence Files* No 85/15680 (AONSW Ref 10/3642 for details of this).

<sup>70</sup> It should be noted that Parliament at that time did not have the formal party and factional structure of the 20<sup>th</sup> century.

<sup>71</sup> *I.e.* appoint as many members as required to pass the legislation.

<sup>72</sup> *I.e.* ½ a square mile or 790.72 ha. In discussing the size of selections and runs it is easier to work in acres so that the size relationships can be easily understood rather than converting everything to hectares.

The land was sold at a fixed price of £1 per acre, 25% to be paid on registering, the balance within three years. The land had to be surveyed by the Government within one year.<sup>73</sup> The land was sold on condition that the purchaser resided on the land for one year (beginning within a month of selection) and improvements of not less than £1 per acre were made. At the end of the three years the purchaser or alienee (that is someone to whom the original selector may have sold the land to) could either pay off the balance or pay 5% interest on the amount owing at the start of each year.<sup>74</sup> The alternative way of purchasing land was through auction of surveyed blocks or lapsed conditional purchases. The act also allowed land to be reserved from sale for public purposes and therefore be unavailable for alienation.

There were some important exceptions under Section 7; Crown Lands leased before 22<sup>nd</sup> February 1858 were exempt from sale during the currency of the lease. This allowed existing squatters to remain unhindered until their leases expired. This explains why selection begins at different times in NSW.

The *Crown Lands Alienation Act (1861) 25 Vic c2*, repealed the Orders in Council but under the *Crown Land Occupation Act (1861)* squatters retained their runs and, as their original leases expired, the conditions on which they released them had to conform to the Occupation Act. The Occupation Act allowed leases for pastoral purposes by dividing NSW into three districts: First Class Settled districts (*i.e.* the old 19 counties plus the additional 3 counties), Second Class Districts and Unsettled Districts. Land within the settled districts could only be leased for one year, land in the other districts were available for lease for five years. Selection was allowed on these leases and as each piece of land was sold the rent progressively reduced.

The squatters retained a limited pre-emptive right of 640 acres for every block of 25 square miles (*i.e.* 16,000 acres) for old leases only. New leases did not have a pre-emptive right. There was provision for land to be sold without competition at a value of no less than £1 per acre in consideration of improvements made on it.

Land was to be measured as follows. Frontage to any, river, creek, road, or intended road was limited to 60 chains and boundaries directed to the cardinal points. If a block had no frontage then it had to be square. This rule determined the shape of much of NSW and contrasted with the use of natural features for squatting run boundaries.

In reviewing the operation of the 1861 Act during his second reading speech for the 1884 Act, James Farrell stated his view that “the law was conceived by the author...in the best interests of the country...It was framed for honest men, not for rogues” (NSW Legislative Assembly *Debates* 10:327). Farrell identified the main evil of free selection as “dummyism”.

“Dummying” was the selection of land by an individual with the intention of selling or transferring it to a squatter (or someone else) at a later date. Frequently the dummy

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<sup>73</sup> This provision was a legacy of the tardiness of the Surveyor Generals Department in actually surveying anything.

<sup>74</sup> There was no actual time limit on completing the purchase so a selector could simply pay off the interest as a form of rent yet have security of tenure. Some of the portions selected on the Cuppacumbalong run were held in this way, for example portion 28 Parish of Tharwa was selected in 1868 and the title was finally issued on completion of payment in 1920 after a period of 52 years.

was “loaned” the deposit money. Under the Robertson Land Acts it was not clear how many conditional purchases could be made (although it seems that it was intended that no more than 320 acres was to be conditionally purchased) nor what “any person” meant. This allowed squatters; squatter’s wives, children, servants, relatives, Aborigines and so on to select land for conditional purchase, the only difficulty being conforming to the condition of residence. Dummying took two forms, the selection of land by squatter’s associates, relatives or agents and the speculative selection of land by individuals (*i.e.* non bona fide selectors) in the hope of forcing the squatter to buy them out. There is no doubt that dummying was widespread practiced by squatters and selectors alike. Buxton (1967:159); Coward (1969); Ferry (1999:158); Gammage (1988:64); Hancock (1972:98-102) all give examples of dummying. One of the main aims of the 1875 amendments to the Lands Acts was to eliminate dummying.

“Peacocking,” another evil of free selection, was the selection or purchase of key areas of land such as waterholes, river frontages and so on so as to prevent selection on other areas of the run. By careful exercise of pre-emptive rights, improvement and purchase rights the squatter could, for example, select the best parts of the run.<sup>75</sup> An example of peacocking can be seen on the Wybray run where the leaseholders, the Yeoman Brothers, constructed a number of bores and tanks in the back country. These were then claimed as improvement purchases based on the expenditure the Yeomens had put into constructing the improvements (see Figure 4.4). The effect was to peacock the only sources of water in the back country thus securing the run from possible selection.

Peacocking was an effective strategy where vital resources were limited. Its operation was most visible in the west where water resources were a limiting factor and peacocking can be readily detected on the cadastral maps which have streams and water bodies plotted on them. Elsewhere, where water might not be limited but where other resources such as flat land might be limited, peacocking is a difficult strategy to detect without analysing the landscape in detail.

The third major problem was that of Reserves. Under the Acts, land could be reserved for various purposes, for towns, roads, mining, forests, Aborigines...etcetera, which was considered to be for the public good. Under Section 4 of the *Crown Lands Alienation Act (1861)* land could be reserved from sale, (which included selection) but such a reservation would not remove the land from the lease. Under Section 5 of *Crown Lands Alienation Act (1861)*, land required for a public purpose could be withdrawn from the lease. In areas where water was scarce reserves from sale could be made to prevent total monopoly of water frontages and to allow movement from the back blocks to permanent sources of water. This seems on the face of it to be good public policy and was instigated in the Lands Department in 1861 following the passing of the Land Acts (Robertson in *Select Committee on Reserves... 1865:33*). From Robertson’s evidence, consideration of reserves was based not only on the process of alienation but also to prevent squatters from leasing frontages only, knowing that this would prevent the leasing of the backblocks due to lack of water (*i.e.* peacocking the run).

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<sup>75</sup> The expression Peacocking refers to the picking the eyes out of the run, rather like a bird picks at grain. The peacock being a showy bird is a dig at the squatter’s pretensions.



However, the practice of creating the Reserves was a major issue. Local residents writing to the Lands Department usually initiated reserves. A surveyor was sent out to inspect or temporary reserves were made to secure land before a report being made by the surveyor. Following this a Reserve could be revoked, modified, or formally gazetted. A squatter by initiating the process of reserving land could effectively quarantine large areas of his run from selection. In the Riverina at least there was no doubt that the squatters were thought to have used Reserves to prevent selection (Buxton 1967:148-150, Gammage 1986:62-64).

The actual evidence of Departmental practice at the time was given to the Select Committee on Reserves under the Crown Lands Alienation Act in March 1866 (*Legislative Assembly* 1865-66). It seems quite clear that instructions were given to surveyors on how to set out reserves in circular form but that the sheer volume of applications, divided responsibility in the Department and the pressure to finalise the reserves prior to the Riverina land being open to selection in 1865 (due to the expiry of the leases under the Orders in Council) resulted in chaos rather than corruption. A large number of Reserves were hastily gazetted. Neither Buxton nor Gammage were able to access the reserve files in order to verify their claims of corruption and so drew heavily upon the evidence to the select committee and newspapers. The select committee did not seem to find evidence of corruption although its activities were curtailed by Parliament being dissolved.

The biggest problem for selectors was the lack of information on the ground. Reserves were only vaguely described and the prospective selector was left with only the gazetted description and perhaps a blazed tree to mark out the reserve. Naturally, the squatter was able to claim a larger area as reserve or influence local land agents or surveyors to work to his advantage in actually placing the Reserve on the ground. Now that the files are readily available in the archives, much of the detail of Reserve formation is there for historians to use.

A summary of all the various grievances is in the evidence of the Select Committee on the Administration of the Land Law (New South Wales, *Legislative Assembly* 1872, New South Wales, *Legislative Assembly* 1872-73, New South Wales, *Legislative Assembly* 1873-74). The committee took evidence from a variety of sources, squatters, selectors and officials, which was produced in three progress reports. This was by no means a comprehensive coverage of NSW as the Committee took evidence from the administrators in Sydney but only evidence of selection practice in the Riverina and one witness from the Monaro. Historians however, have focussed on the evidence in this report to evaluate selection without sufficient questioning of whether the Riverina was a typical case or not.

The squatter's viewpoint was given by W.A. Broadribb, a squatter in Western NSW, and The Hon John O'Shannassy, a Victorian MLA,<sup>76</sup> who held Moria run. Broadribb in his evidence summarised the 1861 Act.

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<sup>76</sup> O'Shannassy was Premier of Victoria three times and was Premier when the Duffy Land Act was passed and his support in the Legislative Council carried the Grant Lands Act. He bought Moira Run in 1862 and his hostile attitude to selectors as evidenced in the select committee and the Joachim case belied his earlier support for Selection (see Ingham, S.M. 1974).

“My opinion is that the Act of 1861 is a very good one if carried out in its integrity; but is evaded in every possible way. It has a demoralising tendency. The Act induces people to do what they have no desire to do but which they must do to save themselves from ruin” (Broadribb in New South Wales, *Legislative Assembly* 1873-74:14).

This was the squatter’s view. In order to protect their investment in their runs the squatters were forced by the provisions of the act to undertake illegal activities that were morally repugnant to them.

Broadribb avoided selection by moving his operations further inland into the dry interior where selection was unlikely. He claimed never to have selected. O’Shannassy, as one might expect, was critical of the NSW Acts as being “wrong in principle”, the principle being the Wakefieldian one of concentration of settlement. O’Shannassy preferred settlement in surveyed agricultural areas such as was implemented in Victoria under his premiership and by his then ally Gavan Duffy (Hon John O’Shannassy in New South Wales, *Legislative Assembly* 1873-74:17). Later evidence to the Committee suggested he did everything to frustrate selectors on his run.

Everyone was united on the failings of the Lands Department. Squatters and selectors gave evidence of the failure of Lands Agents (who were usually Clerks of Court and had other duties) and the Lands Department in Sydney to keep up with selection and other applications. Delays and lack of communication often seems to have resulted in selections being made by accident on Reserves or previous selections. With such confusion, it was inevitable that incompetence should be described as corruption or bias in favour of the squatter. This is not to say that forms of corruption were not apparent but little hard evidence was offered.

A fundamental problem was a lack of accurate maps although as Surveyor General Phillip Francis Adams noted in his evidence, chiefly the whole concept of selection prior to survey precluded there being up-to-date maps of selections (Surveyor General, Phillip Francis Adams in New South Wales, *Legislative Assembly* 1872). Lands Department maps, County and Parish plans were not geo-referenced, that is, they were not tied into points on the ground relating to the geoid, as there was no system of triangulation in New South Wales at that time. Moreover, allotments were surveyed according to magnetic north, a variable point over time not to mention obvious problems of compass accuracy in the field. Distances were measured by chaining-again subject to inaccuracies in rough terrain.<sup>77</sup> Michael Fitzpatrick, former Under-Secretary for Lands, in evidence commented “Our system of survey is a sort of rule of thumb business, which the Colony has tolerated, but it does not admit of accuracy in maps” (Fitzpatrick in New South Wales, *Legislative Assembly* 1873-74:6). Adams added in his evidence that the problem of inaccurate maps added to by the poor description of land to be selected by applicants (Surveyor General, Phillip Francis Adams in New South Wales, *Legislative Assembly* 1873-74:90. Adams had argued for triangulation since 1865 but the initial expense was too much for

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<sup>77</sup> In some cases the survey of a parish began with the survey of the first portion – a rectangle on a blank map and then subsequent portions were surveyed with reference to this point, thus a whole chain of inaccuracies built up. Trying to then place this onto the ground in some way seems to have been a nightmare for the surveyors at the time not to mention archaeologists in the 1990s (see Chapter 4).

Parliament to sanction). O'Shannassy, despite his favourable view of the Lands Department admitted that he relied on employing a licensed surveyor to make charts for his own requirements (Hon John O'Shannassy in New South Wales, *Legislative Assembly* 1873-74:17).

The selectors point of view was put by A. Jameson, a selector from Deniliquin and J. F. Mayger, a journalist from Deniliquin. Both were delegates from a meeting called by the Murray District Selectors Association, held in November 1873. Jameson pointed out the lack of information from the Lands Agent at Deniliquin about what land was available either for selection or auction. Jameson was asked whether the Agent was ignorant or did not want to help (*i.e.* corrupt) but Jameson would not commit himself. Part of the difficulty was the lack of up-to-date information. The main vehicle for information was the *NSW Government Gazette* but there was often a long delay in getting current issues to far off places such as Deniliquin (which is actually much closer to Melbourne). Mayger referred to the case of a selector Rose being allowed to select on a reserve that had been revoked and sold to someone else because that information had not yet reached the Land Agent. Selectors were reportedly harassed by squatter's agents, by being threatened with trespass while looking for selections.

Squatters reportedly hung around the office on Lands Day with vague applications either by themselves or dummy (some of which nobody ever saw) and lodged them when bona fide selectors lodged theirs. This resulted in ballots that Jameson implied were in some way biased. If the selections eventually lapsed or were forfeit, then the squatter was also well placed to purchase them at an upset price at auction.

There was a similar problem with Volunteer Land orders, which were very vague and allowed a squatter, for £50, the right to select 50 acres provided they could find someone to volunteer for the colonial forces. The vagueness of the land described allowed the squatter to use the Land Orders to curtail selection or peacock their run.

The evidence of James Litchfield from the Monaro gave further evidence of selection practices. Litchfield, although in favour of selection, was very critical of the limitation on conditional purchases to 320 acres; this was in his opinion insufficient for a farm, forcing selectors to resort to dummyism to obtain a larger area. In previous years, according to Litchfield's evidence, children and semi-resident adults had been allowed to select and establish their residence but in 1872 a more rigorous policy of verifying residency had been introduced leading to many selections being forfeited. Litchfield admitted to dummifying himself, using servants. Litchfield claimed that he had to act in that way to protect his grass rights (*i.e.* his conditional lease of three times the area of his conditional purchase provided the land was available). Without them, a selector on the Monaro was in trouble as the land was for grazing rather than agriculture. Litchfield was an example of a selector, although he held an estate of some 20,000 acres and was supported by William Bradley, a prominent Monaro squatter (Hancock 1972:93-96).

A final problem from the squatters point of view were the Land Sharks who selected choice area of land with the aim of forcing the squatter to buy them out. This was not mentioned in the Select Committee but seems to have been quite common (eg. Hancock 1972:100-101).

The *Lands Acts Amendment Act (1875, 39 Vic c13)* was the first amendment of the Lands Acts and implemented the results of the Select committee's inquiry. The Act raised the maximum area of land able to be selected to 640 acres. The amendments also attempted to resolve a few definitional problems, which were used to evade the intent of the Land Acts. These included defining "person" as being someone over 16 years old, defining the nature of improvements and their value, making sure that purchasers were not agents of someone else (*i.e.* dummying) and so on. A subsequent attempt to introduce wide-ranging amendments to the Lands Acts was introduced by Farnell in 1878 but the bill was defeated and the Government fell (Martin 1962:585). In 1882, Robertson brought forward a bill to improve the selection system and "reform" pastoral rents but after much debate and dispute, the bill failed to pass (Martin 1962:586-588).

Following the defeat of the Robertson government in the elections of January 1883 the new Stuart government instigated an inquiry into the Lands Act and following this introduced a new Lands Act. The inquiry known as the Morris-Ranken report after its authors was completed in record time.<sup>78</sup> The report has a mixed historical reputation. Hancock comments that "three generations of Australian historians repeated the Morris-Ranken version of the free selection story. At last, in the mid-1960s, a young historian asked himself whether or not the Royal Commissioners had told a true story of free selection" (Hancock, 1972:91). Buxton was the historian referred to by Hancock. In his study of the Riverina, he noted (and anyone with any experience of the political process would note) that the Morris-Ranken report was designed to discredit the Robertson Land Acts and the land policy influenced by Robertson (Buxton 1967). Thus, the Morris-Ranken report is blatantly more political than previous inquiries.

Morris-Ranken summarised the basic principle of the Lands Acts as "to substitute large numbers of yeoman farmers for the squatter", the policy being to "offer to sale to one class of occupants the same land which was simultaneously assigned under lease to another class" (1883:13). Put this way conflict seemed inevitable, particularly as Morris-Ranken pointed out that the land legislation seemed to support both tenures simultaneously by providing "the means of defence against and retaliation upon the selectors who ventured to exercise their legitimate rights of encroachment and appropriation [of pastoral runs]" (1883:15). Morris-Ranken were not against selection, there is no questioning of the "yeoman myth", rather they question the workings of the Lands Acts in achieving that goal.

They began their investigation by dividing NSW into three divisions and sub-divisions within them. The divisions were Division I, The Old Settled districts, Division II, Intermediate and Division III, the Western Area.

The Old Settled district was the old Nineteen counties (*i.e.* the land within the limits of location), much of which was seen as inferior land with some 51% unoccupied. The unoccupied land seems to have been the mountainous land forming the ranges encircling the Cumberland Plain and forming part of the Great Dividing Range.

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<sup>78</sup> The authors were Augustus Morris and George Ranken; the report took from 8<sup>th</sup> January 1883 to the 12<sup>th</sup> April 1883 to complete. The report was published in the Votes and Proceedings of the Legislative Assembly omitting the bulky but valuable individual testimony of previous reports.



Selection was seen as having successfully worked in with the old system of grants without much trouble, the main problem identified being how to dispose of the inferior land.

The Intermediate district was defined as between the settled districts and the Western district and encompassed a wide variety of lands and environments. Morris-Ranken summarised the characteristics of land holdings in the Intermediate Districts as follows.

**Table 4.1 Land tenure in the Intermediate District.**

Total Land Alienated	25 156 612 acres	29%
Pre-Leases	10 476 000 acres	12%
Reserves	14 395 552 acres	17%
Pastoral Leases ( <i>i.e.</i> squatting runs)	36 000 000 acres	42%
<b>Total Land in the Intermediate District</b>	<b>86 028141 acres</b>	<b>100%</b>

The table shows that only a comparatively small amount of land has been actually alienated (*i.e.* sold) and that 42% of land was still held as Pastoral Leases (*i.e.* squatting runs). More detail is shown in Table 4.2, which shows how the alienated land was sold.

**Table 4.2 Land Alienated in the Intermediate District**

<b>Method of alienating land</b>	<b>Area (acres)</b>	<b>% of total alienated land</b>
Conditional Purchase	12 114 082	48.15%
by Auction	9 260 274	36.81%
In Virtue of Improvements	1 954 812	7.77%
Volunteer Land Order	107 600	0.43%
Alienated prior to 1862	1 481 000	5.89%
pre-emptive right	238 844	0.95%
<b>Total Land Alienated</b>	<b>25 156 612</b>	

The table confirms a number of points made earlier. Firstly, the squatters did not indulge in massive purchases of land before selection, only 2% overall of the Intermediate District was sold before 1862. Secondly, if Auction and Improvement purchases are combined and considered to be mainly in squatting interests then squatters and selectors (who would have used conditional purchase) were about even in their purchases. However, this represented only 14 % of the overall land holding in the Intermediate District.

Morris-Ranken examined settlement in sub-divisions of the Intermediate area and concluded that for Monaro Survey District No. 1 (*i.e.* Bega), the Clarence and the Richmond districts selection has worked well with numerous small holdings on the land. This is not surprising given the rich alluvial lands in the river valleys. In contrast, settlement in other areas was characterised by the development of a number of larger freehold estates despite a large number of actual conditional purchases.

In considering Division III, basically land to the west of the Barwon, Bogan and Lachlan rivers, Morris-Ranken considered that the lack of rainfall protected Crown leases from invasion by selectors, save from those selecting to extort the pastoralists. Less than 0.5% of the land had been selected as conditional purchases of which Morris-Ranken claim "two-thirds are dummies" (1883:27).

Morris-Ranken concluded that the main area of conflict was in the intermediate districts where "the personal virtues of veracity and honourable dealing have been tarnished by the daily habit of intrigue, the practice of evading the law, and by declarations in defiance of fact universally made" (1883:29). In short, selection legislation and administrative policy created a moral problem for selector and squatter alike. Both groups had legitimate aims but the legislation created a situation where, for these aims to be realised on the ground, a certain amount of illegal practices had to occur, creating a problem of moral decay for squatters and selectors alike.

The actual success of selection was seen as obscured by the shroud of departmental dealings, as there were no figures freely available. Morris-Ranken developed their own measure, the creation of small holdings (40 to 1000 acres) which they argue shows that in Division II the proportion of small holdings created (0.01%) is less than in the Settled districts (0.04%) which had the poorer quality land. At the same time 80 freehold holdings of 40,000 acres and upward were created. Selection was therefore judged a failure in Division II on both moral and practical grounds.

Morris-Ranken developed recommendations to rectify this, however in a footnote to their report to the Secretary of the Lands Department, James Farnell noted, "to this Report was originally appended a paper containing certain conclusions at which Messrs. Morris and Ranken had arrived from a consideration of the evidence taken by them. As this was not any part of the duties with the performance of which they were charged, that portion of the Report has not been accepted and consequently these conclusions are not published" (1883:Introductory letter).

Morris-Ranken noted the desirability of harmonising all the various administrative divisions in NSW an obvious step. They also estimated approximate minimum sizes of land suitable for homesteads as 2,560 acres for Division II, 5,760 acres for Division III and 1,280 acres in the Settled District if you could get it (1883:34). They also tentatively point out the advantages of some form of survey before selection (1883:35). Overall Morris-Ranken did not condemn selection throughout NSW but pointed to its failure in the Intermediate Division and potential problems as selection moved into the Western District.

When the Secretary for Lands, Mr James Farnell rose in the Legislative Assembly on 11<sup>th</sup> October 1883 to move that a new bill to reform the Lands Act be introduced few

realised that the process of debating and passing the act would take over a year. Every measure was debated in full by the opposition, led by Sir John Robertson, and the process exhausted everyone concerned.<sup>79</sup>

The preceding acts were repealed by the *Crown Lands Act 1884* (48 Vic c.18) and a new system of land administration was installed while retaining the principle of free selection before survey. Firstly, the Act divided NSW into three divisions, Eastern, Central and Western<sup>80</sup> which were divided into Land Districts with Land Agents Land Boards (LLB) and District Surveyors, appointed in each district or several districts.<sup>81</sup> The Land Boards acted as a virtual court to arbitrate on matters to do with Crown Land. This effectively decentralised the administration of the Lands Act to local areas allowing local considerations to be considered. The LLBs also gave the selector the opportunity of appealing decisions without having to go the Supreme Court or arguing with the Lands Department in Sydney. As such, they were an important support to the small selector.

Conditional purchase was still allowed with nine classes of land being exempted (notable exemptions were towns, mining areas and the whole of the Western Division). Only one conditional purchase was to be made by each person. In the Eastern District, applications were to be between 40 and 640 acres and in the Central between 40 and 2560 acres. Residential requirements were five years continuous and bona fide residence. Improvements were expressed in the form of fencing in good order.

Squatters runs (defined as Pastoral Holdings) were divided into two equal areas, one the resumed area, the other the leasehold area. The leasehold area was to be leased in the Western Division for 15 years, in the Central for 10 and in the Eastern for 5 years. The leasehold areas were exempt from Conditional Purchase. The squatter could lease the resumed area annually under an Occupation license, however this land could also be selected. In the Western Division, where conditional purchases could not be made, Homestead Leases of between 10 240 acres and 5 760 acres could be made within the resumed areas. These were a form of conditional purchase in that they aimed to allow small farmers the opportunity to take out small leases on easy terms in the Western Division.

The legislation aimed at dealing with the problems of selection, firstly by reducing the level of conflict by giving squatters some security in their leaseholds. Secondly, it recognised that the environment played a part in the success of selection and developed a crude response to this by enlarging the size of selection as the carrying capacity of the land declined. In the Western Division, the pointlessness of small selection was recognised but a form of small selection was recognised by the introduction of Homestead Leases. The legislation also forced the rapid surveying of squatting runs (and in some cases parishes) in order that the division could be carried out.

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<sup>79</sup> This is contrary to Roberts's statement that the Bill passed both houses easily (1968:309).

<sup>80</sup> The boundaries do not follow those in the Morris-Ranken report as the Monaro is included in the Eastern District.

<sup>81</sup> This allowed some flexibility in areas where there was not much work relating to a single land district.

The *Crown Lands Act 1884* was followed by series of five amendments to rectify problems that should have been obvious during the passage of the bill. For example the *Crown Lands Amendment Act 1886* (50 Vic c21) allowed corporate bodies such as banks to hold conditional purchases and conditional leases, an obvious and important measure, as banks would naturally hold title to freehold land as mortgagors and would need to do so for conditional purchases. Two Crown Land Acts that extensively revised the 1884 Act were introduced in 1887-88 but the measures were strongly opposed and both lapsed. However, at the adjournment debate in July 1888 at least five MLAs spoke of the need to urgently modify the fencing requirements of the 1884 act to allow other improvements to be substituted if required and approved. Such a sensible measure was in the lapsed Crown Lands No. 2 Bill (clauses 49 & 52) and was simply revived and passed as the *Crown Land further Amendment Act 1888* (52 Vic c7).

A further, more extensive amendment was made in the *Crown Lands Act of 1889* (53 Vic c21). The embedment firstly established a Lands Court with similar power to the Supreme Court to which appeals from the Local Lands Board could be taken. Other amendments clarified the rights of mortgagees to select land through the mortgagors, the rights of women, determined that conflicting applications could be resolved locally, and allowed "families" selecting adjoining blocks to enclose the whole series with a fence on application to the Local Lands Board.

Finally, in 1895 the Government introduced a major amendment of the Lands Act to a chorus of dismay by members who remembered the year or more the 1884 Act took to pass. In introducing the *Lands Act of 1895*, the Secretary for Lands, Mr J. H. Carruthers explained the need "we have alienated no less than 49,600,000 acres of land since 1861 to settle only an additional 199, 000 in the country districts... in 1861 the average size of a holding was 280 acres, but in 1893 the average size of a holding was 726 acres" (NSW Parliamentary Debates 1894 72:433). By this simplistic measure the current and past Lands Acts had failed.

The new Act to rectify this failure was based on six principles:

- i. Respect of legal and vested rights.
- ii. To give more encouragement to occupiers of Crown Lands.
- iii. That the fruits of a tenant's industry are his property.
- iv. Classifications of land so as to prevent conflicts and rivalries.
- v. Settlement by bona fide users.

"But chief above all I recognise the right of every man by virtue of his citizenship to acquire once in his lifetime – no more- on the easiest terms an area for his homestead," Mr Carruthers MLA, (NSW Parliamentary Debates 1894 72:436). Thus, it can be seen that the yeoman ideal ran unchanged through the land debates of the nineteenth century.

### **Selection in Victoria**

In 1860, during the first Victorian parliament elected by "universal" suffrage, the Nicholson ministry proposed the first selection bill. This was passed after nine months debate, 250 amendments and a small riot (during which parliament house was stormed



by an angry mob demanding “a vote, a farm and a rifle”) in September 1860 (*Sale of Crown Lands Act 23 Vic No 117*). The details of the politics behind the passing of this legislation have been discussed by Searle (1963:296-300) and illustrate the strength of the Legislative Council in Victoria to obstruct and delay legislation.

The Act established two classes of land “special” – land within one mile of property purchased before the legislation; or close to a township of at least 250 inhabitants; or along existing lines of communication or water frontages. This special land was to be auctioned at an upset price of £1 per acre, 25% of purchase price to be paid within one month. The remaining land – “country” was to be surveyed in allotments of 80-640 acres,<sup>82</sup> each to be subdivided into two equal portions. One of these portions could be purchased at £1 per acre and the buyer could rent the other at 1s per acre for seven years with the right to complete the purchase at any time. Where there was competition for the same block, the allotment was put up for auction. No person could select more than 640 acres in one year (Powell 1967, 1970:76).

In comparison with the Robinson Acts in NSW, the Nicholson Act seems overly complicated. Moreover, as the act took so long getting through Parliament, a major rush in land purchase by squatters occurred in the months before its proclamation in November 1860. Powell, citing an 1862 report claims that in the first six months of 1860 a total of 442, 643 acres of Crown Land was alienated, mostly in the Western district (Powell 1967:295). The provisions of the Act were easily evaded. Careful purchases allowed the squatter to peacock by purchasing along river frontages and key paddocks leaving the selector with non-viable areas to select. With dummies the restrictions on the amount of land selected was avoided. Importantly dummies could provide competition for blocks thus forcing an auction where the squatters’ capital resources could out bid the selector.

A further difficulty was that land had to be surveyed into blocks before sale. This limited the operation of the Nicholson Act to areas already surveyed mainly the Western District, adjacent to the Gold fields (Goldfields were reserved from selection to allow for mining) and adjacent to Melbourne.

The Act was generally seen as a failure as few genuine selectors benefited from its passing. Powell notes that some 5/6 of the available land had been sold to squatters (Powell 1970:83-84) and cites examples of larger squatters such as Neil Black who bought 10,680 acres on his runs and the Manifolds who bought 60,000 acres as examples of squatters evading the Acts intent. However this was in the squatter’s heartland the Western District, in the central regions and goldfields there was a small increase in selectors helped by some administrative slight of hand to allow selection on commons and through occupation licences (Powell 1970:82).

The second attempt at selection legislation was the Duffy Act of 1862 (*An Act to consolidate and amend the laws relating to the sale and occupation of Crown Lands 25 Vic c145*) put forward by Gavan Duffy a well known supporter of selection. Earlier in the debates on selection, Duffy argued for assessment of land quality before opening areas for selection. Once in power as Minister for Lands in the O’Shanassy

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<sup>82</sup> The Act required the Board of Land and Works to survey three million acres within twelve months of the Act’s passing.

Government (in 1862), Duffy initially spent six weeks in the Lands Department drawing upon the advice of officials to develop a map of ten million acres that he proposed to open for selection. The first four million were to be opened for selection within three months of the passing of the Act, the balance being brought into play so that at least two million acres were available continuously.

From the millions of acres the Board of Land and Works was supposed to survey, "Agricultural Areas" containing allotments of between 640 acres and 40 acres (depending on the nature of the land) each allotment being divided equally, were set out. Once the survey was completed, the Governor in Council would proclaim the land available and after three months, the land was open to the selector on a first come first served basis (25 Vic c145 Part II, Section 12 to 14).

Under Part II of the Act, a selector could apply to purchase the whole allotment at the price of £1 per acre, or purchase one moiety and rent the other moiety. The lease for the moiety was for 8 years at a rent of 2/6 per acre payable in advance. If two applications for the same lot were received on the same day then the Land Officer shall determine by lot which has priority. Selections were limited to 640 acres of land per year and no infants, married women or non-residents were allowed to select. The selector was obliged to bring into cultivation a tenth of the land within a year of selection, erect a habitable dwelling, or enclose such an allotment with a substantial fence (25 Vic c145 Part II).

The system of auctioning Crown Lands continued but was excluded from "agricultural areas". In addition to provisions for selection, leases and licences for non-agricultural purposes were available. This provision was to encourage the development of industry by making land available on easy terms.

As with the Nicholson Act, the Duffy Act was widely evaded. The squatters' main tactic was the use of agents and dummies who would select land and then sell it on to the squatters. The loose wording of the legislation provided many loopholes. In particular the lottery provision was widely abused. This allowed application for the same land to be decided by ballot, but accepted applications for the same land over a day. Thus if a selector applied for land the squatter had the rest of the day to make conflicting applications, all of which would be in the ballot. The residential clauses were evaded by dummies and mobile houses were moved onto each lot as required. The process of evasion was so gross that it even began to effect squatter sensibilities, Neil Black wrote concerning the corrupt practices he was involved with "I am sick of the country, I am afraid I almost hate it" (quoted in Kiddle 1962:235).

The First Grant Act (*An Act to amend the Land Act 1862*, 28 Vic No 237) extensively amended the Duffy Act in 1865. James McPherson Grant, the Lands Minister in the McCulloch ministry was a "tough ex-digger" determined to make selection work. The concept of "Agricultural Areas" in the Duffy Act was continued. Selection was by lease. All applications had to be made in person, agents not being allowed. In cases of conflicting applications for the same allotment the time in which the lottery principle applied was reduced from the same day to within one hour of the first selection.

Lease of an allotment was for a term of seven years for a rent of 2/- per annum per acre subject to the following covenants: rental half yearly in advance, no assignment

or sub-letting the allotment for three years nor at any time unless specified improvements have been made, residence for three years plus improvements to the value of £1 per acre. There were options for purchase after three years at £1 per acre or auction plus the valuation of improvements.

Leases were limited to 640 acres per year available to resident adult males or non-married women (no infants and married women). Extensive conditions were written into the act to prevent dummyming.

Section 31 presented the interpretation of "allotment" which limited the size of allotments and frontage, to under a mile of frontage along any "lake, lagoon, river, stream or watercourse" forming a boundary to the allotment. Also "substantial improvement" was defined as including "cultivation, fencing, clearing or draining of an allotment and the making of dams, wells or reservoirs or of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such allotment".

The problem of dummyming was addressed by the Grant acts of 1865 and 1869 where an emphasis was placed on the selector to prove their "bona fides". Dummyming continued. Kiddle suggests that by 1869 the squatters in the Western District had the land they wanted (254, 273). Powell showed how Neil Black secured his "Glenormiston" and "The Sisters" runs for £30,000 by using land agents and dummies to select land (1970:132-140). Black was not only carrying out a geographic battle, as MLC for Portland, Black joined the political fight in the Legislative Council.

The Second Grant Act, the *Lands Act* of 1869, has been described by Roberts as perhaps the most successful in Australia (1968:253), a view endorsed by Powell (1970:153). Searle has called it "almost knave proof" (1971:4). The act introduced free selection before survey; any person could apply for a licence to occupy an allotment of land not exceeding 320 acres. The licence was issued according to conditions including *inter alia* that the land not be transferred for three years, the land be enclosed by a good and substantial fence within two years, cultivation of one in ten acres and to make improvements of £1 per acre. At the end of three years, the selector could apply for a Crown grant or a seven-year lease.

The act prohibited previous selectors who held over 320 acres or those who had obtained a pre-emptive right or people under 18 or married women (unless separated) from taking up a licence. Selection by dummies was prohibited.

The Second Grant Act prevented the building up of large estates, indeed it halved the amount of land available for selection. This is somewhat paradoxical given that the small size of holdings was generally held to be a primary cause of the failure of selectors. Powell in discussing this, notes that the Bill originally provided for selections of up to 640 acres, but from his reading of the Parliamentary Debates, he discerns that the Parliamentarians suffered from a "resurgence of the traditional view of the place of the 'yeoman'". No legislation could immediately produce such a class. It must create itself by dint of sacrifice and 'honest toil', but founded on the small freeholds and large opportunities initially provided by the state" (Powell 1970:154).

Most of the remaining agricultural land in Victoria, some 11,000,000 acres, was alienated under this act in the following nine years. However all was not well with the

free selector and concern that the 1869 Act was not working resulted in the Royal Commission on Crown Lands in 1878 (Powell 1973<sup>83</sup>). The Commission, which travelled widely across Victoria, took some 16 months to complete. Powell notes that the report emphasised the poor economic circumstances of the selector especially in light of a severe drought on the northern and western plains from 1876 to 1879. The results of the initial investigations emphasised the financial difficulties of framers and following the publication of an interim report in 1878, an amending act was passed in December 1878.

The *Land Act 1878* (42 Vic c634) doubled the period of the licence and halved the rent per acre to 1/-. The conditions of improvement were all varied to reduce cost and extend the time for completion, similarly purchase was possible after six years, or a 14-year lease could be obtained. It also allowed for a licensee to be absent for up to three months per year from their selection provided due notice was given. This was a significant innovation as it recognised the practice, common in NSW and Victoria, of selectors hiring a seasonal work force, typically as shearers or for cutting crops. The wages earned in this labour were often vital for the selector's establishment.

The Commission continued its work with quick regional visits. Although never comprehensive these allowed the Commissioners to evaluate the economic and environmental conditions for agriculture<sup>84</sup> and as Powell notes this aspect of the report allowed many myths about areas of Victoria to be dispelled and selection policy framed accordingly (1973:xxxiii-xxxiv). Like the later Morris-Ranken report in NSW, Royal Commission on Crown Lands supported selection but realised the need to take into account environmental conditions.<sup>85</sup>

Further acts made minor amendments and continued the provisions of the Grant Act. The next legislative foray in 1883 was for leases in the Mallee region to smooth the way for small-scale farms in that area. The final *Land Act 1884* in essence abolished the squatting holdings, however by this stage there were in effect none to abolish. The State of Victoria then moved on to various schemes to establish small farmers in marginal land. Notable were irrigation trust schemes in Mildura and the Kooweerup swamp drainage scheme. But that is another sorry tale.

### **The success or otherwise of selection**

In terms of the squatting landscape, the selection movement forced a pattern of small allotments over the countryside. Even if ultimately a large pastoral holding was created or maintained, the landscape pattern was defined by the various selection acts and the small allotments required by them. This pattern relates to the processes of selection and is an outcome the squatter/selector interaction as filtered through the Legislation and regulations discussed above. In other words, to understand a squatting landscape, the detail of the various Land Acts needs to be understood as they ultimately determine how the land is occupied. Furthermore the requirement on the

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<sup>83</sup> This is an edited version of the minutes of Evidence taken before the Royal Commission to inquire into the progress of settlement under the Land Act 1869.

<sup>84</sup> The evidence on each area is important source material for local historians.

<sup>85</sup> It should also be noted that the Crown Lands Commission has a certain political element to it and was being conducted during the great constitutional showdown between the Council and Assembly between 1877 and 1881.



selector (irrespective of who the selector was) to "improve" the land forced the clearing, fencing, ring-barking, damming and draining of land creating a changed landscape. The degree of change and its timing is an outcome of the squatter/selector interaction in a particular location moderated through the Land Acts.

Until a few years ago the general historical opinion of the selection movement was that the movement was a failure, following Roberts opinion that free selection in NSW was a failure, "a squatting triumph in the best part of the colony" (1968: 242) and that so called safeguarded selection in Victoria was also a failure, rectified to some degree by the success of the Grant Acts (1968:254). Nevertheless, such a broad judgement was made in the absence of detailed studies of specific squatting runs in local areas and relied too much on the evidence of various parliamentary reports.

The conclusions of historians in recent years, was that in some areas free selection worked in achieving the aim of establishing small bona fide farmers. Ferry, for example, argues that in some areas around Armidale there was a mix of free selectors (1999:161-169). Some selectors were established on good agricultural land on parts of Saumarez run near Armidale, others had established small grazing properties. Ferry comments that important factors in the success of selecting was some amount of capital as well as the productive capacity of the land, "farming expectations were often unreal" whereas pastoralists were producing for a proven export market (1999:168). Hancock presents a similar story for the Monaro where the case of James Litchfield is presented, although he may be an exception as he accumulated an estate of 20,000 acres as a selector. Other successful selectors accumulated smaller grazing runs (1972:92-96).

In the Western district of Victoria, Powell points to selectors "developing considerable ingenuity in developing intricate network of intra-family and inter-family co-operation which had the effect of producing larger and better serviced operating units" (Powell 1996:87). Co-operation allowed shortcomings of capital to be overcome and was important in successful selecting strategies.

In the Riverina, probably the most prominent area of selector/squatter conflict, the success of selection was mixed. Buxton has argued against the impression presented by the Morris-Ranken report that selection was a failure (1967:178). He argued that Morris-Ranken focussed on the area around Deniliquin where conflict was most intense and ignored the areas around Wagga and Albury where selection seemed to be successful with a huge growth in wheat farming aided by the rail connection to Sydney (1967:180-182). Even in the Deniliquin area some "family" selectors were successful in accumulating small grazing runs that were viable (1967:180). Gammage, looking at Narrandera Shire, points to a few successful selectors and noted that following the advent of rail connections to the Narrandera region, there was an upswing in successful wheat farming from the mid-1870s (1988:66-73). A key factor in the success of selecting was the access to markets for agricultural products such as wheat<sup>86</sup> and this was aided by the expansion of the railway network during the 1870s and 1880s in Victoria and New South Wales. There also seemed to be room for small-

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<sup>86</sup> There was a shift in wheat cultivation from the coastal areas into the Intermediate districts from the 1860s (Jeans 1972:210-212).

scale selector pastoralists to prosper. Thus, there is a case to argue for the success of selection.

This is not to say that squatters did not use the various land acts to transfer much of their leased land into freehold land at a price and the aim to break up the squatting estates had varying success. Generally, the squatting runs were consolidated into freehold estates, but often at the price of considerable debt to the squatter. The squatter's main advantage over selectors was access to capital but often this was to lead to a considerable debt to various banks and other lending institutes.

To summarise, there is variation in the success or otherwise of selection across South-Eastern Australia. In some areas selectors prospered, in others they failed. In some areas selectors in the 1860s failed but in the late 1870s other selectors prospered. The few local studies of selection point to the role of the environment and the rural economy as well as the nature of an individual selector and family in determining success or otherwise of selection. These were factors often ignored by the politicians in the capital cities who tended to blame the failure of the "yeoman myth" on the Lands Acts and their administration as well as the squatters and their influence. Attempts to take into account environmental and economic factors can be seen in the 1862 Duffy Lands Act in Victoria and in the Morris-Ranken report and the 1884 *Crown Lands Act* in NSW. Overall the history of squatting and selecting would be enhanced by more detailed studies of specific areas, taking into account environmental and market factors as well as selector/squatter conflict.

## THE PASTORAL ECONOMY

The discussion on the history of selection has been allowed to run its course to the 1890s, but other events were also happening in the pastoral economy that shaped the nature of squatting. There were two basic changes, firstly there was an overall change in the amount of investment in the pastoral industry and there was a change in the areas given over to pastoralism with an increase in land in production for wheat and an increase in dairying.

The change in land use was a result of declining wheat yields in the coastal regions due to the onset of rust in the 1860s and a subsequent moving of the "wheat frontier" into drier areas. These were on the western edge of the Settled Districts in NSW around Bathurst and Orange and increasingly, from the mid-1870s onwards in the corridor into the Riverina and the Western slopes (Robinson 1976:73-81). In Victoria the wheat belt moved north from the coasts into the Wimmera (Dunsdorfs 1956:118-125). This movement ultimately resulted in the squatting runs in these areas being redeveloped as wheat farms.

Dairying in Australia developed as a major industry after the development of the separator in the late 1870s and refrigeration in the 1880s. Coupled with rail transport this allowed farmers in the interior to sell their products in the large capital cities and ultimately abroad. In the Western District for example, sheep farmers turned to dairying as an alternative form of grazing (Peel 1974).

Butlin has discussed the development of capital spending and traced the course of pastoral investment<sup>87</sup> from 1860 to 1890 (1962b, Butlin and Barnard 1962). During the late 1850s and 1860s, Butlin argues squatters spent their capital on structures such as more substantial residences, woolsheds, and extensive plants for wool washing (1964:72). Butlin notes that from the 1860s until 1871 the level of pastoral investment was relatively modest. "In fact, with the exception of the two years 1868 and 1870 the level of new pastoral investment tended to decline throughout most of the sixties (1962b:325).

From 1871, there was a big upsurge in pastoral investment over the next twenty years, which Butlin saw as occurring in three cyclical phases. The first phase was from 1871 to 1877 when there was an extremely rapid period of investment. Butlin argues that most of this investment was in fencing rather than in other facilities such as residences and washpools. "Fencing ... was the great rural achievement of the decade" (Butlin 1962b:331). Butlin's second phase of investment was a short boom and a sharp slump in 1880-82 followed by a third phase of growth until a peak in 1892. Both these two phases were marked by equipment of pastoral stations by pioneers and speculators anxious to make a profit on the back of a high wool price and an expansion of grazing into the drier areas. This form of capital formation placed more emphasis on water conservation measures as pastoralism expanded into the arid areas.

Butlin's overview is just that, an overview with little detail. More detail needs to be filled in to see how this trend is related to the development of squatting landscapes. Although Butlin sees fencing as the great achievement of the 1870s, fencing of squatting runs (beyond fencing of cultivation paddocks and stock yards) began in the 1850s in Western Victoria as squatters increased their freehold land and as a means of reducing scab in sheep.<sup>88</sup> Kiddle argues that although there was much discussion at the time, fencing allowed a flock to be kept clean from scab and it also allowed the reduction in the number of shepherds (1962:199-200). This became important when the gold rushes occurred and labour was scarce (see Abbott 1971:100-107). Early fencing was wooden post and rail type and was expensive to construct and maintain. In the late 1840s chock and log fences were common but by the mid-1850s, in Victoria at least, wire fencing was introduced. However the abundance of igneous surface stone in the Western District also allowed fencing or runs by dry stone walls a defining part of the cultural landscape in the Western District and the volcanic plains elsewhere in Victoria. In contrast wholesale fencing seems not to have really been undertaken in the Riverina until the 1860s (Buxton 1967:53) and in Armidale in the late 1860s (Ferry 1999:55).

Investment in fencing in the Riverina went along with investment in water conservation through dams and bores. Buxton details attempts to open up the back blocks behind the stream frontages by various water conservation measures such as dams, tanks and wells (1967:48-51). There was a major investment by local squatters in excavating a canal to improve the water intake into Yanco Creek from the Murrumbidgee. The excavation of the canal, which was of dubious success, began in

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<sup>87</sup> Butlin defines this as the value in current prices of the additions to durable physical assets other than livestock (1962b:325). The question that arises is that the amount spent by squatters on securing their runs as freehold is not discussed, yet obviously this would have been a considerable amount.

<sup>88</sup> Scab is a parasite and separation of an infected flock from a "clean" one helped prevent the spread of the disease.

1855 and initially cost about £5000 that was raised by assessing the squatters along the banks of Yanco Creek. A similar scheme to improve the Willandra Creek was extensively discussed in the Select Committee on Reserves under the Crown Lands Alienation Act in March 1866 (*Legislative Assembly 1865-66*). It is not clear how far the plan proceeded but it does show that squatters were prepared to invest quite heavily in water conservation measures at an early date.

The investment in fencing was coupled by the development of better sheep breeds, notable by the Peppin family at Wanganella. The Peppin family, already experienced sheep breeders in England, migrated to Australia in 1850. After an abortive attempt at squatting at Mimamaluke near Mansfield, the Peppins purchased Wanganella station in the Riverina in 1858. There they established a stud flock in 1861. The Peppins combined the basic merino sheep (of mixed origins) with improved Rambouillet Merinos and German Negretti stock. By careful breeding, they aimed to get a large body frame, fine wool, and a good wool covering. This was achieved with the help of Thomas Shaw, his son Jonathan Shaw and Thomas Cunningham, all well regarded sheep classers.<sup>89</sup> It appears that these sheep were well suited to drier conditions and produced wool more suitable for the English market in which the demand for coarser wool was growing while the demand for fine wool was static (Williams 1962:422-423). The Peppin merino was ideal for use in the dry climate of the Riverina and the Western Division.

Squatters in the Riverina developed a technique for fully exploiting the country based on large fenced paddocks, wells, dams and tanks in the back blocks, wool scours or washeries to clean the fleece and Wanganella sheep. This strategy allowed an increase in sheep numbers; an intensification of grazing which was helped by relatively good seasons and good prices for wool. This strategy was adopted by squatters throughout the Central and Western Division to increase stock on existing runs and to bring new runs into production.

Linking the runs were transport networks of riverboats, railways, and roads. The riverboats served the squatters along the Murray-Darling system. Railways became from the 1870s of increasing importance especially as railways from Victoria linked the Riverina with Melbourne. Finally, the roads and stock routes provided a more direct if slower communication. The stock routes were established throughout NSW to allow the legal movement of stock across squatting runs. These were supported by camping reserves; water reserves and Government provided wells and tanks in the driest areas. Apart from transporting stock to and from runs, the travelling stock routes were used by pastoralists in droughts as sources of feed and large mobs of sheep and cattle were sent on the road to see what feed they could find.

Butlin has listed the physical assets (apart from livestock) of a typical station of the 1890s as an example of the capital investment that a well-equipped sheep station would have had.

#### A) Buildings

- i) Head station residence.

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<sup>89</sup> Thomas Shaw, an experienced wool-classer was imported by Robert Campbell & Co. to help improve the quality of the wool clip. His son, also Thomas Shaw, was a well known squatter in Western Victoria and on Yancannia Creek in the Western Division of NSW.



- ii) Outbuildings of kitchen, store, blacksmith's shop, shearing and wool sheds, and shearers' huts (extras; dairy, granary, stables)
  - iii) Outstations scattered over the run
  - iv) Washing plant (mainly obsolete except in the more remote interior areas)
- B) Fences
- i) Stockyards
  - ii) Boundary fences of posts and wire or of posts, rails and wire
- C) Water conservation
- i) Dams, tanks, wells and/or bore
- D) Plant
- i) Drays, wagons, etc.
  - ii) Steam engine
  - iii) Cultivators
  - iv) Tools
- E) Stocks
- i) Food, clothing and household items
  - ii) Repair material and equipment
  - iii) Materials for animal care

Butlin emphasises that capital investment on pastoral stations turned from fencing in the 1870s to water conservation which increased the carrying capacity of arid lands into which the pastoral industry was expanding.<sup>90</sup> As well, the increased prevalence of rabbits in the late 1880s resulted in the need to invest in wire net fencing as some measure of control. The expansion into the arid areas was also helped by "a remarkable run of highly favourable climatic conditions" from the 1860s to the 1890s (Boehm 1971:66).

The Wyabray Pastoral Holding (No 612, Central District) is an example of a pastoral station of the late 1880s. The Parnell family based at Maitland took up the run possibly as early as 1839 (Johnstone and Masman 1983:17). The holding comprised seven runs Wyabray, Ginge, Ulouri, Willoi Back Ginge, Back Ulourie and Back Willoi established in 1858.<sup>91</sup> The total acreage is reported in Hanson as being 126,996 acres<sup>92</sup> (1889:386). Around 1870, the Parnell's sold the runs to the Yeoman brothers with the City Bank as mortgager. The Parnell's ran cattle but the Yeomans changed this to sheep in 1884 following their experience of the 1877-78 drought. Sheep were seen as requiring less water than cattle. The division of the holding into Resumed and Leasehold areas resulted in an evaluation of the land in 1887 and this evidence gives a snapshot as it were for the Wyabray Pastoral Holding and its landscape.

Wyabray Run occupied the frontage to the Barwon River and was bordered on the west by Marra Creek. A series of water reserves all created in 1882 dominate the run. Two small improvement purchases made in 1884 are the only other holdings on the

<sup>90</sup> As Butlin notes the source material on the economics of individual stations is very limited, he drew on the information from the archives of the large pastoral financing companies which took over many stations in the arid areas thus Butlin's sources may over emphasise water conservation.

<sup>91</sup> These runs were surveyed by the Government and then put up for tender, the original run was Wyabray.

<sup>92</sup> Wyabray was about a third of the size of Willandra Run (347, 201 acres) one of the biggest runs and three times the size of Cuppacumbalong (48,917 acres) studied in Chapters 7 & 8.

run. Willoi Run has frontage on the west to Mara creek and a series of selections and a water reserve protect the Yeoman's interest and this pattern is seen on Ulourie and Gingie Runs (see Figure 4.4 which dates to 1901 but shows more details of the improvements than earlier plans). Away from the creek on the eastern side of the runs and on the Back runs, Back Willoi Back Ulouri and Back Gingie, improvements were mainly substantial water tanks, spouts, occasional yards, and fencing. There were thirteen improvement purchases made in the leasehold area, all were made in virtue of improvement of building the tanks.<sup>93</sup> These improvements, as well as a dam across Mara Creek, were made by the Yeomans in the early 1880s - they claimed to have spent £6000 on water improvements

The appraisalment of the leasehold area of Wyabray Pastoral Holding was undertaken by the Bourke LLB in April 1887. The improvements listed by the Inspector of Runs, Edward Burton Lytton Dickens<sup>94</sup> were

Cuddie Tank	5170 yds	IP
Stones No. 1	5387yds	IP
Butts No. 1	5247 yds	IP
Butts No. 2	6309yds	IP
Stones No. 2	5392	IP
Dog hole tank	5382	IP
Sullivans Little Tank	3075 yds	IP
Rimmers tank	241 yds	IP
McGaffins Tank	3221 yds	IP
Sullivans Tank	5331yds	IP

All the above tanks were 12ft deep

Gingie Tank	1300 yds	10' deep	IP
Booramundle Tank	2035 yards	10' deep	IP
Sullivans No.3	5433 yds		IP
Morris's Tank	968 yds	9' deep	on Crown Land
Winters Tank	6074yds	12' deep	on Crown Land
Butts No.3	3455yds	12' deep	on Crown Land

<sup>93</sup> Among one of the tanks is Cuddie Springs, which was dug in 1876 during which time fossil bones were discovered. The site is now recognised as an important Pleistocene Aboriginal site.

<sup>94</sup> The son of Charles Dickens.

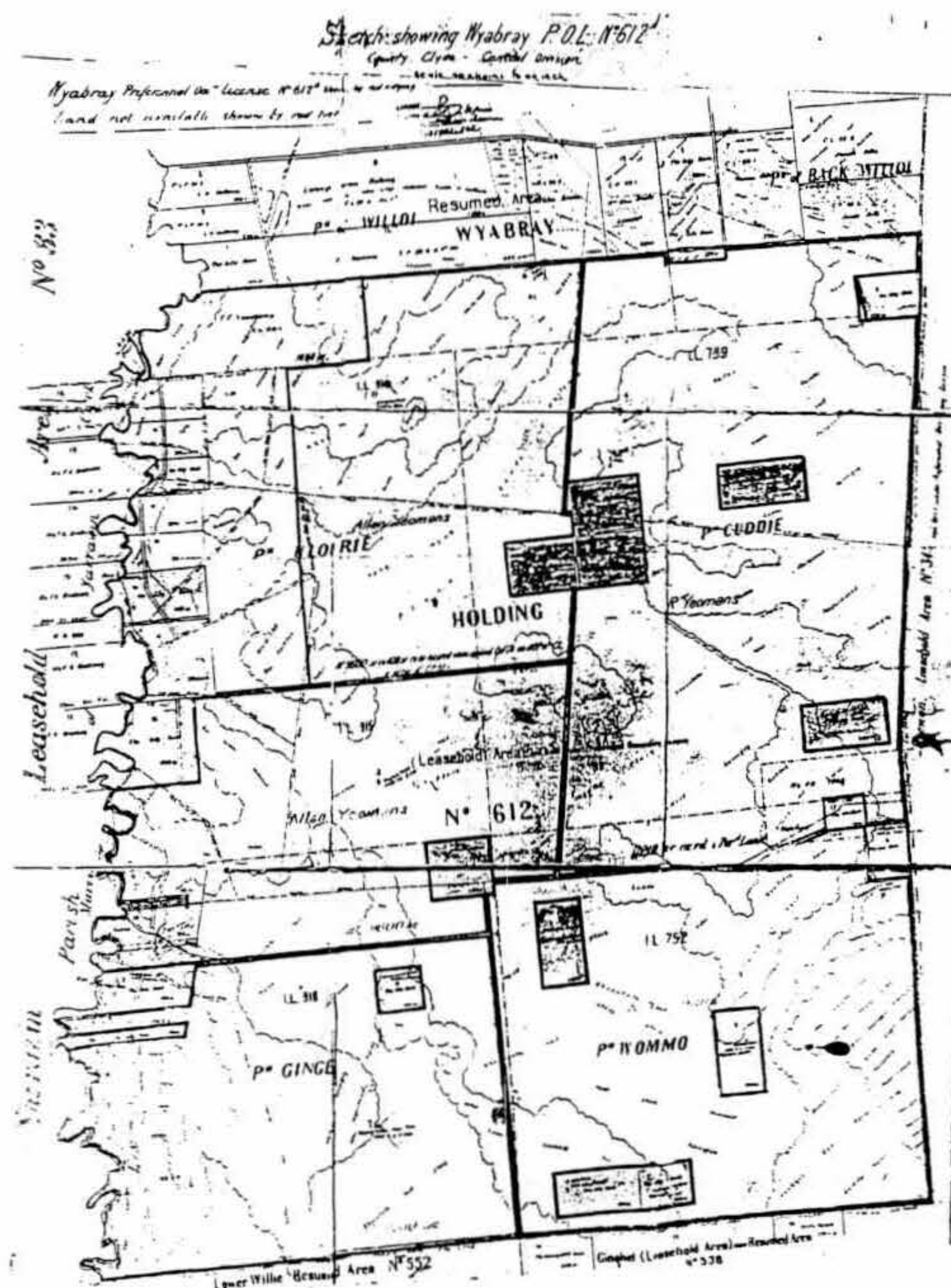


Figure 4.4 Plan of Wyabray Pastoral Holding, 1901

Two wells were located on freehold land on Back Gingie run:

- No.1 41' deep
- No.2 28' deep

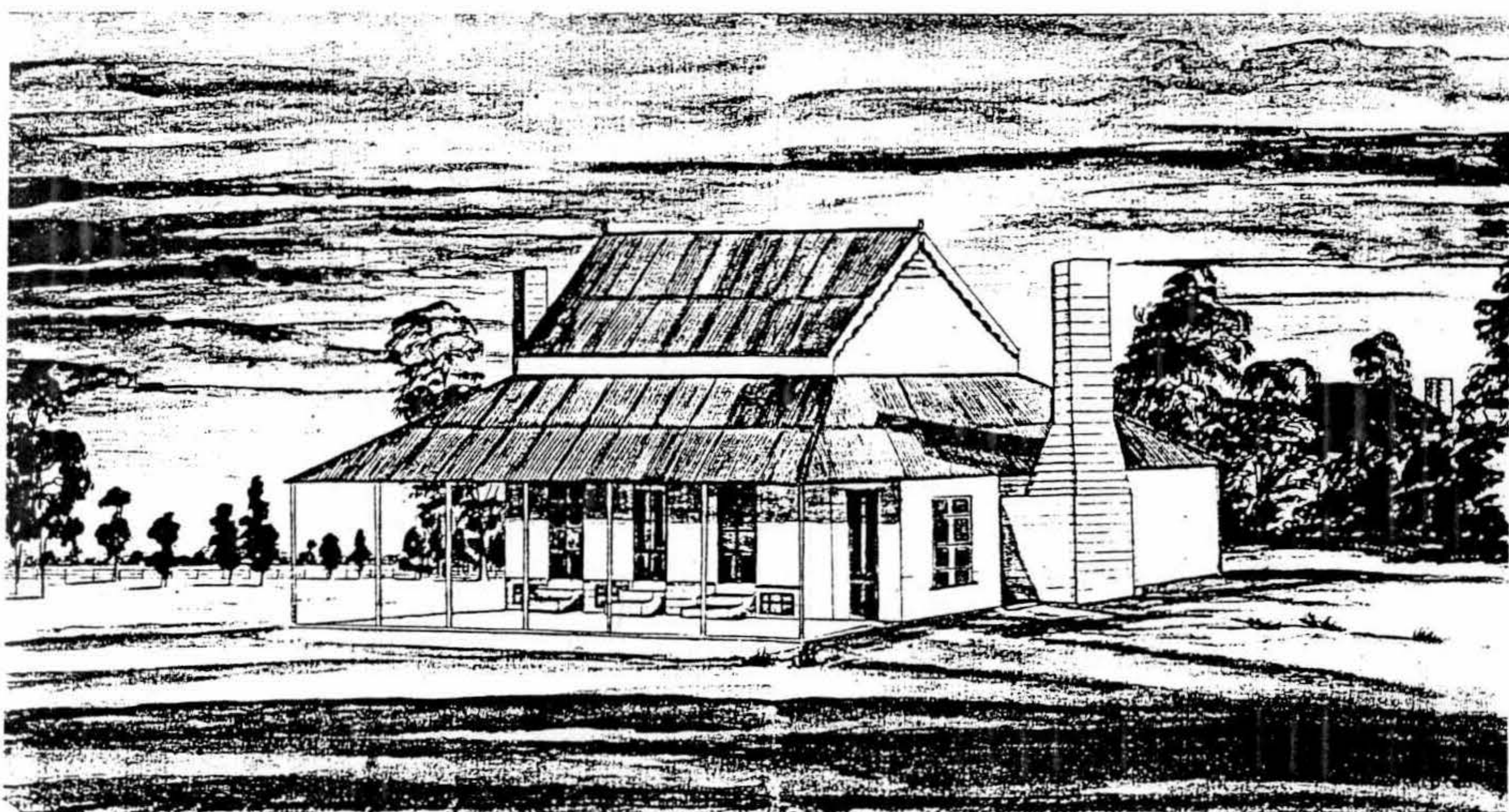
Two dams were recorded on Mara Creek and one smaller dam on a smaller creek. In addition a large swamp was noted at Cuddie Springs as well as sundry soaks and swamps which retain water for some months after good rains.

The entire property boundary was fenced and internally the run was divided into twenty paddocks. The run was stocked with 50367 sheep, 45 horses and 50 cattle.

Folio 87/3995, *Occupation Files Pastoral Holding No 612 Central Division, SRNSW 3/5250*

The evidence of John Able Yeomans, the managing partner of Wyabray and an accompanying letter by W. R Yeomans (Folio 87/5253), emphasised the difficulties of Wyabray being a viable property without considerable expenditure on water storage facilities and some artificial fodder. As well the distance to markets and cost of





**Figure 4.5 Bundaleer Plains Homestead**

cartage was emphasised. Ominously W.R. Yeomans pointed out “the Rabbits are fast approaching the run”. The pattern of settlement is one of constructing water conservation facilities such as tanks on the back blocks to allow grazing in these areas and then protecting them by making Improvement Purchases under the Crown Land Acts. This effectively “peacocked” the land as the squatters controlled all the water along the creeks and in the back blocks.

Similar descriptions of squatting runs can be found in Shaw (1987) for Yancannia Creek and Connor (1983) for Burrawang. Butlin and Jennings (1970) have reproduced a unique visual representation of Bundaleer Plains and Tatala runs by F.M. Rothery in 1878. A comparison with Cooper’s *Challicum Sketch Book* (Brown 1987) shows a completely different environment both physically (which is not surprising) and culturally. The Bundaleer Plains homestead is extremely functional in form with only the merest suggestion of a garden or any but the barest of improvements (see Figure 4.5). This relates to the distance of the run from “civilisation” and its status as a managed run. A well-managed run would spend no more on the manager’s homestead than prudence would allow.

This picture of the plain manager’s house is very different from the grand squatting mansions in New England and Victoria. During the 1870s when squatting was



expanding and intensifying in western NSW a remarkable period of homestead construction was occurring in Victoria. The Victorian squatters had up-graded their housing in the 1840s and 1850s but "in a five year burst of homestead redevelopment the powerful long established squatter families were to transform the architectural character of western Victoria (Willingham 1984:74). This involved erecting large architect designed mansions together with extensively landscape grounds (Watts 1980). Although Willingham has studied the major architects involved, the precise reasons for this burst of construction remain obscure save for comments that wool prices were good. Could it be that the homestead building was a form of celebration of the squatters' success in fending of the selectors? Certainly there is nothing on the Western District scale of housing to be found in the Riverina although Freeman's work illustrates some notable homestead complexes (1982).

The final comment on Butlin's work relates to land sales. As his work focuses on the Western Division where there was limited selection it may be that he had underestimated the amount spent on defending the run from selectors. Furthermore in the Western Division much selection was to protect squatter's assets and so the price of the assets could, through the mechanism of Improvement Purchases, be offset against the upset price. Elsewhere considerable sums were spent selecting land to protect the run. Precise figures are hard to come by. Powell mentions that Neil Black was £30,000 in debt through building up his estate (1970:134). There were also the associated costs of improving the land as required under the various Acts.

Most of the capital for the pastoral expansion in the Western Division came from outside the pastoral industry. Butlin and Barnard concluded "it seems indubitable that the industry was incapable of providing from its own resources, more than a small fraction of the total capital requirements" (1962:388). In the early period of squatting most of the capital had come from a variety of sources, banks, merchants, partnerships of friends, relatives and so on. However the demands of pastoral finance lead to the development of banks and non-bank pastoral finance houses. Both incorporated wool broking and other duties along with providing finance to the pastoralist. Because of their size and nature they were also a tap for foreign, particularly British, capital.

Investment in pastoral enterprises seemed justified at the time based on the historical evidence that it was a profitable enterprise. Butlin notes that wool prices were high in the 1850s and early 1860s and apart from a sharp decline and recovery from 1869 to 1870 wool prices continued to be high (1964:96). The wool industry in the 1870s was very profitable attracting investment throughout the 1880s.

Butlin and Barnard trace an all too familiar story of increasing indebtedness based on the rising, if speculative, values on pastoral stations in arid areas along with continual good wool prices. "In the early eighties personal indebtedness of £100,000, secured by station mortgages, was by no means uncommon" (Butlin and Barnard 1962:393). By 1890 almost half the pastoralists in NSW were mortgaged clients on banks or brokers. In 1891 Banks and Pastoral companies were registered holders of 50% of Western Division leases (Cain 1962:436).

## THE 1890S DEPRESSION AND THE END OF SQUATTING

The 1890s brought together a series of trends in the pastoral industry of increased production costs and decreasing wool prices. In addition the increased stocking levels in arid areas impacted heavily on the original native vegetation. This was gradually replaced by "noxious" pine scrub, which was less suitable as sheep fodder. Rabbits, introduced by the notable squatter Thomas Austin in 1859, were released in Western Victoria. 1881 found them moving up Yanco Creek in the Riverina and moving from the south along the Darling River until by 1890 they were present throughout the Western Division eating out the grass and herbage.

Meanwhile, wool prices began to deteriorate. Boehm comments that "it is difficult to say whether rising supply or falling demand provided the stronger influence" and in the end decides that it was a combination of both (1971:77). Wool prices began to decline in 1890 and demand was depressed until at least 1889. There was also a marked change in demand away from fine wool to coarser wool which compounded the effect of low prices (Boehm 1971:80-83). On the production side Boehm points to the trend of increasing costs of production in the 1880s through increased Crown rents, labour costs, costs of establishing stations in arid areas and interest due on mortgages (1971:86-88). One response was to increase production to maintain income, which in turn led to greater impact on the environment and ultimately the carrying capacity of the run.

The 1890s Depression seems to have begun with the collapse of the speculative urban land boom in Melbourne which began in the late 1880s but which was obscured by a variety of factors until 1891 when the tightening money market caused a number of land companies and Banks to crash (Boehm 1971:255). This, in turn led to a series of collapses and bankruptcies until the Banking Crisis of April and May 1893. As a result capital dried up and Banks were forced to tighten up on their outstanding debts.

An extreme continent-wide drought began in 1895 and continued until 1903. The sheep population was effectively halved although the effect was mainly felt in NSW and Queensland (see Butlin 1962a:Table 1). The impact of drought and rabbits devastated the Western Division of NSW, cutting wool production. As well the lack of fodder on stock routes prevented the movement of stock to markets.

Although there were also economic difficulties in Britain, capital still flowed into Australia until 1893. At this point the cessation of British lending and calls for debt to be repaid combined with environmental problems of the pastoral industry as well as the decline in wool prices curtailed the ability of pastoralists to pay back debt or even service interest payments. This left creditors with no choice but to initially take some control of pastoral operations and eventually foreclose and take over management of stations for themselves. The end result was that surviving banks and Pastoral companies were left managing a large number of pastoral stations in NSW and Queensland mostly in the arid areas. Cain records that in 1879 banks and pastoral companies were the registered holders of 13% and 4% of pastoral holdings in the Western Division respectively (i.e. 17%) by 1891 the figures were 17% and 33% (i.e. 50%) half of the pastoral holdings (Cain 1962:435-436).

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The wholesale taking over of pastoral properties by mortgagees marks the end of the squatter and of squatting. By the 1890s, many of the original squatters and their families had left the land or were proprietors of large freehold estates. Others were reduced to being tenants of banks or ruined altogether. In some areas such as parts of Central NSW the squatting runs were beginning to be planted for wheat and dairying had begun in Western Victoria. In the Western Division of NSW the pastoralist's situation was so bad that following a Royal Commission the entire situation of grazing was reviewed and the Western Lands Commission was established to manage the land.

The emergence of wholesale absentee ownership of squatting runs marks the end of husbanding the run. A manager was valued for his economic returns rather than the economically intangible benefits of respectability. These changes are well expressed by Banjo Patterson's poem "*on Kiley's Run*" written in 1890. The poem contrasts the happy days of squatting and the generous, amiable squatter Kiley, with the rule of the absentee owner in London who acquired the property after Kiley's bankruptcy.<sup>95</sup>

"There are no neighbours anywhere  
Near Kiley's Run.  
The hospitable homes are bare,  
The gardens gone; for no pretense  
Must hinder cutting down expense;  
The homestead that we held so dear  
Contains a half-paid overseer  
On Kiley's run."

## CONCLUSION

The beginning of the 1850s saw the squatters in secure possession of much of South-Eastern Australia and slowly moving into the semi-arid Western Plains. They were well established in society and politics. The advent of responsible government saw lands policy placed in the hands of State Parliaments whose Upper houses were dominated by squatter interests but whose Lower houses were more or less democratically elected. The immediate effect of the gold rushes was to increase the prosperity of the squatters, the long term effect was to force them to fight for their runs against the selectors. The Squattocracy were pitted against the Yeoman Farmers.

Selection was an outcome of the changes to Australia in the 1850s where a combination of responsible government, a large increase of population following the gold rushes and ideology of domesticity resulted in the demand for small farms for the "yeoman farmer". Faced with squatters leasing most of South-Eastern Australia the parliamentary representatives favouring selection acted to legislate to implement the principals of selection which they hoped would support the yeoman ideal. The actual methods of achieving selection varied between the states. The yeoman ideal remained constant throughout the latter half of the nineteenth century and well into the twentieth century.

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<sup>95</sup> Patterson's father suffered much the same fate as Kiley.

The implementation of selection was by a process of legislation, regulation, and bureaucracy, which imposed a way of turning leasehold or Crown land into freehold land. Squatters and selectors alike used this process to realise their ideals of domesticity, the squatter by trying to create an estate, the selector by trying to create a small farm. Thus, the pattern of settlement and the creation of the landscape were undertaken in the context of this legislative regime. Obscure sections and interpretations of the old Lands Acts are often of crucial importance in shaping the landscape.

The other key point is that, in NSW in particular, selection was imposed with little regard for the geography and environment of South-Eastern Australia. The limitation on the size of selector's holdings created farms that were inherently uneconomic. Moreover, the distance from markets limited the range of farming options available for the selector. Selectors were therefore either forced to break the law to create viable farms or were excluded by economics from large areas.

Selection also created conflict between the squatter and selector both of who were striving to achieve the same ideals, often on the same land. This perhaps explains the varied level of squatter response to selecting. In many cases, the squatters used every loophole in the Lands Acts to exclude bona fide selectors and to build up their own estates. In other cases, there was a degree of accommodation between squatter and selector.

The other process discussed in this chapter was the continuing expansion and development of the wool industry into the arid western plains and channel country. This required the pastoral industry to adapt to the environment, which it did by introducing new sheep breeds, fencing large paddocks and the development of water conservation measures such as dams and tanks. The land fronting rivers and streams was generally selected and turned into freehold. Improvements on the plains were protected by improvement purchases, the remaining land was held under pastoral lease. This increased the carrying capacity of land and buoyed by good prices for wool a considerable amount of money was spent establishing pastoral stations in arid areas.

By 1890 however, the environment began to collapse due to overstocking, the introduction of rabbits, the growth of scrub, and a series of extensive droughts. This was coupled with a severe economic downturn and a decline in wool prices. Caught between declining returns, losses due to drought and increasing debts, many squatters collapsed into bankruptcy and their runs were taken over by banks and other financial institutions.

Both selecting and the 1890s depression finished off the old form of squatting. Selection either forced the squatter into debt, collapse, and the breakup of the run or allowed the squatter to turn his leased run into freehold land. In the west where selection was less important the collapse of the wool industry and the effects of the drought forced the Government to act to save the industry and introduced Western Lands Leases extinguishing the old forms of squatting tenure.

**CHAPTER 5: INTRODUCTION TO THE CASE  
STUDIES: LANYON, CUPPACUMBALONG AND  
THE CANBERRA REGION**

## CHOICE OF THE STUDY AREA

The next chapters (6, 7 & 8) look at examples of the cultural landscapes created by squatters to elaborate on the broad processes outlined in the preceding chapters and to see how they were played out on individual squatting runs. It follows therefore that the ideal study area should have the following characteristics:

- It should be outside the limits of location and be first settled by squatters in the period of initial squatter expansion.
- The landholdings should remain squatter held land through the period from the first squatting settlement until the end of the squatting era.
- There should be archaeological evidence, preferably in the form a sequence of squatter created landscapes.
- Ideally, the area should be well documented in the historical record.
- The area should contain socially prominent squatter families or squatter families on the make rather than company ownership of runs.

Choosing appropriate landscapes to study was difficult in that there was so much of South-Eastern Australia to choose from. Initially the Western District of Victoria was targeted as the author was familiar with the area.<sup>96</sup> The Western District contains a large number of well-documented homesteads and landscapes and was regarded as the squatter heartland so it seemed an obvious place to begin.

However, the logistics of working and studying in Sydney meant that an area closer to Sydney would be far more feasible. Initially attention was drawn to the areas to the south west of Sydney, as they were a convenient 3-4 hours drive away. Other obvious areas such as the Upper Hunter and New England Tablelands presented the same logistical difficulties as the Western District. The area between Yass and Albury was looked at. However, much of the land in the area has been broken up into small allotments or wheat farms. Thus, the original squatting landscape did not promise to have the degree of integrity required for this study. The Monaro was another promising area but was a little too far from Sydney.

In the course of selecting a study area, Lanyon in the Australia Capital Territory (ACT<sup>97</sup>) was looked at, more out of interest in landscapes rather than with much interest as an area for research. Lanyon's owners clearly were in the upper levels of society (although not of the highest) and they were also squatters depasturing their stock on crown land within the limits and occupying squatting runs over the limits of location. In the Canberra area, the Murrumbidgee was the boundary of the limits of location. At Lanyon the limits were easily crossed by anyone with a horse, stout boots or the ability to swim, depending on the season and crossing location. The owners of

<sup>96</sup> As a student then as an employee of the Victoria Archaeological Survey.

<sup>97</sup> Created after Federation out of the State of New South Wales to form the capital of Australia. For the period under consideration the land in the ACT was in New South Wales.



Lanyon had squatting runs over the Murrumbidgee and used Lanyon as the head station with out-stations securing the runs. It was that interest that propelled me to at least visit Lanyon.

By the time a preliminary reading about Lanyon and its historical and landscape context had been completed, it was apparent that there were several runs and their owners worth studying in the area of Lanyon and the Valleys to the south. The land was still in use for pastoral purposes and appeared to be of high integrity. A chance encounter with Stephen Avery<sup>98</sup> on an archaeological survey of Lanyon alerted me to the de Salis diaries which promised to give a unique insight into the squatters of the region. The other logistical factor was the Canberra was only 2.5 hours drive away so even day trips to the study areas were feasible. A study area that initially included Lanyon and associated squatting runs, Cuppacumbalong, and Boroombah was defined. This included all the runs held by the prominent squatting families in the area.

### **Suitability of the study area**

The area meets the criteria outlined above as follows:

1. The limits of location actually are the Murrumbidgee River that flows through the study area. The Lanyon and Tuggeranong properties are actually within the settled districts however this was seen as a bonus in that it would allow for comparison between squatters and runs within and outside the limits. The squatting runs were established in the early 1830s at the time of squatting expansion.
2. The land remained predominantly held under squatting title until after Federation.
3. There is an identifiable sequence of squatter ownership. Each run is largely undeveloped, except for Tuggeranong (which is now the Tuggeranong Town Centre), northern parts of Lanyon and areas of Pine Forest. The remaining area is still under pastoral occupation or is in National Parks. This means that the area still had the potential to retain evidence of previous landscapes and related archaeological sites. Thus there was (and is) an archaeological record relating to squatting in the study area.
4. As virtually every property has had base line heritage research undertaken on it, it was apparent that there was a reasonable historical record available. The area was well documented, in particular the cultural landscape of the so-called Lanyon bowl has been studied by Ken Taylor and by Blair and Claoue-Long. Indeed it was thought that Lanyon was fully documented having had three histories written of it as well as a conservation analysis and analysis of the gardens.

The diaries of George de Salis begun in 1869 document in detail the day to day activities of the de Salis family. In addition, the Conditional Purchase records for the area survive in the State Records of NSW. Taken together these form a comprehensive historical record of the study area.

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<sup>98</sup> Stephen Avery had just finished an honours thesis in which he made use of the de Salis diaries.

5. All the families had some degree of social prominence; Wright was a magistrate, Cunningham was a former banker and was well respected in the community, de Salis was of aristocratic stock and was an MLC from 1873, his sons were MLA's for Queanbeyan at various times. McKeahnie was respected because of his humble origins and success. Incidentally, when the Tharwa Bridge was opened in the 1890s the Cunningham, de Salis and McKeahnie families were all represented as prominent community leaders.
6. Finally, it was thought that Lanyon comprised of a number of buildings and structures from the Wright era which could be included in the landscape analysis.

In the event it proved that to study all the families and runs in detail would have taken far longer than the time allocated for the thesis and it was decided to focus on the pioneering and establishment of Lanyon and Cuppacumbalong by James Wright and John Lanyon. This covered the themes of pioneering and from squatter to squattocracy. It was then decided to follow through with Cuppacumbalong run which was sold to the de Salis family. This covered the themes from squatter to squattocracy and selecting. These two studies conveniently cover the squatting era.

### Overview of runs in the area

The sequence of squatting runs in the area around Lanyon and Tharwa is briefly outlined as an introduction to the case studies.

**Lanyon** itself was located on the edge of the limits of location, which is the Murrumbidgee River in the County of Murray. Lanyon was established in 1835 by James Wright and John Lanyon (who returned to England in late 1836). Apart from the freehold land at Lanyon, stock seems to have been run in the hills to the east of Lanyon on Crown Land.

Wright also took up **Cuppacumbalong**, a squatting run which is located over the Murrumbidgee adjacent to Lanyon, as a proper squatting run and had flocks scattered up the Murrumbidgee as far as the Naas valley. Later he created **Boroombah** out of Cuppacumbalong for his wife's family, the Davis's who emigrated to Australia in 1841.

Colonel Thomas Hiah Macquoid, Sheriff of the Supreme Court of NSW purchased **Tuggeranong** (or Wanniasa) which, like Lanyon, was located on the edge of the limits and had a squatting run called **Freshford** over the river. Macquoid was Wright's neighbour but was most likely absent in Sydney. Smaller squatting runs were established in the river valleys in the hills. George Webb was established at **Tidbinbilla** in the mid-1830s. William Herbert was established at **Naas** and at **Orroral** from the early 1830s along with his son-in-law Thomas Chippendale.

The 1840s depression hit the established land holders such as Wright and Macquoid who had extensive borrowing, few assets and insufficient cash flow. Andrew Cunningham moved into the district in 1843 taking up the **Congwarrah** run. Eventually Wright moved his squatting operation to **Cuppacumbalong** in 1851 and Andrew Cunningham bought **Lanyon's** freehold and retained **Congwarrah**. Macquoid also went insolvent to the tune of £2,792-10-3 which unfortunately was







actually the Supreme Court's money and he shot himself leaving his son the disgrace and the debts. Thomas Hyacinth Macquoid tried hard to save the property and pay his fathers debts (he earned the admiration of society for this activity). He sold **Freshford** to Andrew Cunningham and some land at **Wanniassa** (part of **Tuggeranong**) was leased to tenants. At the time when T.H. Macquoid was getting back on his feet, he embarked on a voyage to England with his good friend Edward Severne who owned **Gudgenby**. Both died on the return voyage in the wreck of the *Dunbar* 1857. Following this, Andrew Cunningham was able to purchase much of **Tuggeranong** from Macquoids estate. Cunningham bought **Tidbinbilla** from George Webb in 1866.

Charles McKeahnie was an assigned servant who managed John Gray's **Boboyan** run from c1842 to 1844. John Gray also went bankrupt in 1844 with McKeahnie as a creditor (for his wages). McKeahnie later managed **Gudgenby** for Edward Severne until he purchased it in 1849 after Severne's death. McKeahnie bought **Boroombah** from William Davis (snr) in 1860 and later bought the **Orroral** run from Herbert thus establishing a large landholding from a very modest beginning. His children maintained the runs and had pastoral interests in the south as well.

Wright, after an accident, retired from the land and sold **Cuppacumbalong** to Leopold de Salis in 1856. The de Salis family purchased the **Naas** and **Naas Valley** runs in 1869 after William Herbert's children sold up and moved their pastoral operations south. In 1872 the **Coolemon** run in the mountains was bought. The de Salis family had extensive pastoral interests in Queensland. Leopold's sons mostly managed the Queensland enterprise but George de Salis, the third son, managed the **Cuppacumbalong** properties. The 1890s Depression brought the de Salis family down and in 1893 the Union Bank took over management of the runs and later sold them to the partnership of Campbell and Circuit.

By the 1870s the Murrumbidgee valley was dominated by three large landowners Cunningham, McKeahnie and de Salis as well as sundry selectors. Selection was notable at this time with selectors or dummies buying a considerable amount (as conditional purchases) of the estates as well. This pattern of land ownership remained until Federation.

After Federation much of the land was resumed by the Government and became the Australian Capital Territory. Since Federation the land has largely remained under pastoral occupation with the exception of much of Tuggeranong and the north-eastern part of Lanyon, both are covered with urban sprawl, which in Canberra is particularly bland and tacky. Extensive pine forests forming part of the Pierces Creek Pine Plantation are planted on the northern parts of the Congwarra run. A similar plantation is found on the **Cuppacumbalong** run between the Naas River and the Murrumbidgee forming the **Ingledene Forest**. In the hills and the **Brindabella Ranges**, the land has become National Park or Nature Reserve. Curiously the hilly terrain and the undeveloped nature of the area lead it to become the site for astronomical and space facilities with space communication facilities being erected in the **Orroral Valley** and **Honeysuckle Creek** (now ruined) and a radio telescope at the **Tidbinbilla Deep Space Tracking Station**. All three played significant roles in the USA Space Program.



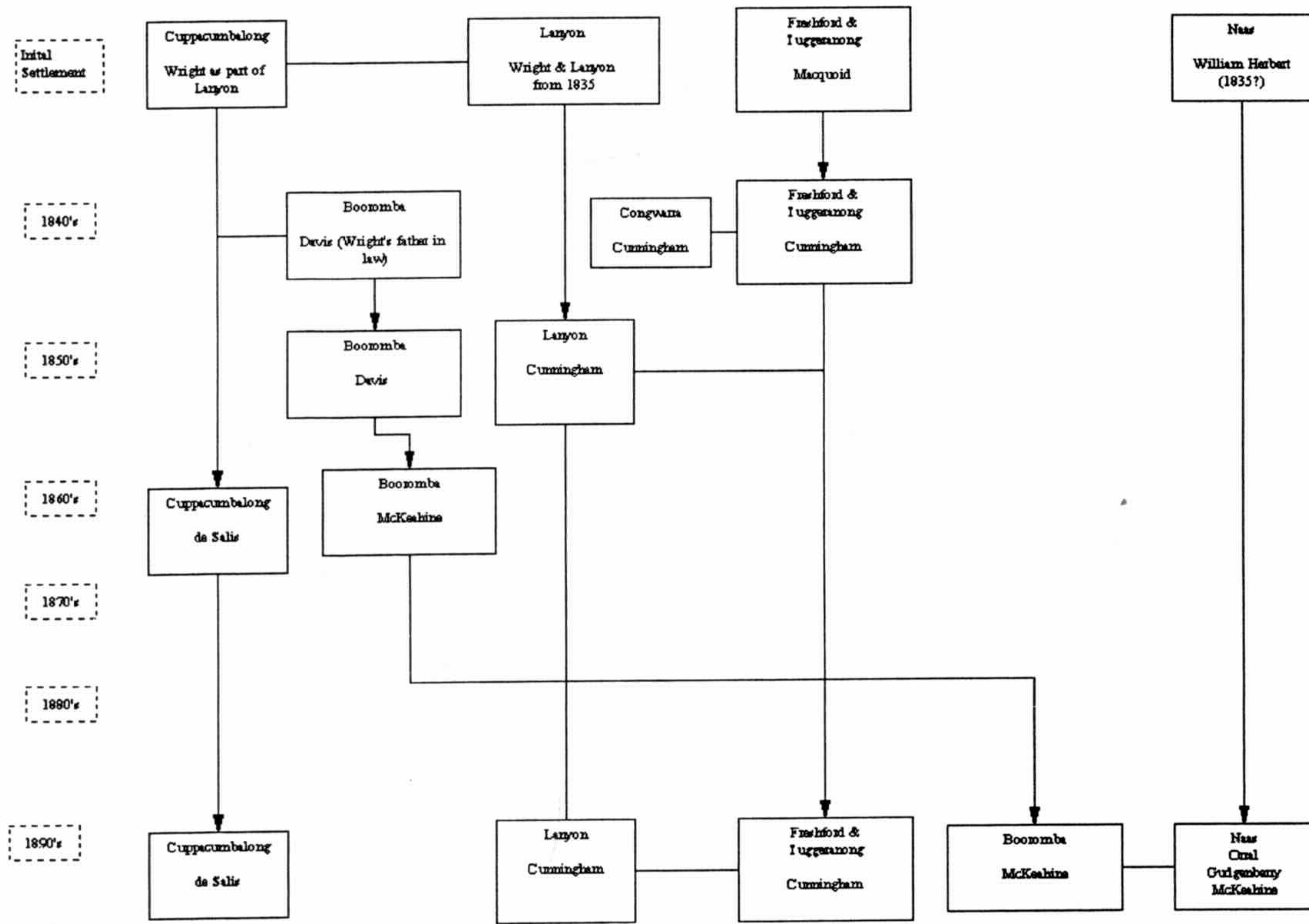


Figure 5.2 Land and Owners in the study area

## **ENVIRONMENT**

This section outlines the environment of the study area in broad regional terms and serves as a point of reference from which the landscapes to be studied can be described.

### **Geology**

The geology of Canberra region is relatively well known with several geological maps available (e.g. the 1:10,000 Engineering Geology series, the 1:50,000, 1:100,000 and 1:250,000 Canberra maps and the 1:100000 Michelago sheet) as well as detailed information from planned development works around the Canberra urban area. The main sources for geological information are Abell (1991) Henderson (1981).

In essence, three physiographic units have been identified in the region of the study area (see Evans 1987:3, other authors have differing names for the same features). These are discussed below.

### **Mount Kelly Uplands**

The Mount Kelly Uplands are an area of high relief and valleys to the west of the Murrumbidgee fault. The underlying geology is formed by the granites of Murrumbidgee batholith and it is often called by geologists "the Cotter Block". The terrain varies in elevation from 500m to about 1911m. The Mount Kelly Uplands are bounded along their eastern edge by a prominent escarpment.

The valleys of the Cotter, Paddy's, Orroral, Naas and Gudgenby rivers are included in this unit. A characteristic of these valleys is that they are quite open in their middle reaches and they narrow and deepen as they reach the edge of the Mount Kelly Uplands, run over the Murrumbidgee fault and into the Murrumbidgee River. This creates seemingly "hidden valleys" behind the escarpment immediately to the west of the Murrumbidgee fault. It is of interest to note that some rivers and streams actually run to the south before joining the northerly flowing streams. This apparently reflects a previous drainage pattern where these streams were linked to the Snowy River system before being "captured by the Murrumbidgee system (Taylor 1910).

### **Tinderry-Gourock Highlands**

This is the north-western extension of the Tinderry Range and is separated from the Mount Kelly Uplands by the Murrumbidgee fault. To the north, the Tinderry-Gourock Highlands run to the north east until they reach the vicinity of Queanbeyan where they run north along Sullivans fault. The underlying geology is volcanics of the Deakin and Laidlaw formation. The terrain is quite steep rising from around 650m at the Murrumbidgee to 1000m on local hill crests. Once on the crest of the ridges and hills there are small open areas of relatively flat terrain. The hills and slopes are marked by outcrops of stone forming scree slopes on the valley sides.

### **Canberra Plains**

To the north lie the Canberra plains noted as being a series of plains with relic hills of more resistant material (such as Black Mountain) and containing the Molonglo and Murrumbidgee rivers. Van Dijk has identified a series of five peneplains created by phases of erosion and stability in the Canberra area (1959), mainly along the valley of the Molonglo River. He has correlated these with similar plain sequences in the Shoalhaven and Yass river catchments and ordered them chronologically (see below).

### **Climate**

The climate of the region has been discussed by Pryor and Brewer (1954); Costin (1954) and McAlpine and Yapp (1969). The overall climate is described as cool and somewhat dry. Rainfall is consistent throughout the year. Rainfall is distributed unevenly with the highest areas getting the most rain and the valley bottoms the least. The coolest month is July and the warmest January. Frosts can occur during any month but are common between April and October and can occur for several days in succession (McAlpine and Yapp 1969:68). Snow occasionally falls on the lower valleys and is common on the hills during winter.

McAlpine and Yapp have attempted to model seasonal changes in soil moisture, an important factor in plant growth. Their results indicate that there is a pronounced seasonal variation from Summer (low) to Winter (high) which contrasts with the even rainfall distribution. Droughts - defined by McAlpine and Yapp as a succession of weeks where the soil moisture storage remains at 90% depletion - are common. Figures quoted by the authors show that between 1901 and 1960 droughts of over four months duration occurred for 20% of the time (1969:73). Interestingly they do not discuss the data from which Eyles (1977) used to produce his figure 5, which showed a marked cyclical variation in mean annual rainfall between 1877 and 1977 for Queanbeyan.

None of the authors discuss floods although it seems that flood is a factor to consider in settling by the Murrumbidgee River.

### **Soils**

Soils in the region have been studied by Gunn (1969); van Dijk (1959); Sleeman and Walker (1979) and Walker (1978). Sleeman and Walker (1979) and Walker (1978) have mapped a series of soil-landscape associations throughout the ACT which are also applicable to other areas.

Such classification of soils masks more complex processes of soil formation and landscape evolution. Van Dijk (1959) and Kellet (1980) have studied the processes of soil formation and landscape evolution in the region. Van Dijk studied the catchment of the Molonglo River on the Canberra Plains. He identified four major landscape surfaces, each of which had been eroded into by streams, and by sheet erosion that resulted in landsurfaces which van Dijk called pediplane basins. These basins were gradually filled by sediment deposited after each phase of erosion. Van Dijk identified five cycles of soil formation and landscape erosion-deposition periods. These he did not date but correlated them generally with Pleistocene climatic cycles.

Kellet, in his investigation of the hydrogeology of two stream basins at Lanyon, identified a similar set of landsurfaces and erosion-deposition cycles in the area. He generally interpreted these following van Dijk's work, although he only correlated the two most recent phases with van Dijk's most recent cycles (1980).

Prosser *et al.* (1994) argue for more localised aggradation until threshold conditions are reached then periods of rapid erosion. These cycles are controlled by localised factors rather than regional factors such as climate change.

This work helps in establishing that there was a great deal of landscape change over time in the region (not just as a result of recent clearing). It also demonstrates that soil formation processes are not just the simple result of paedogenesis on bedrock but in some areas (notably landforms such as slopes, valley bottoms, river terraces and plains) are the results of complex patterns of pre-contact landscape evolution.

### Vegetation

"The timber line is a fairly well marked feature, and roughly corresponds to the 2000ft contour in the neighbourhood of the site (presumably Canberra). Below this line the country is open, and indeed almost treeless- partially naturally and partially artificially"(Taylor 1910:12). Thus wrote Griffith Taylor in 1910 identifying the key feature of the regional vegetation pattern, the expanse of treeless grassland plains and the marked tree line at 2000ft. These were also discussed by Cambage (1918) who argues for a difference in soil characteristics between hills and plains to account for the absence of trees (1918:684-688). Pryor and later Burbidge and Gray (1970) who follow Pryor without question, argued that the grasslands were created by a combination of low rain and low temperature (1954:165).

At the time of Pryor's writing, anthropogenic explanations for the occurrence of grasslands were not considered relevant. However, it is likely that Aboriginal burning practices assisted in the maintenance of grassland. *Themeda* grasslands are well known to require occasional burning to maintain the structure and plant species as well as promoting the growth of plant foods. Evidence for the role of Aborigines in burning adjacent to the Monaro plains has been discussed in Hancock (1972:15-27) and it is likely that Aboriginal burning would have been active in the adjacent Canberra area as well.

The grassland plains were dominated by Kangaroo Grass (*Themeda australis*) with a mixture of *Poa caespitosa* on wetter, heavier soils and *Stipa aristiglumis* on shallow soils (Pryor 1954:165). Pryor considered that the alteration to the original extent of grasslands was so great that he could not set out their former extent. He notes that "there is little doubt that the Canberra Plains, Ginninderra and Tuggeranong were treeless" (1954:165). Pryor notes that there is a distinct boundary between the grasslands and surrounding savanna woodlands at the 2000-foot contour.

Surrounding the grasslands was a savanna woodland of widely spaced dominant trees (typically *E. mellidora*-*E. Blakeyi*) with a *Themedia* dominated understorey. This vegetation is limited to elevations below 760mm and rainfall of about 58cm per year. At higher elevations (up to around 1200m) the dominants are *E. pauciflora* – *E. stellulata* with a *Themedia* grassland.



The savanna woodland is succeeded on the steep slopes and highlands adjacent to the Canberra Plains (below 884m) by dry sclerophyll forest dominated by *E. macrorrhyncha* - *E. rossii*. Pryor attributes its development to damper conditions on these slopes (1954:170). The dominant species form a closed canopy with a layer of small shrubs underneath.

Wet sclerophyll forest occurs on the higher ranges between 822m and 1558m, where the rainfall is highest and temperatures still suitable for growth. The dominant trees form a closed canopy up to 43m high. Underneath the closed canopy lies a stratum of *Acacia* and under this a tall shrub stratum. In wetter gullies a tree fern stratum underlies the shrub stratum.

On the extreme western and southern areas of the region are Alpine Woodlands dominated by *E. niphophila* with a scattering of shrubs and grasses. These areas although wet are also very cold with a short growing season and winter snow.

## CONCLUSION

The study area is largely dominated by the unique form of the rivers and streams within it. The Naas, Gudgenby and Murrumbidgee Rivers and many lesser streams and creeks all have areas where they run through steep gorges. Upstream from the gorges are flats, broad open areas of grassland with a swampy bottom. Flats, despite their name are not flat but gently undulating. Around the margins of the flats is a distinctive tree line on the adjacent hills. The landscape is almost layered for as you go upstream you move through an area of gorge and then into a flat then another gorge and then more flats each at a slightly higher level. The flats are stepped in elevation back from the Murrumbidgee. Cuppacumbalong homestead on the Murrumbidgee at Tharwa is at 580m, Naas at 650m. The elevation of the two runs to the west, Gudgenby at c.980m and Orroral at c.950, is much higher. Coolemon Plain is at around 1280m with the surrounding hills around 1500m. Coolemon is Alpine in character with winter snows.

Apart from the flats the other key element in the landscape is what the Crown Lands Acts called "frontage". That is land fronting a river, stream or lake. With rivers running through gorges and semi-gorges the steep margins of streams makes it difficult for stock to actually access the rivers thus reducing the value of river frontages in many areas as they cannot be used for stock watering. Stock access to frontage in the flats was also difficult to determine as streams were smaller and run through swampy ground.

In the Riverina frontage was important, as it was possible for an individual to dominate a large area of land by selecting or peacocking the frontage of a particular area. The Lands Department tried to control this by limiting the amount of frontage an individual could hold in a conditional purchase series to 60 chains (1.27km). However in a comparatively well-watered area such as Canberra such a control was relatively meaningless as water was abundant. What was limited in the study area were flats which contained well-watered grasslands readily suitable for sheep grazing.

Peacocking the flats was an effective selection strategy to control a larger area however the Lands Department regulations lacked the subtlety to prevent this.

**CHAPTER 6: MAKING AN ESTATE - WRIGHT AT  
LANYON (1834-1857)**

## INTRODUCTION

Lanyon was established as a mixed freehold and squatting run in 1834 by James Wright and John Lanyon. This case study illustrates the formation and maintenance of a typical squatting landscape in this period from 1834 until the mid-1840s, when the surviving owner James Wright separated Lanyon into freehold and squatting land and established himself on the squatting run – Cuppacumbalong.<sup>99</sup>

After a brief overview of the settlement in the Canberra region, the process of pioneering and establishing Lanyon is discussed. This is followed by a discussion of the development of the run as a mixture of freehold and squatting settlement with a combination of agriculture and sheep grazing. Wright's bankruptcy and ultimate sale of Lanyon is then discussed. The evidence of the age of buildings, structures and landscape at Lanyon is discussed in order to establish some idea of the landscape during Wrights occupancy. Finally, the Lanyon landscape is read to look at issues to do with pioneering, Wright's social status and the question of whether the landscape was one of "captive labour" or not.

## REGIONAL SETTLEMENT

The settlement of the Canberra region began with initial exploration by Throsby in 1810, Kearns in 1822, Captain Mark Currie in 1822, and the Government Botanist Alan Cunningham in 1824 (Gillespie 1991:8, Lea-Scarlett 1968:5-6). Captain Currie reached the Limestone Plains (now Canberra) in late May 1822. On the 1st June, he crossed the Limestone Plains "and travelled through a fine forest country to a beautiful small plain, which we named Isabella's Plain, after Miss Brisbane" (Moore 1982:11).

Official settlement reached the Limestone Plains in October 1824 when J. J. Moore, Clerk to the Judge Advocate, was issued with a ticket of occupation for land at Canberry on the Molonglo River. Shortly afterwards Robert Campbell was granted 4000 acres of land in the Limestone Plains area as compensation for his losses in the wreck of the *Sydney* in 1816 (Steven 1966:281, 297). Campbell established his grant to the north of the Molonglo at Duntroon. Soon after his brother-in-law, George Thomas Palmer took up land in the Ginnindarra area adjacent to Duntroon (Gillespie 1991:10). The land was mainly used for sheep and cattle runs with a small settlement established at the head station of each run where more intensive agriculture occurred. Generally, men managed the sheep and the runs whilst the owner's were absent in Sydney.

By 1828, a small settlement of some eight runs on the Limestone Plains had been established. Most of the runs were established along the Molonglo River and were on large tracts of freehold land obtained either by grant, as in the case of Campbell, or by purchase. Some landholders and other individuals were squatting on Crown Land as they are recorded as being displaced by new arrivals. For example, Timothy Beard, a

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<sup>99</sup> The main buildings of Lanyon homestead are now preserved as a popular historic site on the outskirts of Canberra in the ACT.



wealthy emancipist who owned the Bay Horse Inn on the Cowpastures Road near Campbelltown, squatted on land at Queanbeyan and elsewhere. He was recorded as having three convicts assigned to him. Beard was later moved on from Queanbeyan when John Stephen, son of the Puisne Judge of the Supreme Court of NSW, applied for the land to be surveyed and it was purchased by him in 1826 (Lea-Scarlett 1968:13-14). This pattern of squatting appears to have been quite common (Lea-Scarlett 1972: 4-18).

The 1828 Census is important in documenting settlement in NSW before the huge pastoral expansion of the 1830s. Following the example of Higginbotham (1993), the Census has been used to reconstruct settlement types in the Canberra region. The difficulties in working with the Census have been discussed in Higginbotham (1993:52) and Sainty & Johnson (1980:16-18).

**Table 1 Properties in the Canberra Region Acreage and Stocking (1828 Census)**

Property	Population	Total acres	Acres Cleared	Cultivated	Horses	Sheep	Cattle
Duntroon <sup>1</sup>	19	13468	6200	34	4	4300	592
Ginnindara	14	3289	500	20	36	1769	1500
Jerrabomberra	6	3000	1000	0	2	447	3100
Canberry <sup>2</sup>	8	1000	25	25	0	105	610
Queenbean	3	2	2	2	15		300
Tuggernong	7	2000	700	13	17		257
Molonglo	12	500	300	10	17		827
Jier	10	460	120	20	0		
<b>Total</b>	<b>79</b>	<b>23710</b>	<b>8847</b>	<b>124</b>	<b>91</b>	<b>6621</b>	<b>7186</b>

1 This is an amalgamation of all Campbell's holdings and it is impossible to untangle them.

2 There are two listings for J. J. Moore, one for 500 acres and the other for 1000 acres. I have used the latter as that was the size of Moore's grant at Canberra.

**Table 2 Landowners in Canberra area 1828**

Property	Owner
Duntroon	Robert Campbell (snr.)
Ginnindarra	G.T. Palmer
Jerrabomberra	John Palmer
Canberry	J.J. Moore
Queenbean	Timothy Beard
Tuggernong	Peter Murdoch
Molonglo	Owen Bowen
Jier	Robert Johnston

The settlement pattern in 1828 consisted of large properties owned by absentee landlords based in Sydney. Eight properties listed can be placed in the Canberra region, of which all, except Molonglo, can be described as being managed in their owner's absence. The Census shows that there was one large property - Duntroon, four medium size properties, and one small property - Jier. The owners were members of the colonial Gentry and the properties were managed by overseers or stewards. The larger properties ran mainly sheep with some cattle. Queanbeyan was a squatting run on Crown Land as the ratio of stock to land shows. Molonglo was unique in the local area as being owned and occupied by the same family. Settlement was focused along the course of the Molonglo River and grants had virtually locked up all the land in this area.

In the settlement at Canberra many of the elements of Government land policy (discussed in Chapter 3) are to be seen. Moore first occupied his land under the Ticket of Occupation system. Campbell received his land as a grant, as reward (or compensation) from the Government for service. The Palmers, Campbell, Moore, Murdoch and Johnston all claimed land because of their position in society. Beard was a squatter, occupying Crown Land without much authority and as an emancipist of a lower class, he was of the skulking squatter type. There are no details about how Bowen got his land. The land was granted because it was in the County of Murray which was within the limits of location in October 1829. It is of interest to note that such large estates were established on the extreme edge of settlement: this indicates the pressure on grazing land during the early 1820s, which was an important factor in the expansion of squatting.

Four properties, Duntroon, Ginnindarra, Jerrabomberra, and Jier are recorded as running sheep and cattle. However, in the case of Duntroon and Ginnindarra the number of labourers listed in the Census indicate that there was a reasonable amount of cultivation as well. Presumably this was the growing of root and grain crops. A split in activities between grazing and cultivation seems to be reflected in the occupations listed. Duntroon's workforce for example was split with nine shepherds and seven labours, the balance of workers were the Blacksmith, Shoemaker and Superintendent. Canberry, Queanbeyan, Tuggeranong, and Molonglo all have a dairying component and are presumably mainly cattle runs. Dairying seems an odd activity as dairy products spoil quickly and the trip to the nearest guaranteed market would have taken weeks. Admittedly, there would be some on-farm consumption but it would have been difficult to sell dairy products in Sydney unless they were making cheeses which could be stored longer.

In the Census just over a quarter (28%) of the land is listed as cleared. This seems to be an overestimate possibly because the treeless plains were included in the count. The figure for the land actually cultivated (0.7%) is more likely to measure the actual extent of clearing and bringing the land into agricultural production.

Of a population of 79, there are only four women and three family groups identifiable, all from Molonglo, which is unusual as having the only resident land holder - Owen Bowen. Bowen is also unusual in being an ex-convict among a group of mostly respectable land owners. Campbell and the Palmers were respected colonial Gentry although not of the first rank because of their involvement in commerce. Robert

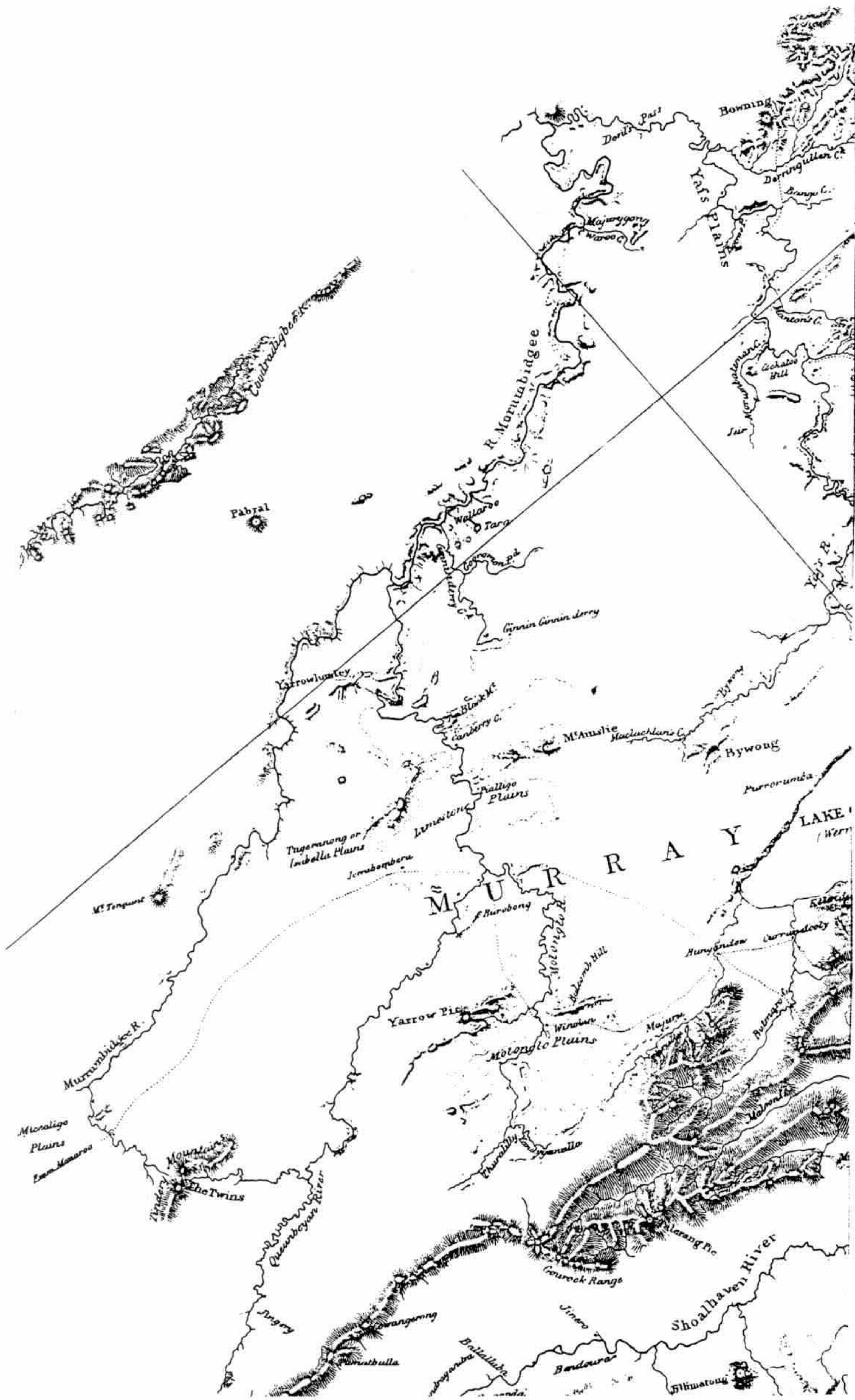


Figure 6.1 detail showing the Canberra region from Map of the Colony of New South Wales, 1834

Campbell was a member of the Legislative Council from 1825 and was a leading member of colonial society.

The Canberra area is depicted on Mitchell's Map of the Colony of NSW, which although published in 1834 was based on a series of surveys from 1828, onwards (Andrews 1992). The Canberra region was surveyed by Surveyor Dixon and Draftsman R. N. Docker between May and July 1829 and the resulting maps (M.1.595 to M.7.595) were incorporated into Mitchell's map. Thus, the Canberra region was surveyed within a year of the Census. The survey was a trigonometrical survey inherently more accurate than those of early explorers and thus it provides the first reasonably accurate map of the Canberra region.

The map reproduced as Figure 6.1 shows the properties mentioned in the Census. Interestingly a track to the Monaro suggests that although settlement was proceeding in that location it was literally off the map, being outside the limits. The 1828 Census records Emanuel and Catherine Elliot at Michelago, outside the limits, and there are reports that Robert Campbell had taken up the Delegate run around this time. There is no evidence however of settlement in the Lanyon area before 1834.

The regional settlement pattern in 1829 would have been a sparse collection of buildings and cultivation plots forming the eight main homesteads. Dispersed flocks would be located across the plains, each with its shepherd and probably a small hut for each flock. Settlement would be sparse and little in the way of impact on the environment would be seen. Looking up the Murrumbidgee towards Lanyon, Naas, and the mountains no evidence of settlement would be seen although no doubt the smoke from Aborigines fires would be visible.

### SETTLING THE ISABELLA PLAINS

Peter Murdoch, a cousin of Governor Brisbane, who had served the Government as Superintendent of the Emu Plains government farm and later at the convict settlement at Maria Island, received a grant for his services of 2000 acres of land. The land he applied for on the Isabella Plains appears to have been occupied by "Mr Johnston",<sup>100</sup> who had land at "Jier" near Weston Creek and presumably was squatting on adjacent land. Murdoch received his grant in 1827. Almost immediately he passed his land on to his brother James and returned to Tasmania. The run was established on what is now Portion 203, Parish of Tuggeranong, then also known as Isabella Plains (see Moore 1982:6-8). The land had a frontage to the Murrumbidgee River.

No doubt, the settlement at Isabella Plains encouraged exploration further up the Murrumbidgee River and the small plains and valleys at Tharwa and Naas would have been discovered and squatted on. They would have been seen as ideal country for grazing as the grassy plains and savanna could have been used without any clearing. The disadvantage would have been that they were outside the limits and therefore unable to be applied for either as grant or purchase. The difficulty in sorting out who had prior occupation and who followed whom is largely because such occupation was not strictly legal, and generally consisted of an ephemeral out-station, three shepherds

<sup>100</sup> Robert Johnston son of Colonel Johnston of the Rum Rebellion.



and 400 or 500 sheep. For example, Lhotsky writing in 1834 lists squatters in the general area such as William Herbert at Naas (Andrews 1979:136) and Joe Beard at Mount Tennent, which is just south of Lanyon (Andrews 1979:63). Lhotsky, although visiting the Canberra region, did not actually travel down the Murrumbidgee and so may be inaccurate as regards location and names of those occupying land there. Subsequent evidence shows that Beard was squatting on what was to become Lanyon.

The early occupation of the Lanyon area is difficult to reconstruct. Ray discusses the evidence of a map drawn by surveyor Henry White dated 15/01/1834, that shows Timothy Beard and possibly, some huts on the Lanyon block (Ray 1981:3).<sup>101</sup> Moore cites the same map but dates it to 1829 (Moore 1982:6). The map Moore refers to however seems to be Dixon's map based on his ascribing the date 1829 to it (see Andrews 1994:317). Moore and Ray agree that "Timothy" Beard was a prior occupier of the land around Lanyon from around 1834. When surveyor Robert Hoddle in January 1835 drew up the portion plan for the purchase of Lanyon he noted Beard's station on what became Portion 64 (see Figure 6.3).<sup>102</sup> Ray however confuses the matter by reading an inscription on Lanyon's plan of Portion 64 (see Figure 6.6) as "Hurst's sheep station" (Ray 1981: 3). My reading of the inscription is "huts and sheep station" and this is born out by examination of Hoddle's original field books (Figure 6.2) that show the same area as Beard's sheep station without any mention of "Hurst".

Another question is raised by mention of George Webb's supposed occupation of Lanyon in 1834 and dispute with Wright and Lanyon. Moore discusses this but fails to supply any evidence of the sources of his tale (Moore 1982:14). Ray (1981:2) records that Webb was living at Lanyon in November 1835 when his son was born but this may not mean that he was occupying the land. "Lanyon" could have referred to a district rather than Webb's residence. The principal evidence of a dispute is in Davis Wright's reminiscences where he notes that Webb pitched his camp in error on Wright's land and then moved over the Murrumbidgee to settle, only to find that Wright had occupied that land as well. He remained in residence for 18 months until he had taken up another run, the Jellbinbilla Run (Davis Wright 1923:38). Although Davis Wright dates this to 1839-1840, Ray's records, taken from church registers, are.

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<sup>101</sup> The White map is confusing as it is dated 1834 yet it also depicts the blocks purchased by Wright and Lanyon in February 1835. I think this map may have been a copy of Dixon's 1826 map updated. It is difficult to tell though as the National Library holds a copy of the map but not the original, which seems to be lost. Possibly it was a charting copy. Charting maps were formed by a base map usually lithographed, on which were inscribed subsequent changes to the land holdings. Frequently these annotations are undated and it is common for these maps to be dated by the lithograph, which in the case of charting maps only provides a terminus post quem.

<sup>102</sup> The original portion plan has been lost since the 1960s. However a copy made in 1911 as part of the creation of the ACT survives in Canberra. Hoddle's field books are held in the State Records of NSW.

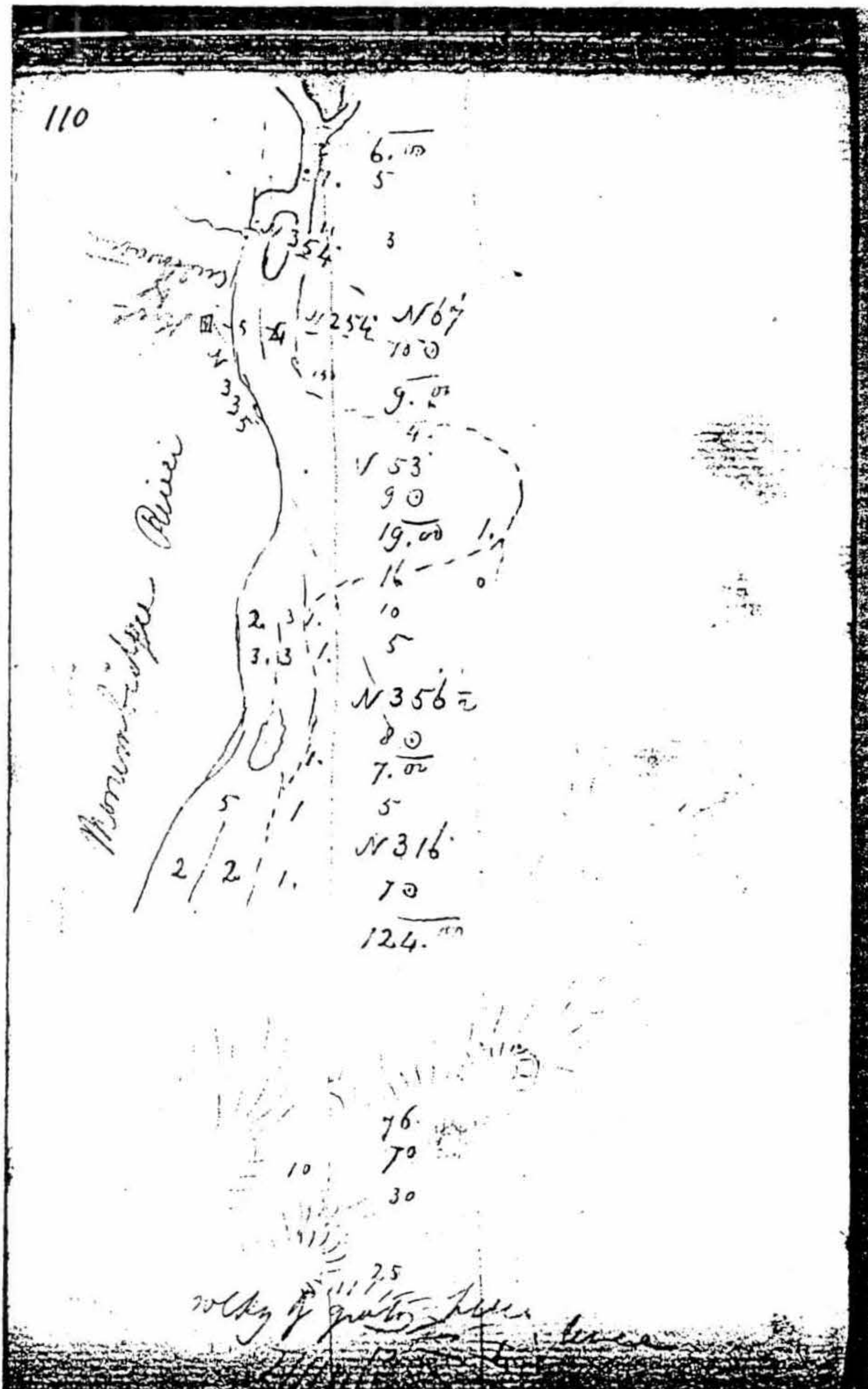
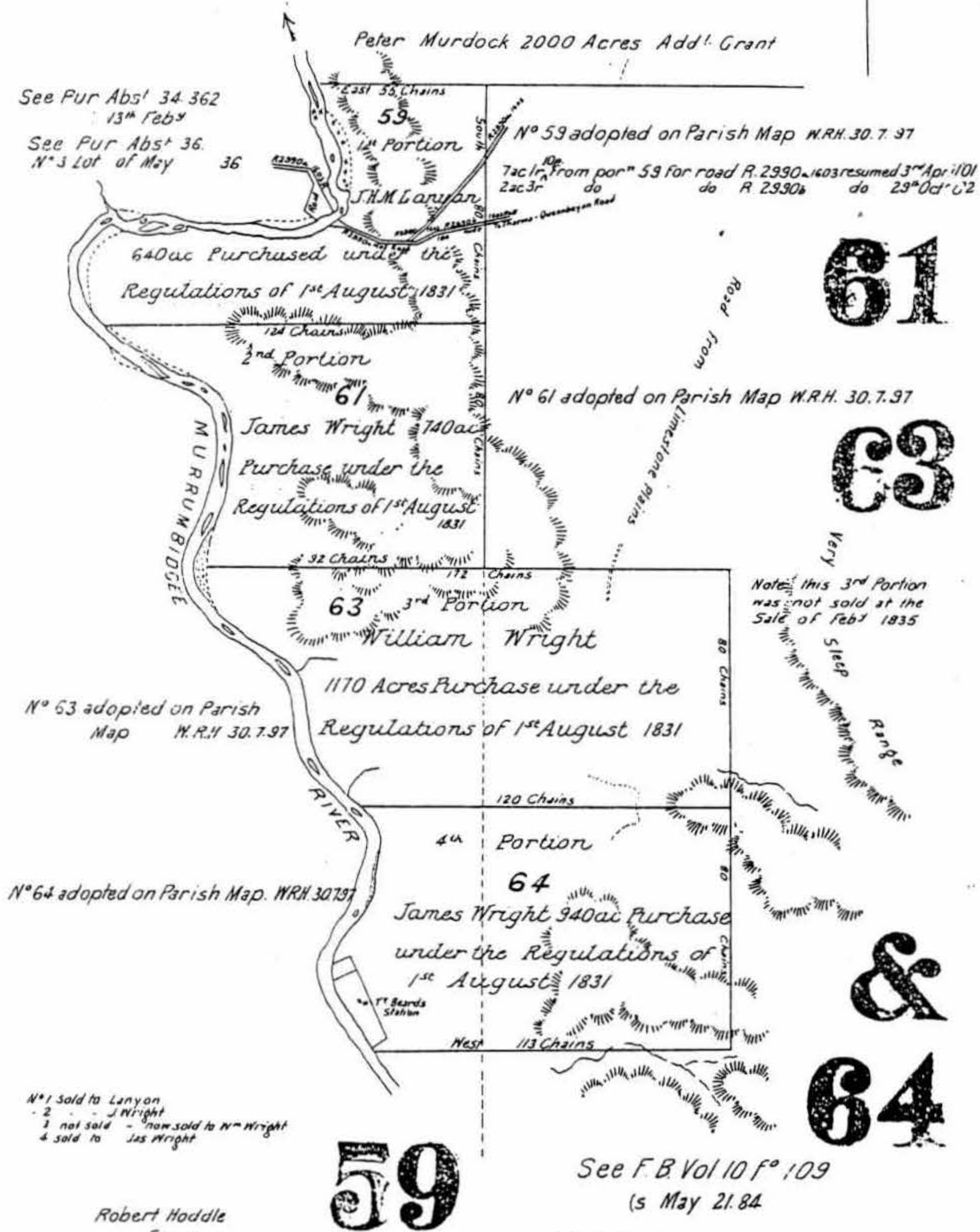


Figure 6.2 Survey notes by Robert Hoddle



Plan of Four Portions of Land applied for to purchase under the Regulations of 1<sup>st</sup> August 1831 by John Hamilton Mortimer Lanyon Situate at Jiggerlite  
 County of Murray Parish of Gigerline



N<sup>o</sup> 1 sold to Lanyon  
 2 - J Wright  
 3 not sold - now sold to W<sup>m</sup> Wright  
 4 sold to Jas Wright

Robert Hoddle  
 Surveyor  
 Accompanying Descriptions and Letter  
 Dated 12<sup>th</sup> January 1835

I CERTIFY that this is a CORRECT COPY of the original plan of which it purports to be a copy. I being the officer having the custody thereof.  
 Draftsman-in-Charge  
 Surveying Division  
 27. 11. 11

M 31 743

Figure 6.3 Plan of Portions of land applied for to purchase under the regulations of 1st August 1831 by John Hamilton Mortimer Lanyon situated at Jiggerlite.

likely to be more accurate than Davis Wright's reminiscences, suggesting that Webb was in the area of Lanyon around 1835. Webb may have been the individual described in a letter from Wright to the Colonial Secretary as squatting on land adjacent to Lanyon (discussed later). Hoddle's field books show a number of huts along the Murrumbidgee in addition to Beard's huts (Figure 6.2). These may have been occupied by Webb. Moreover the White map discussed earlier has Beard's station marked on it but also marks a "Cattle Station" over the Murrumbidgee adjacent to Lanyon. Possibly this was Webb's station.

To summarise, by 1833 the regional landscape would have consisted of several major pastoral holdings on the Canberra plains situated mainly along the Molonglo River. Some of these would have had temporary out-stations occupying suitable grazing land. With these squatters were other individuals such as Beard and Webb who did not own pastoral estates but were squatting on Crown Land and were moved on when it was purchased. Thus, sheep flocks would have been scattered across the plains. In the valleys beyond the limits of location smaller squatters such as Herbert at Naas established small homesteads and grazed their flocks within the valleys. It was into this area that James Wright and John Hamilton Mortimer Lanyon ventured in search of a grazing run.

## ESTABLISHING LANYON RUN<sup>103</sup>

### The owners

James Wright was born about 1797, one of the sons of William Wright a merchant of Derbyshire and later Surrey. He seems to have come from a solid middle class background. He is referred to in correspondence as "esquire" which was a sign of respectability. All we know about Wright's background is based on the memories of his son William Davis Wright. According to Davis Wright, James Wright worked for his uncle, a Spanish merchant, before venturing to Australia (1923:25). Wright arrived at Sydney on the 24th April 1833 in the *Enchantress* the voyage having taken about five months. He was 36 when he landed in Sydney and was described as a "merchant".

Little is known of John Hamilton Mortimer Lanyon. Born in England in 1807 to a respectable middle class family, he arrived in Hobart on the *Medway* on 31 May 1832. Lanyon then travelled to NSW on the *Susannah* arriving in Sydney on 31 May 1833. Moore, following Davis Wright (1923:26) claimed that Wright and Lanyon travelled together from England on the *Enchantress* (1982:13). However, Ray points to the absence of Lanyon on the passenger list and his presence on that of the *Medway* as evidence that Wright and Lanyon did not travel to Australia together (Ray 1981:4) They either were associated in England or met in Sydney and decided to become partners. James Wright was 36 while John Lanyon was 25, an interesting gap in age. From reading Wright's insolvency papers it seems that, as Lanyon or his relatives had

<sup>103</sup> There are three historical works on Lanyon. The first is Bryce Moore's *Lanyon* published in 1982; the second is Pam Ray's history commissioned as part of the conservation planning for Lanyon. Finally several years later is Chamber's history commissioned as part of Lanyon's interpretation. As will become apparent in the course of this chapter, each has their strengths and weaknesses.



no claim on Wright, James Wright may have had the majority of the capital while John Lanyon, provided the youth and enthusiasm.

Further information about the Lanyon family is provided by Dolan (1984) and a deposition located in the Cunningham papers in the National Library, dated 1863. Lanyon's father, John Jenkinson Lanyon was a naval purser who died on 9th June 1835. His mother was Catherine Anne Lanyon (nee Mortimer) and she died on 25 April 1840. His brothers were William, 4th Officer of the East Indiaman *Hythe*, who died 18 November 1831 "by the upsetting of a boat in the Canton river" and Charles, a notable architect who designed many buildings in Belfast and was knighted in 1868. Sir Charles Lanyon died in 1889.

Both Lanyon and the Wrights came from middle class backgrounds and had connections with trade and a degree of respectability. As such they were typical of what de Serville identified as "men of substance and respectability" (1980:32). This group was outside "good society" but formed the core of land owners, squatters, civil servants, and professional men. In the Canberra area, they would have formed a second rank behind the Campbells and Palmers, who while of the same social rank, had acquired a pre-eminence in society through their long residence in the colony and were part of the Colonial Gentry. There is no evidence that either Wright or Lanyon had any experience of sheep farming.

Lanyon only remained in Australia until 1835 when he returned to England to see his dying father. Lanyon left on the 30th June 1835 on *Albion* (ironically his father died on the 9th June 1835) and never returned to Australia, dying himself on 29th June 1841. John Lanyon's estate was managed by his brother Charles. Lanyon spent one year in Tasmania and two years in New South Wales yet left an indelible mark on the country in the form of his name.

William Wright, James' eldest brother left England on 9th August 1835 on *Derwent*, arriving in Sydney on the 13th January 1836. He survived only a year in Australia as he was accidentally shot while duck shooting and died on 1 January 1837. He is buried in the Lanyon cemetery (Ray 1981:8). No reason is given for William Wright's decision to voyage to Australia however it does seem that he brought some capital with him as he purchased the balance of the Lanyon estate. James Wright's list of creditors include the following, described as cash advanced to the late William Wright:

Samuel Peace Pratt	Barth	£2607 11/- 6d
Joseph Wright	Aldermubery, London	£2296 19/- 6d
Henry Buken	London	£ 381 4/- 6d
George Wright	Chesterfield, Derby	£ 98 13/- 6d
Job Wright and Co	Greater Winchester St. London	£ 30 4/- 6d

This suggests that the Wrights were probably involved in expanding their commercial interests into Australia. Presumably news of the commercial opportunities in the sheep industry had reached England and the Wrights were interested. James Wright was sent to scout out the prospects and then, having secured a likely prospect, William Wright was sent out with the bulk of the capital. John Lanyon may have been a family associate but he was not really a financial partner in the venture. Most likely,

he was destined to be the manager of the property. This was a typical arrangement having parallels with the Clyde Company in Victoria.

### Initial occupation

The precise sequence of events leading to Wright and Lanyon's occupation of Lanyon is unclear. Chambers claims that "Wright and Lanyon had inspected possible station sites in the New England area" before settling at Lanyon (1987:1). While this seems a likely course of action, Chambers does not supply convincing evidence for this.

Moore claims that they chose a spot "some four or five miles distant from the nearest settler" (1982:13), despite evidence of Beard's occupation of a site on Lanyon. Moore also gives an account of the activities of establishing themselves on the site, again based on no evidence although it is likely from other accounts of settling that they followed a similar procedure.<sup>104</sup>

In early 1834, both Wright and Lanyon applied for land at Lanyon to be surveyed and put up for sale. The land fronted the Murrumbidgee River and the rear of the blocks rested on the hills. The northern boundary of the land was Murdoch land. Four lots were surveyed by Robert Hoddle in January 1835:

Lot 41	Portion 59	640 acres
Lot 42	Portion 61	740 acres
Lot 43	Portion 63	1200 acres
Lot 44	Portion 64	960 acres

The land was sold at an upset price of 5/- per acre at auction on the 13th February 1835. Lanyon purchased Portion 59 while Wright purchased Portion 61 and 64. It is interesting to see that Lanyon purchased the smallest lot (Chambers 1987:1). Moore notes that lot 43 was withdrawn from sale due to a surveying error (it was thought to contain 1200 acres when in fact it contained 1170 acres). This land remained unsold until William Wright arrived in the Colony in 1836. William Wright applied for an additional two 640-acre blocks (Portions 60 and 62) that were surveyed by James Larmer in 1836. All three blocks (*i.e.* 60, 62, & 63) were purchased by William Wright in December 1836. Curiously Portion 65 which is shown in Figure Five as being owned by James Wright, was not surveyed until February 1838 (by Larmer) and the lot was purchased by James Ritchie (who owned the Booyban run at that time) in February 1838.

The initial purchase strategy seems to have been to secure land with Murrumbidgee River frontage (which effectively peacocked the land) and William Wright purchased the blocks behind. James Wright probably would have purchased Portion 63 if it had not been withdrawn from sale. The total estate was 4790 acres and at the upset price of 5/- per acre would have cost £1197 to establish. Why Wright chose to purchase land rather than to squat is unclear, as £10 would have enabled him to settle on a much larger squatting run. Presumably, the lack of secure tenure was the reason, which points to a conservatism in his financial dealings.

<sup>104</sup> One of the frustrating aspects of these histories is their lack of references. I have been told that Moore drew on a number of original documents in his possession, which he did not cite and which have never been lodged with any archive. Since he is now deceased it is difficult to verify this.

The Lanyon run is depicted in three maps. These documents are not signed or dated.<sup>105</sup> However from the text on the maps, their author seems to be John Lanyon and they seem to date to after 1835. Figure 6.4, the least informative map, merely shows the portions and their sizes. Portion 63 is listed as containing 1170 acres so the plan must date to after January 1835 when Hoddle surveyed the area and presumably discovered the discrepancy in size. Figure 6.5 shows the land subdivided and titled L'Anyon estate and is annotated "this is the section belonging to me". This annotation is initialled "CL" suggesting that this plan was sent to England as CL could stand for Charles Lanyon who inherited the land after John Lanyon's death in 1841. The inscription could have been added later. Moore however considers the plan to have been commissioned by James Wright and to be the work of a Sydney draftsman (1982:20). This ignores the evidence of the annotation as Lanyon's block never was owned by Wright nor was Portion 65 initially owned by Wright (although this plan indicates that he may have planned to purchase the land). The plan shows all other allotments owned by James Wright and Portion 63 as being 1170 acres. This seems to date the plan to between January and February 1835 after the survey and before the sale where Wright did not purchase all the portions.

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<sup>105</sup> The provenance of these maps is slightly mysterious. They are held by the ACT Museums Unit but how they got there has never been explained to me nor have I been able to see the originals.

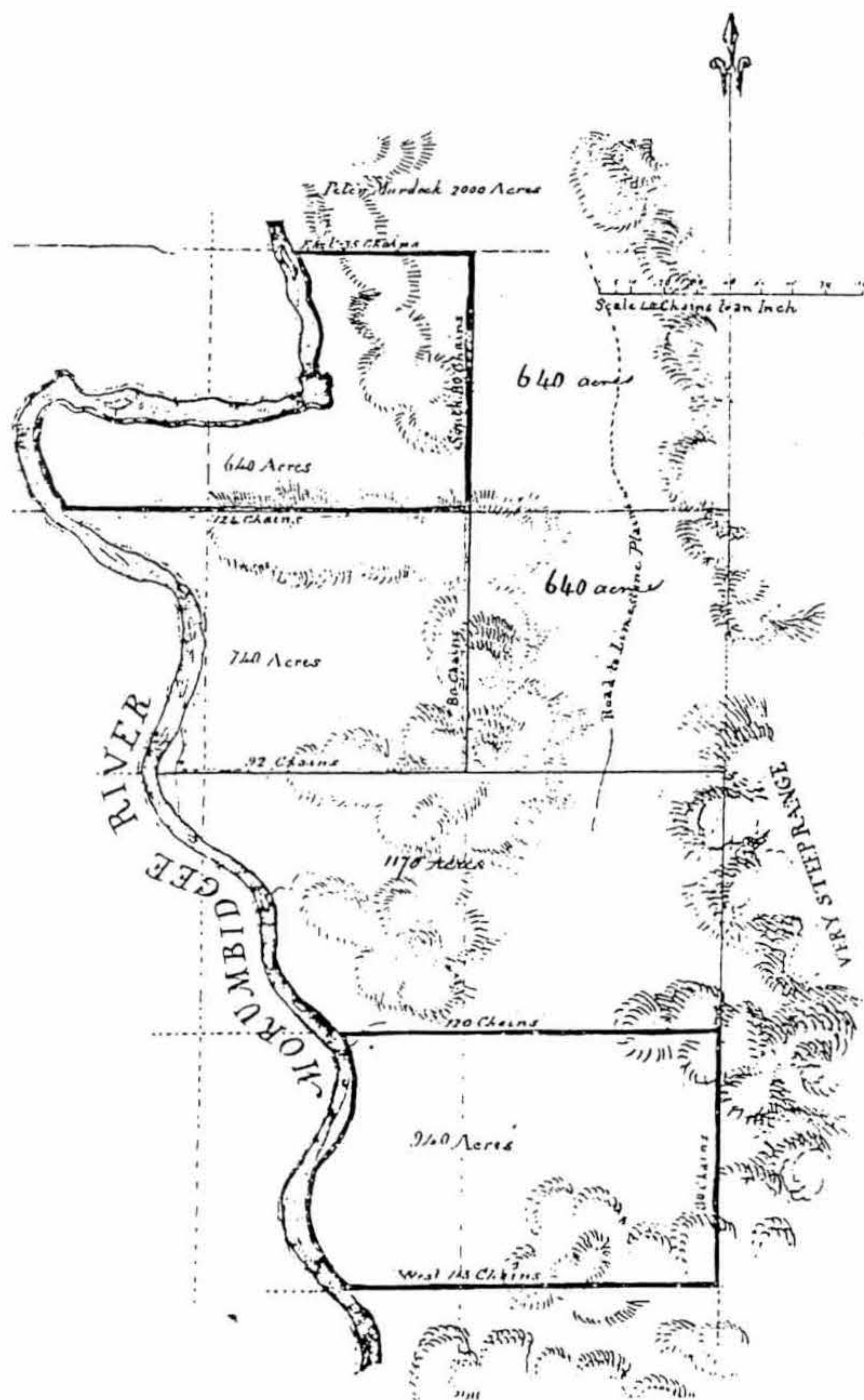


Figure 6.4 Plan of Lanyon (sourced to the ACT Heritage Unit)

Figure 6.6 which shows a very rough sub-division, makes reference to “land purchased by Wright and myself” which identifies the author as Lanyon and the date as being after February 1835. Ray dates this map to 1834 (1981:26) which is wrong given the date of the land purchases. This plan is regarded by some (notably Chambers 1987:1 and Blair and Claoue-Long 1993:82) as indicating Lanyon’s dreams of a massive pastoral expansion. Blair and Claoue-Long comment “The sketch map of L’Anyon estate is attributed to John Lanyon. It reveals his determination to exploit to the full unallocated pastureland adjoining the Lanyon property” (1993:82). This view of the map as a veritable Schlieffen plan of pastoral dominance goes far beyond the evidence of the plan itself. The annotations on the plan merely indicate the land



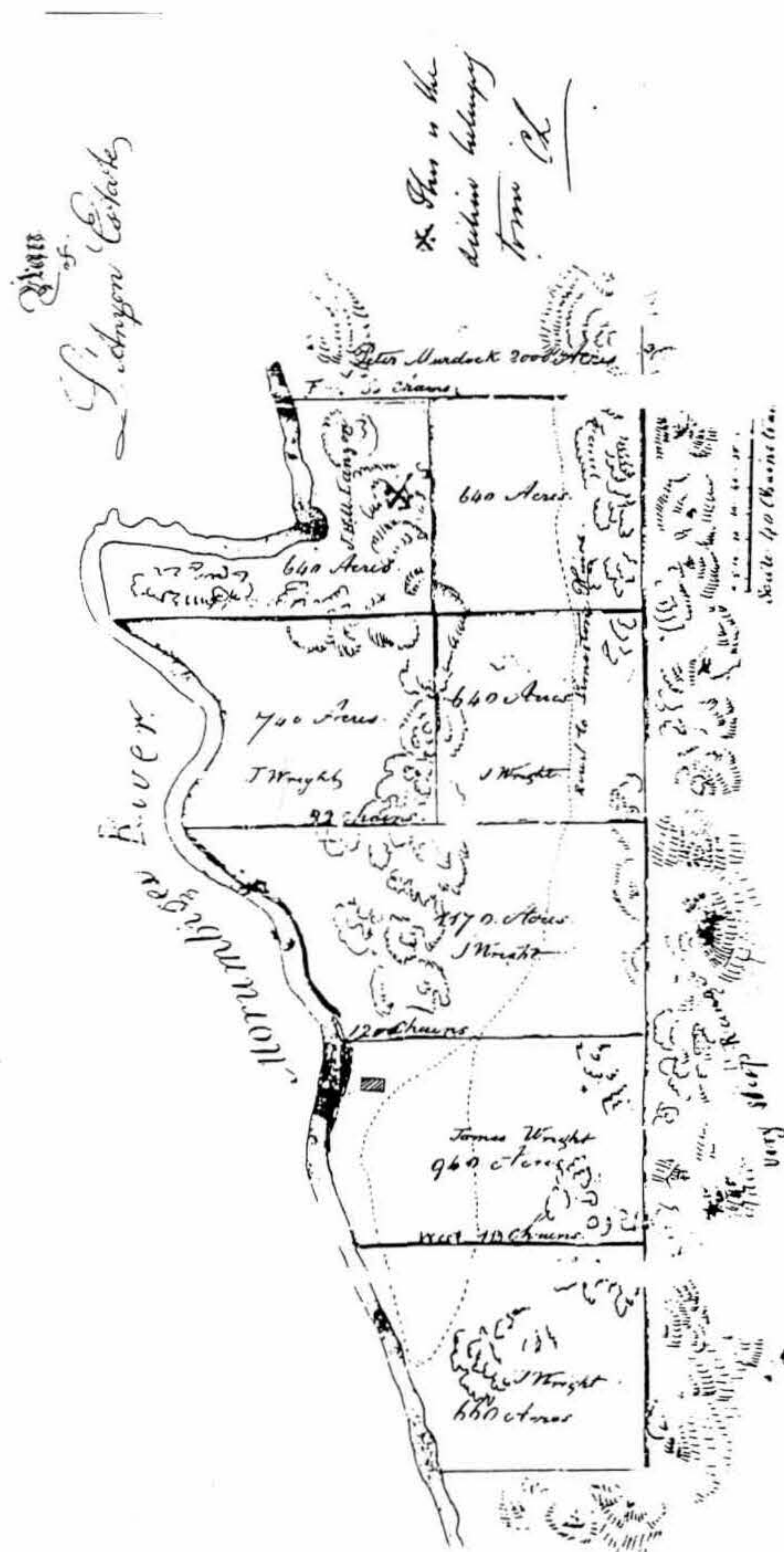


Figure 6.5 Plan of L'Anyon Estate (sourced to ACT Heritage Unit)

adjacent to Wright's and Lanyon's purchases in terms of grazing capability this was a typical annotation to plans of that time. Who knows what Lanyon's dreams of pastoral conquest were?

Both maps show some of the features on the property. Figure 6.6 shows a hut on Portion 59 (located near Hut Point) as well as huts and sheep station on Portion 64. This is the site of Beard's huts, which are in the area just north of the Tharwa Road and south of Lanyon homestead. There is no indication of any construction on the site of the present Lanyon homestead. The map is also annotated on the west bank of the

Murrumbidgee River with “fine unoccupied country except at a distance by squatters”. This suggests that Beard and Webb have been displaced but that the expansion onto what would become Cuppacumbalong had not occurred at this time. Based on the depiction of two huts it is suggested that the hut located on Portion 59 would have been where Wright and Lanyon first established themselves with Beard’s men occupying the other hut to the south. Remains of this hut have been searched for by a number of archaeologists but no archaeological evidence of its location has been found.

By the end of 1836, the Lanyon estate consisted of some 4770 acres of freehold land. The freehold land took in two distinct areas. The northern Portion Nos. 59 and 60 are dominated by “Lanyon Hill” which rises to 746 m (about 176m above the river). From this point, there is a simple slope down to the Point Hut Crossing to the north. To the north west and west this slope becomes gentler with a lesser gradient to the Murrumbidgee. To the west the slope forms a spur linking Lanyon Hill to the Rob Roy Ranges that run roughly north-south to the east of Wrights freehold land.

The configuration of these ranges, the Murrumbidgee River and Mount Tennent, combine to form a sort of bowl shaped landscape, termed “the Lanyon bowl”(Taylor *et al.* 1987). The rest of the Lanyon estate is located within this bowl although the freehold land only extends to the base of the steeply rising slopes. Immediately east of the freehold land, the hills steeply rise in a simple slope, which then crests and drops into a shallow upland valley about a kilometre wide and then rises moderately to the crest of the ranges.

The rising flanks of Lanyon Hill would not have been good sheep country and were probably lightly timbered on the slopes and more densely vegetated on the crests. However, the land to the north west would have been good sheep country. The bottom of the Lanyon bowl would have also been good for sheep as it would have been either lightly timbered or grassland. It was well watered, having several small streams running through it. Squatting options could be to put a flock of sheep up into the valley to the east and graze cattle on the steeper slopes. A better option however was to take up the extensive grazing land immediately adjacent to Lanyon over the river, later known as Cuppacumbalong and Boroombah.

Lanyon estate was ideally suited as a base from which to squat and Wright and Lanyon seem to have quickly established a squatting run over the Murrumbidgee. However, it seems that George Webb was there before them and had to be removed as he was in the way of Wright’s plan to occupy the land as a squatting run. With the passing of the 1836 “*An Act to restrain the unauthorised occupation of Crown Lands*” (7 Will IV c. 4) it was now legal for squatting outside the limits of location to occur. A hitherto unpublished letter of 15<sup>th</sup> September 1836, James Wright to the Colonial Secretary reads:

Sir

I beg to address you for the purpose of requesting information as to when, where, to whom and in what form application is to be made for the necessary licence for a continued occupation of Crown land without the





present limits prescribed for purchase, and which land is now and has for some time been occupied by my sheep.

Also what are the steps necessary to be taken for removing from a part of the land above named a squatter notorious for selling spirits, for harbouring runaways and other infamous characters.

Awaiting the favour of your reply  
I am sir your most obedient servant

(Applications from individuals for depasturing Licences,  
Colonial Secretary 4/1117.1 letter,36/7647, State  
Records of NSW)

Wright was sent the appropriate form to complete and the minute on the letter advised that Wright should use the Crown Lands Commissioner to investigate. However this advice was not included in the return letter to Wright (Colonial Secretary Outwards letters to Individuals, dated 22 November 1836).

Wright duly applied along with others such as William Herbert, George Webb, Timothy Beard, Thomas Chippendale, Thomas Macquoid, and Donald Simpson for permission to depasture stock beyond the limits.<sup>106</sup> Wright's application, which was granted, was in the name of William and James Wright and listed their assets as 2,820 acres, 4000 sheep and 300 head of cattle. (Applications from individuals for depasturing licences, Colonial Secretary 4/1117.1 Register of Applications, 36/10636 is the Wrights application, State Records of NSW).

The above letter to the Colonial Secretary shows that Wright and Lanyon had established a squatting run on the eastern bank of the Murrumbidgee by 1836. Whether the squatter complained about is George Webb is not known, as subsequent correspondence does not mention the squatter's name or his fate. However the evidence of this letter fits Davis Wright's evidence and to some extent Ray's evidence mentioned earlier that Webb was squatting on Cuppacumbalong and had to be removed by Wright. Whether Webb was of such notorious character is doubtful. As the Colonial Secretary was hardly likely to remove a respected member of the community, Wright may have exaggerating Webb's faults. The letter also shows Wright asserting his status. Wright clearly considered that Webb had no right to be on Wright's land, even though Wright's letter is requesting an application form for a squatting run and therefore neither of them actually had any right to be there. But, because Webb was a skulker, a notorious character and Wright, by implication is not of that ilk, Wright assumed that Webb would be sent packing. The Government however, judging by its reply was not prepared to rush into this dispute.

Although this is conjectural, it is likely that the run was established on the flats opposite Lanyon and gradually expanded to become what was later known as the Cuppacumbalong run. Given the difficulties of crossing the Murrumbidgee River a

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<sup>106</sup> It should be noted that the location where stock was to be depastured is not specified on the application.



semipermanent out-station would have been established over the river to service Wright's workers.

The process of establishing the run involved the inspection of the property, the purchasing of freehold land (which is unusual for a squatter) and the dispossession of prior occupiers, in this case not the Aborigines, but two squatters of lesser status, Beard and Webb. There is no evidence of what, if any, changes to the landscape were made. There is evidence that small ephemeral huts were located in the landscape marking Wright and Lanyon's establishment, Webb's, and Beard's. In addition, Beard seems to have established a cultivation paddock on the flats near the river.

### CONSOLIDATING THE RUN

The task of establishing Lanyon was concluded with the auctions of 1836 and the taking up of what was to become Cuppacumbalong. By 1837 of course, John Lanyon had left and William Wright was dead, leaving James Wright to manage the property and Lanyon's share of the sheep himself. With William Wright's death, James had to travel to Sydney to sort out the title to his land. From correspondence, it seems that James Wright was using Charles Roemer, a Sydney merchant, as his agent from at least 1837. Roemer acted as Wright's agent in Sydney, selling Wright's wool clip, organising supplies to go up to Lanyon, acting as banker and redirecting the occasional stray convict back to Wright.

Lanyon was a fully functioning agricultural and grazing property. In order for it to function, it required stocking and labour. The documentary records, although scarcely comprehensive, provide some insight into Wright's husbanding of his runs. Although Wright wrote to the Colonial Secretary in August to complain of the difficulty in finding a Magistrate in order to prosecute his overseer, who was inciting improper conduct among his assigned convicts, it seems he did not receive assigned convicts until September 1835<sup>107</sup> (Ray 1982:12). It seems possible that Wright and Lanyon received assigned convicts once their purchase of Lanyon was finalised and that records of this have been overlooked. Convicts were a cheap labour force although to call them unpaid and akin to slaves as Blair and Claoue-Long do (1993:85, 94-95) is missing the detail in the whole system of convict assignment.

Assignment of convicts to settlers was introduced as part of a general hardening of the convict system in the wake of the Bigge reports (Shaw 1971:191). While the cost of labour was saved, Governor Gipps claimed the settler saved £10 per year per convict (Shaw 1971:221), the difficulty was in actually getting the convicts to work. Hirst discusses this at length pointing out that the convict had ample opportunity for slacking in situations where they worked with minimal supervision and where physical punishment could only be applied after a visit to the court (1983:28-69). The challenge to the squatter was to develop a system where the convict shepherd could work alone or unsupervised without endangering the squatter's capital (*i.e.* the sheep).

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<sup>107</sup> The historians seem to have muddied the waters on this and almost every point about Lanyon's history. Ray states that Wright wasn't assigned convicts before September 1835 and then on the same page blithely quotes a letter dated August 1835 where Wright mentions his assigned men.

Hirst comments "one of the colony's claims to fame ought to be that it was a forced labour economy which developed a staple industry in which the forced labourers - the convict shepherds - worked alone" (1983:65).

Precise details of the assignment process of Wright's management of convicts have not survived.<sup>108</sup> However, the 1837 Convict Muster shows the following convicts assigned to *William Wright* (who died on 1 January 1837). No convicts are shown as assigned to James Wright. This confusion is easily explained when the convoluted methods of preparing the muster are understood (see Butlin *et al.* 1987).

**Table 3 Convicts assigned to William Wright 1837 Convict Muster**

Convict's names	Age	Ship	Year
Appleby, Thomas	20	<i>Surry</i>	1836
Byrne, Michael	20	<i>Hero</i>	1835
Carr, John	33	<i>Warrior</i>	1835
Coffee, Thomas	26	<i>Lady Macnaughton</i>	1835
Darcy, Michael	31	<i>Royal Admiral</i>	1835
Dawkins, William	20	<i>Lady Nugent</i>	1835
Dempsey, Charles	21	<i>Lady Macnaughton</i>	1835
Finegam, Joseph	19	<i>Hero</i>	1835
Fitzpatrick, Patrick	28	<i>Surry</i>	1836
Hamilton, John	20	<i>Hero</i>	1835
Hayes, Samuel	23	<i>Lady Nugent</i>	1835
Howlet, Moses	50	<i>Hive</i>	1836
Malony, David	55	<i>Mangles</i>	1824
Mathew, Samuel	21	<i>Susan</i>	1836
Mckenzie, Alexander	19	<i>Mary Ann</i>	1835
Mcneill, Edward	28	<i>Forth</i>	1835
Renshaw, John	35	<i>Parmelia</i>	1832
Ring, George	22	<i>Hive</i>	1834
Sangster, William	19	<i>Strathfieldsay</i>	1836
Smith, Elias	21	<i>Susan</i>	1836
Tegan, Patrick	24	<i>Forth</i>	1835
Walsh, Maurice	23	<i>Hive</i>	1836
Ward, John	18	<i>Susan</i>	1836
Ward, Thomas	40	<i>Lord Sidmouth</i>	1820
Warner, Thomas	22	<i>Lady Nugent</i>	1835
Wilkie, John	25	<i>Marquis of Hastings</i>	1829
Winfield, John	21	<i>Lady Nugent</i>	1835
Wreker, John	20	<i>Strathfieldsay</i>	1836
Young, James	21	<i>John Barry</i>	1836

The only primary source material on Wright's management of Lanyon comes from the Deposition Books of the Queanbeyan Bench of Magistrates (Bench of Magistrates Deposition Book, Queanbeyan, State Records NSW 4/5650, Reel 677). Such a source

<sup>108</sup> Many convict records were destroyed in an effort to hide the "convict stain".

inevitably focuses on the less successful aspects of the convict/master relationship. However, the depositions do give important evidence of conditions on the run.

The evidence of the Deposition Books show that there was a farm and dairy run by one group of convicts and a sheep operation run by convict shepherds and hut keepers away from the main core of Lanyon. Exactly when this system started is unclear, probably as soon as the run was stocked with sheep. Thomas Locker, a free emigrant (reportedly a old family servant), was Wright's overseer from sometime in 1838. Before that, Alexander Elmslie may have been in Locker's position. Elmslie and possibly Locker seem from the court records to have been mainly involved in supervising the convicts at work around the farm.

The shepherds and watchmen (hut keepers) were supervised by convicts although this was technically illegal. Sammel Mathews regularly appears in evidence concerning sheep from mid-1838 to mid-1839 and described himself as sheep overseer (Bench Books p.20 17/7/1838). After this Thomas Appleby seems to have supervised the shepherds of whom there were about 20 in mid-1840. Appleby's job seems to have involved visiting the shepherds on a regular basis to ensure they were working (Report of the Commission of Inquiry into the Administration of Justice at Queanbeyan: Depositions of Lockyer and Appleby.). Both Matthews and Appleby regularly gave evidence concerning sheep, in particular the shepherds loss of flocks and the resulting sheep deaths.

In common with many others, Wright had an incentive system of rationing. Government rations were issued to those convicts who were the most recalcitrant, middle rations were issued to those who behaved well, and the best rations were issued to those well behaved. How well this system of incentive worked is unclear, however convicts were regularly up on charges ranging from losing sheep, losing the bullocks, bogging the dray and insolence ( Thomas B (name illegible) is reported as saying "stand off you bugger or I will floor you"). However this problem was hardly Wright's alone as a serious analysis of the Queanbeyan Deposition book evidence shows that most prominent landowners suffered from disaffected convicts<sup>109</sup> (for example the Murray brothers, Macquoid, Hall, Campbell, Johnston even Owen Bowen all pressed charges against assigned convicts).

In October 1837 Farquhar McKenzie and Donald McLeod of Gundaroo visited Lanyon. McKenzie wrote "one of the most picturesque places I have seen in the colony and all natural beauty. Art having as yet contributed almost nothing towards its improvement" (quoted in Ray 1981:22). This suggests that little in the way of construction, planting gardens or clearing had occurred at this time.

However, the Lanyon run was certainly expanding beyond the freehold land held by Wright. In the Deposition books the geographic extent of Lanyon can be inferred by the localities where crimes occurred. For example in June 1838, a Patrick David X (the last name is illegible) was instructed to go to Naas as a watchman. He was to get there that night and send the existing watchman back that night but he stopped at an

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<sup>109</sup> This touches on the question of interpreting convict actions as acts of protest. Following Atkinson's article on convict protest (1979B) there has been a tendency to ascribe all actions (especially by Irish convicts) as protests against an unjust system. However surely not all actions are convict protests. In Wright's case several convicts from the depositions were clearly drunk which is hardly a protest action.

intermediate station. Wright thought the distance to the intermediate station was three miles and that the Naas station could have been reached by dark as he told David to go just after lunch and there was a direct road. John Renshaw who was at the intermediate station thought he was seven miles from Wrights (page 14, 22 June 1838). Putting this together with the terrain it seems that Renshaw might have been with his flock in the area south of Sawyers gully. Following this area, the terrain becomes steeper and rocky before opening out at the beginning of the Naas valley.

Wright must have occupied the northern end of the Naas valley, before the Gudgenby and Naas Rivers join, as William Herbert had his station in the southern end from 1834 (at the current locality called Naas). This caused difficulties as the flocks of Herbert and Wright occasionally got mixed. This was a serious problem, apart from the absence of drafting facilities, which would have sped up the process of sorting them out. Mixing sheep would have spread infectious diseases such as scab and catarrh, potentially ruining a flock. William Dawkins seems to have got into trouble for mixing flocks, although the microfilm is very faint at this point (p.20).

Other stations (by this the prisoners seem to mean locations of small huts for shepherds and watchmen) were located at Dry Creek over the Murrumbidgee, near Michelago Plains and one three miles (4.83km) from Lanyon. There may have been several stations within three miles, however the distance is consistently mentioned indicating that there was one station that they all knew. Looking at the areas within a three-mile radius suggests that the area just south of Tharwa is the most likely location for the station.

With the establishment of the Commissioners of Crown Lands (CCL) in 1839, Henry Bingham was appointed as the CCL for the Murrumbidgee District, which commenced on the west bank of the Murrumbidgee River - the boundary of the County of Murray. Bingham's first action on being appointed, was to inspect his domain. He was supplied with a blank itinerary form in which he recorded his daily progress and the squatting runs he encountered. The 1839 Itinerary is the first for his district and covers the runs on the western bank of the Murrumbidgee as well as mentioning Lanyon where Bingham spent a night. The details of his itinerary are reproduced as Table 4.



Table 4 Itinerary of Henry Bingham CCL in 1839

Date	Name of Run	Licensee	Supervisor	No of residents
2/10/38	Porthole	James Wright	James Wright	22
3/10/38	Wanniassa (FRESHFORD ??)	Macquoid and Weston	John Weston	13
4/10/38	Tibbinbilla	George Webb	George Webb	8
4/10/38	Orra	William Herbert	William Herbert	10
5/10/38	Naas	Thomas Chippendale	Thomas Chippendale	illegible
2/10/38	Porthole <sup>110</sup>	R. Pasmore	R. Pasmore	15
5/10/38	Bobyn	James Ritche	James Ritche	13

Table 4 Itinerary of Henry Bingham CCL in 1839 (ctd.)

Name of Run	Description of Buildings	Cultivation	Cattle	Horses	Sheep	Dairying	Est. extent	Comments
Porthole	Slab and bark huts	Nil	400	3	8170		23	Granite ?? and lofty mountains 5 miles to the adjoining station
Wanniassa	Slab and Bark huts	Nil			4447		20	Broken country 3 miles to adjoining station (see below)
Tidbinbilla	Slab huts	6 acres	350	12	12		4	
Orra	Slab huts	9 acres	700	37				
Naas	Slab huts	6 acres	341	9		20 cows	5	High ridges, lagoon
Porthole	Slab huts	10 acres		3	1215		4	Lagoons (this was added into his itinerary)

<sup>110</sup> In the actual itinerary this entry is added-in, suggesting that Bingham forgot to enter it at the time he visited.

Bobyn	Slab hut and yards	7 acres	494	11	1132	20 cows	22	Bingham then travelled to Lanyon
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These records document the spread of squatting along the western Murrumbidgee River and into the mountain valleys. Wright had a large run of 23 miles, predominantly grazing sheep. No cultivation or dairying is recorded. Presumably this was occurring at Lanyon the homestead.<sup>111</sup> It is of interest that Macquoid's run does not have cultivation and dairying while the remaining runs do. Wanniasa was also an out-station of Macquoid's freehold property (then called Wanassia or Tuggeranong). The other runs appear to be owner-occupied.

The identity and location of the second Porthole run held by R. Pasmoré has puzzled historians. Possibly, Porthole may have been an out-station of Cuppacumbalong in the area that was later known as Binda. Moore claims that Pasmore held Boroombah (1982:41). However, Bingham's itinerary is organised geographically in order of the runs he visited. Given this, if Porthole was Boroombah then it would have been visited when Bingham travelled between Tidbinbilla and Orroral as the easiest route ran through Boroombah area. However, this is more informed speculation rather than verifiable fact, of which none seem to be available.

The land to the north of Lanyon was the Wanniasa estate (or Tuggeranong) originally granted to Peter Murdoch but later purchased by John McClaren who owned the next block to the north. The Sheriff of the Supreme Court of NSW, Colonel Thomas Hiah Macquoid appears to have purchased both Murdoch's and McClaren's land around 1835 (Moore 1982:63). Gradually he built up a large pastoral holding of almost 7000 acres freehold land as well as the squatting run of Freshford over the Murrumbidgee from Tuggeranong. The estate was managed by his son Thomas Hyacinth Macquoid who arrived in the Colony in June 1836. Moore considers that the effective managers were Joseph Abbot, the overseer and John Weston, Macquoid's steward and manager, as Thomas Hyacinth lacked experience to run the property (1982:64).

Among the friends of the Macquoid family was the family of Bishop Broughton, the first Anglican Bishop of Australia. Bishop Broughton's party returned to Australia from England on *Camden* along with Thomas Hyacinth Macquoid, arriving on 3rd June 1836. Broughton and Colonel Macquoid were Legislative Councillors along with Robert Campbell. With Bishop Broughton's party was Mary Davis, daughter of William and Jane Davis and eldest of eleven children. In Sydney Mary lived first with the Broughtons and then with the Macquoids. Her brother John, who had also come out with her, was a teacher. Another brother, William Davis arrived in December 1837<sup>112</sup> and her cousins, the Dawsons in February 1838 (Ray 1982:9-10). No doubt, James Wright would have met Mary through the Macquoid connection although Moore also claims an acquaintance between Wright and Bishop Broughton (Moore 1982:27). Ray notes Wright began courting Mary around April 1838 and on 1st September 1838 they were married in St James Church (Ray 1982:11). Details of Wright's courtship are briefly mentioned in *Australians 1838* where Wright is

<sup>111</sup> From the itinerary, Bingham stayed at Lanyon but, being within the limits, Lanyon was outside his jurisdiction and not recorded.

<sup>112</sup> William Davis initially worked in the Commercial Bank in Sydney and later worked at Campbell's property Duntroon (Newman 1961:150 quoting Frederick Campbell).

described as a young man (Atkinson and Aveling 1987:104). In fact, he was 41 and Mary 21 years old.

It is assumed by Chambers, Moore, and Ray that the marriage of Wright would have resulted in the upgrading of the accommodation at Lanyon (Moore 1982:25). The construction of Wright's second house is thought to be due to the presence of Mary although typically the historians dispute the precise details of the nature and construction of the house. However Larmer's sketch of December 1840 shows a modest establishment of three buildings and possibly a barn and yards (see Figure 6.7).

The Census of 1841, compiled by the Commissioner of Crown Lands Henry Bingham, lists a population of 59 persons at Lanyon. This comprised 8 married males, 41 unmarried males, 5 married females and 5 unmarried females. The houses are described as being "wood" although their number is not listed. Wright's squatting run is listed as "Port Hole". On Port Hole, Wright had 3 married males, 16 unmarried males and one married female. Houses were three in number built from wood (1841 Census, Queanbeyan – Sydney State Records X950 Reel 2223).

The balance of Mary Wright's family emigrated in 1841, arriving in Sydney in the *Palestine* in 1842. The Wrights travelled to Sydney to meet them. The arrivals consisted of Mary's parents William and Jane Davis plus six children. Wright engaged some of the emigrant families on the ship to work for him and most of them later became prominent citizens of the Canberra area (Moore 1982:40). It appears that Wright gave the Davis family part of the Cuppacumbalong run to occupy for they were established on the Borroombah run adjacent to Cuppacumbalong in 1843.

Curiously the effect of the ending of convict assignment in July 1841 is not discussed in the histories of Lanyon, though this must have resulted in changes to the way Lanyon was run. One effect may have been scaling down of Wright's agricultural activities as there seems little evidence of these in his bankruptcy papers and they would have required a comparatively large labour force to maintain.

To summarise there is little historical information about the transition from the pioneering of Lanyon to a more settled establishment. Presumably, this had occurred by 1835 when Wright began to receive assigned convicts, as he would have had to provide some form of accommodation for them. The depositions in the Bench books show that Wright established both farming and grazing on his property. The farming activities occurred near the site of Lanyon homestead while the sheep grazing occurred on flats over the remaining area (which included Lanyon, Cuppacumbalong, and Borroombah runs).

The most intensive transformation of the landscape would have occurred near the Lanyon homestead where cultivation was established. There is no physical evidence of this now but it seems likely it was established on the flat adjacent to the Murrumbidgee where Beard's cultivation paddock had been established. The sheep would have been grazed in a series of outstations located on the flats across the run. By 1839 a more substantial station was established at Cuppacumbalong on the other side of the Murrumbidgee.

## BANKRUPTCY

In January 1841, James Ritchie agreed to sell Wright Portion 65, which it seems Wright may have been renting previously (as Wright charged two assigned men of Ritchie's in the Queanbeyan Court). The terms were £12 per acre, a total of £330 plus interest.<sup>113</sup> On the 22 February 1841, Wright borrowed £1000 from the Savings Bank of NSW and in August of that year he borrowed £100 from his agent Charles Roemer and completed payment on Ritchie's block.

A severe El Nino Southern Oscillation event occurred from 1837 to 1839 and, with less severity, from 1841 to 1843. The drought effectively reduced Wright's capital stock (his sheep) and his income (their wool). One response was for Wright to put his sheep to pasture outside his run in the hope that they would survive and this may explain why his sheep were in the Naas valley and at Michelago. This tactic might have saved him had not the whole economy been suffering from the effects of drought. This effectively killed the expansion of the pastoral industry, which was in effect a speculative "bubble". The whole economy began to decline with the loss of pastoral income from on-selling of runs, sheep and with the decline in wool prices, marking the beginning of the severe depression of the 1840s.

On 12 August 1843, Wright's estate was placed under sequestration and he applied for relief under the Act for the relief of Insolvent Debtors (*Solvent Debtors Act* 1843). The provisions of the act allowed Wright to come to some form of agreement with his creditors to organise repayment and to prevent Wright being imprisoned for debt. Wright's bankruptcy file (State Records of NSW 2/8743 packet 858) gives the sad story of his indebtedness.

**Table 5 Wright's Financial Situation as of 12 August 1843**

Debts	£8470 4/ 9d	Land	£1648
		Personal effects	£1908 17/ 6d
		Debts owing	£ 487 14/ 2d
		Deficiency	£4425 4/ 9d
<b>Total</b>	<b>£8470 4/ 9d</b>	<b>Total</b>	<b>£8470 4/ 9d</b>

Wright's creditors fell into two groups. The first were his workers and tradesmen who were owed some £1200. These were the running expenses of the property (over say a year). He also owed some £7260 in the form of capital probably requiring say £726 per annum as interest on the principal. So to have kept his business running Wright needed nearly £2000 per annum. However, his flock of 1500<sup>114</sup> sheep may have produced only £156 worth of wool per annum (based on Curr's calculations in Abbott

<sup>113</sup> This seems a very high price for land at that time.

<sup>114</sup> Alert readers will have noted that in 1839 Bingham had recorded Wright's flock at the Porthole run as being 8170 sheep. Certainly Wright was grazing flocks owned by others, Joseph Wright for example had 1440 sheep agisted on Wright's land. There had been a drought and losses from lost sheep but even so, there is a suspicious deficiency of sheep. If I were avoiding bankruptcy I would put all my sheep (my capital) over the river in the valleys above Cuppacumbalong and talk about the drought ruining me and killing my sheep.



1972:117). One disadvantage Wright had was the cost of owning Lanyon freehold rather in contrast to the cost of holding a squatting run (£10). This cost was the interest on the capital used to purchase the land, ( he had spent some £1190 in purchasing land) but even this does not seem enough to explain the £4425 deficiency. With the absence of the Lanyon books and without considering Wright's other pastoral interests (remember Wright had a flock of 8170 sheep at the Port Hole run in 1839) it is difficult to see where all the money has gone. Certainly, Wright left no reputation as being a lavish spender of money.

Wright's personal possessions was itemised as follows:

**The personal possessions of James Wright and family at Lanyon in 1843<sup>115</sup>**

(Supreme Court - Insolvent Estates 2/8743 Packet 858, State Records of NSW)

**1) Inventory of the effects of James Wright of Lanyon near Queanbeyan - Insolvent**

1 dining table  
 2 kitchen do.  
 1 cosy chair  
 7 chairs  
 1 sofa  
 1 bookcase  
 300 volumes of books  
 1 clock  
 7 sporting pictures  
 1 four post bedstead, bed? of bedding  
 1 looking glass  
 1 wash basin stand, basin & ?  
 2 stretcher, beds of bedding  
 1 small looking glass  
 1 wardrobe  
 1 four post bedstead  
 1 child's cot  
 1 looking glass  
 2 ?opes (wardrobes) for clothes  
 1 stretcher, bed and bedding  
 1 wash basin stand, basin & e??  
 2 chest of draws  
 1 commode  
 2 stretcher beds & bedding  
 1 double barrelled gun  
 1 single ditto  
 1 ?? and base  
 3 pair pistols 2 odd ones  
 3 Drays, 2 ploughs, 2 harrows

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<sup>115</sup> There are two inventories of different dates one merely lists the items the later one values them.

2 wheelbarrows  
 1 couch and housewives  
 3 ???  
 10 German silver spoons  
 4 German silver Table spoons  
 12 German silver tea spoons  
 12 German silver Table spoons  
 42 German silver Forks  
 2 German silver Ladles  
 30 knives and forks  
 14 wool packs  
 Blacksmiths bellows, anvil vice and tools  
 3 pair steelyards  
 some earthenware  
 3000 of Sheep thereabouts  
 4 mares- 1 filly 9 - 4 foals  
 24 working bullocks  
 6 pigs  
 Horned cattle- the number cannot be ascertained unless mustered  
 and that would take a month to do - supposed number 400  
 4 casks-15 corn sacks-3 alpes  
 1 medicine chest  
 a dozen duck ??  
 27  
 3 doz tin pots  
 1p doz sheep shears  
 6 spades  
 1 winnowing machine  
 3 sieves  
 16 bullock yokes  
 20 doz b???  
 20 doz Chains  
 1 pair sheets  
 24 towels  
 12 pair pillow cases  
 5 counterpanes  
 6 table cloths  
 6 candlesticks  
 2 pair shuffles ostands  
 1 pair gloves  
 1 writing desk  
 1 cellerat

Lanyon 23 May 1843  
 D. Duncomd

## 2) Insolvent Schedule "C" 12 August 1843

596 head of cattle of both sexes and mixed ages @ 40/-
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£1192
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19 head of horses, foals, colts, mares & horses @ 10	£190
1500 sheep more or less @ 5/-	£375
2 harrows 20/-, 2 ploughs 50/-, 1 roller broken 25/-	£4 15/-
Yokes, bow and chains for 20 oxen £8, Harnesses for three horses £2	£10
2 drays £10, one cart £5, 3 dozen milk dishes 36/- one churn	17 16/-
1 side saddle, three mens saddles, 3 supple bridles	£5
1 stanhope gig and harness	£20
Tools, spades, mattocks, axes hoes ...etc	£10
Blacksmiths tools 10	£10
Slop clothing	£6
1 Tent bedstead and ?? Hangings 30/-, 1 French bed and diverse hangings 42/-	£3 10/-
2 ? pillows 20/-, two pair mattresses 3 10/-, living cradle 10/- nursery chairs 20/-	£6 6d
Wright chair 10/-, chest of draws 50/- serving glasses 7/- children's ? 3/6, 2 wardrobes 10/ -1	£4 - 6d
Wardrobe £6, old chest of draws 17/-, celleret 12/-, Couch 17/9	
12 chairs 36/-, Chiffonier with book case over £5, 6 small framed prints 12/-	£9 8/-
about 100 volumes of books £6, Fender and fire irons 16/-	£6 16/-
4 short chairs 16/-, 4 small mattresses 28/-, 12 pairs blankets ? all 96/-	£7
small dressing table and glass 13/-, two servants iron bed stands 10/-	£1 3/-
Sheets and pillow cases 80/-, six coverlets 60/- 1 clock (wants mending) 40/-, 2 globes (broken) 20/-	£10
1½ doz each table and dessert folks German silver 50/-, 1½ doz each table and dessert knives	£3 8/-
9 cases crockery ware 60/-, kitchen utensils 60/-	£6
Casks, tubs, boy ????? in serving out there	£5
34 wool packs to be retained or paid for by Armitage ? 8 /6	£14 9/-
An old winnowing machine	£2 10/-
Personal apparel	£25
	<b>£1950</b>

Wright's trustee sold up his assets although he and his family were allowed to keep their clothes and furnishings. Selling two wool clips, tallow from boiled down sheep, sheep skins and stock realised £229 10/ after £1080 10/ 2d in costs had been deducted. Wright paid 6d in the pound according to the plan of distribution approved by his

trustees and creditors in November 1845. By 1848, Wright had moved to his run at Cuppacumbalong.

Wright has been portrayed as being an incompetent money manager for losing "Lanyon" (Blair and Claoue-Long 1993b:85, Moore 1982:43 based on a quote from Wright's mother-in-law). Wright's failure has to be placed in the context of the 1840s depression and the marginal economics of sheep farming. This is something the historians of Lanyon have failed to do. Wright's insolvency was not an isolated event. It was one failure in what was one of the three major economic downturns in Australian history. Wright seemed to fare better than some others. His erstwhile neighbour Thomas Macquoid dipped into the Supreme Court trust fund for cash and shot himself in 1841 leaving his son to try and repay his debts. Failures or difficulties during this time were widespread among the squatters and the Port Phillip and Sydney merchants (see Chapter 3). Wright's problems stemmed from the money spent on purchasing the freehold estate which burdened him with a debt to repay and unnecessarily increased the cost of setting up the station.

In fact, Lanyon's position on the limits of location gave Wright an advantage in recovering his position. The 15,000 acres of Cuppacumbalong with an annual licence fee of £10 was cheaper to run than the 4130 acres freehold of Lanyon mortgaged to the Bank. One also suspects that much of Wright's stock would have been moved to Cuppacumbalong before insolvency. Moving to Cuppacumbalong would have cut Wright's costs considerably while preserving many of his currently devalued assets (*i.e.* sheep and cattle). Wright's action can be seen as a shrewd move to survive the 1840s depression rather than the desperate move of an incompetent.

#### **THE LANYON BUILDINGS, STRUCTURES AND LANDSCAPE**

As discussed earlier there is evidence in Hoddle's survey notes and portion plan of an earlier occupation of the Lanyon by Timothy Beard's men who seemed to have erected two huts and possibly fenced off (or delineated in some other way) an area of three paddocks (see Figure 6.2). Hoddle also recorded a "hut by cultivation" and an "old hut" (probably the same hut was recorded twice). No mention of a hut belonging to Lanyon and Wright is recorded which suggests that they may not have actually established themselves on the property until the purchase was finalised. This occurred in February 1835. Thereafter Wright and Lanyon would have needed a hut for themselves, a hut for their overseer and a hut for their assigned men. As they were running sheep, the flocks would have been dispersed across the landscape with each shepherd requiring a small hut. The hut shown in Figure 6.6 was most likely a temporary dwelling used until a more established dwelling could be established. For some reason, they chose not to reoccupy Beard's site, possibly because it was located on the flats and probably subject to the prospect of flooding.

The site chosen for the main house was on a small rise about 20m above the Murrumbidgee bank. To the NNE, the rise gently slopes upwards until it steeply rises (some 100m) to form a series of hills. To the east and around to the south is a shallow slightly swampy valley which again gently rises until suddenly there is a very steep rise of 60 to 100m. The Murrumbidgee runs roughly north-south here. Immediately



over the river is gently undulating country with a large flattish area directly west of the homestead's location, over the river. The site chosen is in the middle of the estate but somewhat isolated from the northern portion as the terrain is difficult to negotiate, the steep hills forming quite a barrier to movement.

What is interesting about the location is that the site of the house does not "dominate" the landscape. The approach to the site is along a ridge to the north east so coming from Queanbeyan it is actually difficult to see Lanyon homestead until one is quite close. From the west and south, Lanyon is quite prominent but the view is of the rear of the buildings, the working part. If Lanyon was intended to "dominate" the landscape and Wright's convict workers then the homestead is in a non-dominant location. However, it is relatively convenient for supervising agricultural activities on the flats where Beards paddock was and it is close to the passable ford over the Murrumbidgee at Tharwa.

In her history of Lanyon, Ray discusses the likely sequence of building construction on the property. Bravely going against the accepted tradition, Ray argued that none of the stone buildings currently on Lanyon were constructed by Wright. She based her arguments on the Census Return dated 2<sup>nd</sup> March 1842, which lists three wooden buildings on the property in 1841. Ray argues that construction of the stone buildings in the years following would have been unlikely as Wright was bankrupt. For this she was rather strenuously attacked by Chambers who derided the Census "dubious data" preferring the "eye-witness account of a man born there during 1841" - namely Davis Wright's reminiscences (Chambers 1987:12). One might point out that Davis Wright was then one year old, hardly a good age to be a reliable witness. Davis Wright was writing in the 1890s, some time after the event. Moreover the Census was not compiled by some faceless clerk, as Chambers appears to assume, but by Henry Bingham, the Commissioner of Crown Lands, who not only lived locally but also on his tours of inspection appears to have stayed at Lanyon at least once in 1839. His information was written down at the time and remains as it was written and not subject to the failings of human memory. The Census would therefore seem to be a reasonably reliable document. For all that, it is of limited value being merely an enumeration of the population and houses rather than a detailed description of the property.

Turner and Lawson in summarising the information note that

"there has been much speculation about who really built the stone structures at Lanyon. Evidence available at this stage [1994] indicates that the demolished homestead; the Slab Hut (Building No. 2); the Stables (Building No. 5); the old Barn (Building No. 6); the old Dairy (Building No. 7) and the Stone Hut (Building No 8) were all built by James Wright. W. Davis Wright (1977) Bruce Moore (1982) and Assoc. Prof Ken Taylor (1985) support this belief. Descendants of Andrew Cunningham seem divided in their views (Transcript of interviews Lanyon file). Both Cox and Tanner (1979) and Winston Gregson (1979 and 1983) state that the earliest buildings were built by Wright."

(Turner and Lawson 1994:2)



This great weight of opinion is of course largely based on historical tradition and Davis Wright. If the authorities cited in support of the accepted tradition are read, one finds that they base their views on Davis Wright. For example, Winston-Gregson's archaeological work is cited in support of a Wright era date for a building (Turner and Lawson 1994:2). Reviewing the reports shows that as Winston-Gregson was working on the uncritical assumption that Davis Wright is correct, he did not independently confirm or negate Davis Wright's view<sup>116</sup> (1979, 1983). The same can be said for the work of Moore, Taylor and Cox and Tanner. Apart from Davis Wright, there is no evidence to support the Stone Building =Wright Era theory of Lanyon construction. The weight of support for this theory collapses when the strength of the one primary source,<sup>117</sup> which all the secondary sources cited above use, is undermined. The lack of historical evidence has not stopped Chambers, Taylor and Winston-Gregson from concurring with the traditional view of the buildings ages on the basis of simple building construction and "strongly evocative in every detail of stone farm buildings in Derbyshire, England, where James Wright originated and had a farm" (Taylor *et al.* 1987:99 fn 21.). Such convocation of experts however does not mean that historical evidence can be ignored based on their reputation alone.

Bingham's Census information can be supplemented by the field notes in Surveyor Larmer's sketch book (this is the survey map which Turner and Lawson refer to but they had not seen 1987:2). Larmer surveyed the alignment of the road from Queanbeyan to Mr. Wright's station (the Monaro road) in December 1840. While his published plan is remarkably uninteresting,<sup>118</sup> Larmer's water coloured field notes are very informative (as well as aesthetically pleasing in their colours and simple layout, see Figure 6.7). As Figure 6.7 shows there were only three buildings at the homestead site and an enclosure that is probably the dairy mentioned in the Court records. This agrees with the Census data. No other buildings are shown on the plan and it is unlikely that if other features were there to be recorded then Larmer would have recorded them as he recorded "Beard's" paddock and the property boundary as well as details of other properties such as Wanniasa homestead in his field book. Larmer's survey notes, a primary source, support Ray's view rather than other interpretations.

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<sup>116</sup> Winston-Gregson's work was not intended to answer such questions so this result is not surprising.

<sup>117</sup> If indeed Davis Wright writing in the 1890s can be considered a primary source given his distance from the events of 1841.

<sup>118</sup> This plan while not catalogued in the State Records guide, is no R.4.1150, AO aperture card 5254. No doubt the absence of this plan from the catalogue meant that historians missed the plan and the field books until the sketch was published by Blair and Claoue Long in 1993.



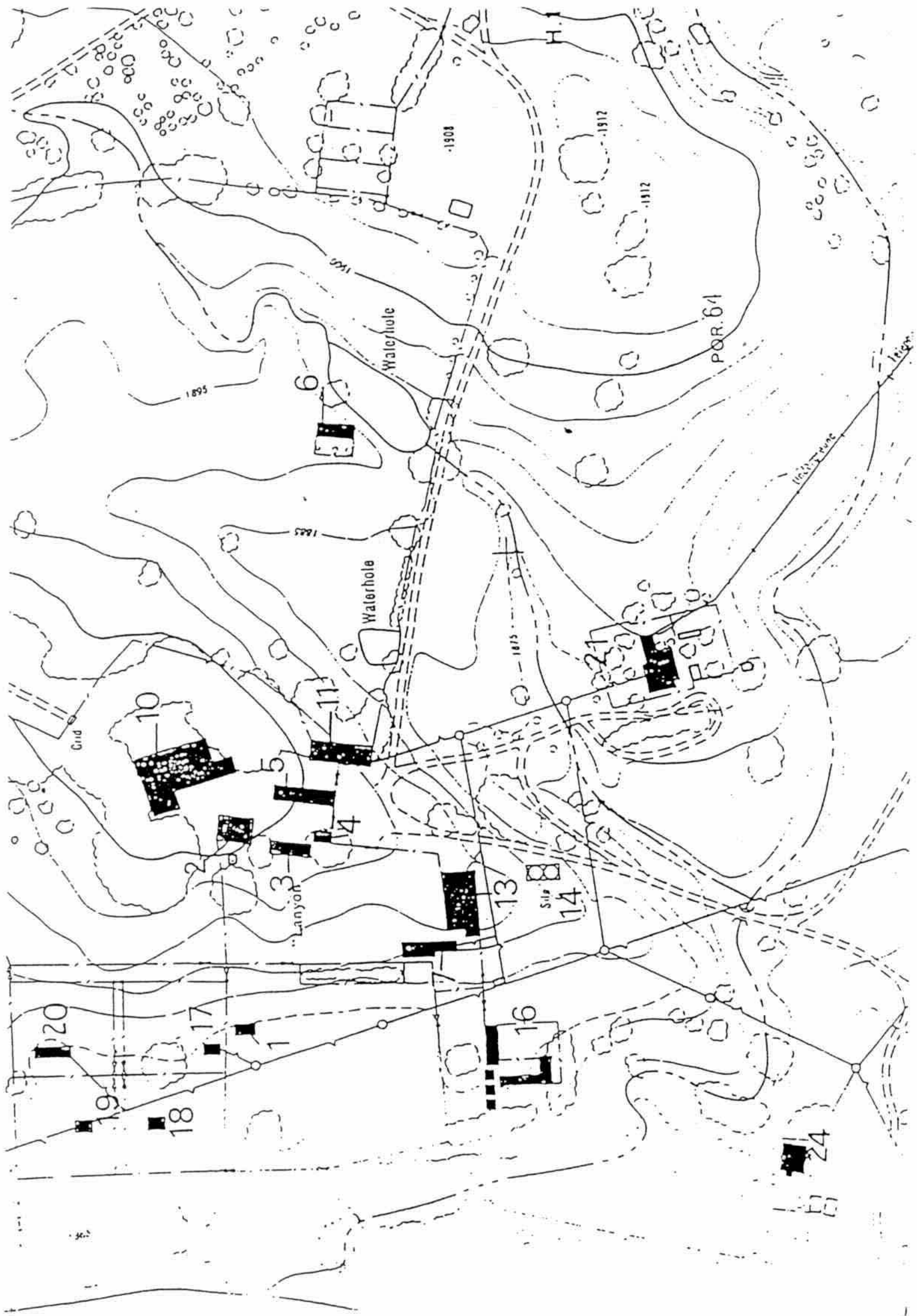


Figure 6.8 Current Buildings at Lanyon



Ray's point that Wright was unlikely to be able to afford to construct the buildings after his bankruptcy in 1843 is a strong one. After all, he owed £4000, his land was being repossessed by his mortgagees and he must have been focussing on establishing Cuppacumbalong. Certainly any works would be noted on his bankruptcy file as having been approved by his trustee and although production and sale of wool is recorded, no costs of construction are allocated up to 1848. It would have been pointless in any case, for Wright to build on land about to be repossessed by his creditors and sold, as he would lose the building and the value of any money spent constructing it. The arrival of the Davis family after Larmer's map of 1841 may have prompted the construction of the Lanyon buildings, but why then are they not listed in Wright's bankruptcy file? The Court inventory of Wright's landed property is reproduced below:

**Table 7 Inventory of Wright's Property**

Description of the Property	Lanyon	
Cottage dwelling, huts, farm buildings and yard, gardens and paddocks	940 acres	Mortgaged
Pasturage Land	470, 740, 640, 640 acres	Mortgaged
Rough pasturage land, hut and blacksmiths	660 acres	Free

The 940 acres must be allotment 64. The 740 and two 640 lots are allotments 61, 60, and 62 respectively. The 660 acres in Ritchie's block allotment 65 and the buildings mentioned must have been on that land. If the description is correct (and it was in Wright's interest to ensure that all improvements were included and valued correctly) then there could have been a modest building program between 1841 and 1843. Larmer's plan shows three buildings, which could be a cottage and huts. A farm building seems to be on the plan as well as yards and paddocks. Larmer's plan could accommodate the buildings described in the insolvency schedule. On the other hand, the six buildings suggested by Turner and Lawson could be seen as consistent with the schedule. Surely stone buildings would have been identified due to their inherently greater value? It is also of interest to note that none of Wright's assets on Cuppacumbalong seem to be recorded although we do know he had at least huts on his squatting run.

The obvious thing to do is to try to superimpose Larmer's plan onto a current Lanyon plan in order to see what fits and what doesn't. The original Larmer plan is not a to-scale map; rather it is a field sketch and needs to be redrawn. Two of Wright's buildings are dimensioned and the main axis of the largest is known as being S65° W or 245° magnetic, which needs to be corrected.<sup>119</sup> Given that the plan shows the buildings in alignment with each other then they will all have the same general axis and a simple reading of building alignment will assist in providing evidence that a

<sup>119</sup> As the magnetic pole moves over time the 1840 bearing needs to be corrected.

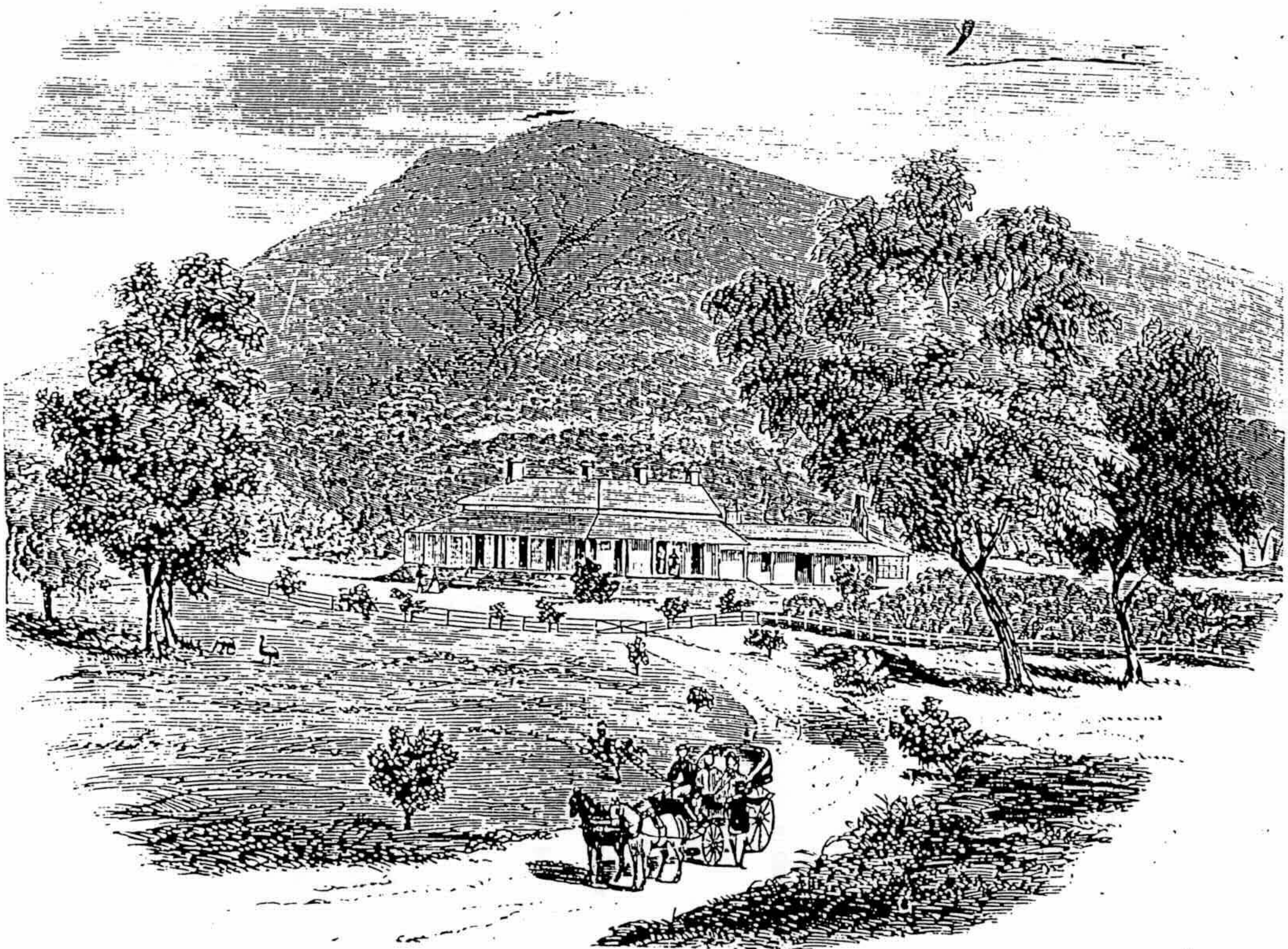
building was (or was not) depicted on Larmer's plan. The dimensions of some of the buildings are shown in links (as was customary at the time). There are three dimensions:

**Table 8 Conversion of dimensions on the Larmer Plan**

90 links	59.4 feet	18.15m
60 links	39.6 feet	12.10m
40 links	26.4 feet	8.07m



Figure 6.9 Illustration of Lanyon homestead, September 1869





In order to further pursue this matter Turner and Lawson's excellent summary of the evidence relating to the Lanyon outbuildings has been reviewed in order to see which buildings could be those depicted in the Larmer plan. Turner and Lawson have allocated each building a number (although there appear to be some missing numbers, (see Figure Eight). Based on the evidence collected, the following buildings are thought to date from the Wright era; 1, 2, 5 and 6. Building 8, which is located at a distance to the North, is also considered to date from the Wright era. In addition, Winston-Gregson has uncovered archaeological evidence relating to a building thought to be the third Wright homestead partially under the current homestead. The evidence for each building's date is discussed in turn.

**Building One - the Slab hut** has been ascribed to Wright, based on a rectangular inscription on the plan reproduced as Figure 6.5 (Winston-Gregson 1979). As noted earlier, this plan is thought to date to 1835 with a later annotation. The rectangle if a hut, is hardly drawn to scale, as scaling off the drawing reveals the rectangle to be 1003 feet by 5012 feet. More likely, the rectangle is indicating the general location of Lanyon homestead rather than a specific hut. This explains why a hut claimed to be shown on an 1835 plan does not show on Larmer's 1840 plan, yet is currently on the site. There is no reason for the hut to date after 1840. Indeed the only reason for claiming that the hut dates to 1835 is that it is a slab hut and presumed to be old. There is no material or archaeological evidence to verify the early date for the hut.

**Building Two - the Kitchen.** Building Two is generally thought to have been Wright's second homestead, constructed in 1838 around the time he married. If this is so the current buildings dimensions do not match any of those on Larmer's plan. Turner and Lawson note "It has not been satisfactorily proven to have been built by either Wright or Cunningham" (1994). Two archaeological projects have been undertaken on the building. The first was a small test pit in the building in the bedroom. As the published report (Crosby and Winston-Gregson 1981) lacks both plans and sections it is not possible to comment further on this work. In a later study Winston-Gregson (1982) excavated in the northern end of the building. He identified some fifteen stratigraphic units and made an interpretation of the sequence of building construction. He established that the floor had risen some 24 cm since construction and identified four "living floors". However, Winston-Gregson did not investigate the date of the building, presumably as it had not been seen as a problem at that time. The artefacts recovered are not sufficiently well described to be used to verify the suggested dates of building construction. Based on the plans of the building the longest axis does not conform to building dimensions in the Larmer plan.

Was Building Two a Wright era building? The answer is that at this stage it is probably not, although further excavations might establish a dated sequence for the building construction.

**Building Five -The Stables.** This building is thought to have been from the Wright era based on its construction from random stone and its possible mention in a conveyance in 1849. Since its construction, it has been extensively rebuilt and only the west wall is thought to be original. The dimensions and position of the building are incompatible with the evidence in the Larmer plan.



**Building Six -The Barn.** Local mythology has this building as a gaol or convict barracks but there is little evidence for this. Along with the stables this building appears to be mentioned in the conveyance of lot 64 from Charles Roemer to Andrew Cunningham on 1/1/1849. The indenture mentions "all that dwelling house, barn, stable and other outbuildings erected on the said land... called Lanyon". However as Ray comments this is very much a stock phrase on titles (1982:47). Even so, it is remarkably similar to the three buildings described by the Census, depicted in Larmer's map and in Wright's bankruptcy papers. Whether these buildings were those mentioned is difficult to ascertain.

Although Turner and Lawson are rightly sceptical about the use of this building as a "gaol" (1994), the building is currently interpreted to the public as a convict gaol.

**Building Eight -"Bluebeards Cottage"** is a stone structure located some 600m. to the north of Lanyon on Portion 61. Although out of the frame of Larmer's sketch, Ray makes the point that if extant in 1843 the hut would have been listed in Wright's landed possessions as it is located on Portion 61 which is listed as pasturage land. There cannot be any argument on this point. Building eight does not date to before 1843 and probably dates to after Wright left Lanyon. If Building Eight is not a Wright building then this also undermines the Stone=Wright theory as here is a stone structure in the same style as others at Lanyon yet it does not date to the Wright era.

Other buildings are reported by Winston Gregson (1979) as occurring on the site. Most important of these is **Homestead Three**. This is illustrated in the picture of Lanyon in the *Illustrated Sydney News* (12/09/1869) where it is shown as being incorporated into the main homestead (see Figure 6.9). Excavations of the building site in 1979 located a cistern but no evidence of this earlier building (Winston-Gregson 1979). Ray argues that Winston-Gregson located a building that may have been built after 1854 as he relies on the assumption that early buildings are stone in his dating of the stratigraphic sequence. Later excavations claim to have found evidence of this building but the final reports are still being searched for. Based on my interpretation of the Larmer map this building is in the right location for the largest building which is about 18m (90 links) long. Unfortunately, the precise dimensions of "Homestead Three" are not available to verify this. If this is the building in Larmer's plan then the two other buildings shown are to the east, possibly under the modern homestead which may explain why evidence of their existence has not been found.

As well as the buildings, there is the garden of Mary Wright. This is claimed to be located to the west and south of building one (Winston-Gregson 1979:32). Evidence of the garden as being Mary Wright's has not been presented. Indeed the study of the gardens at Lanyon largely ignores the Wright era (Lehany 1986). From the Bench of Magistrates reports there was a garden where vegetables and wheat were grown. It is likely that these were the areas depicted on Larmer's map.

In conclusion, it is difficult to provide convincing evidence of any extant Wright era building at Lanyon. Thanks to Larmer's field notes, we have a visual idea of the morphology of Lanyon in 1840. Unfortunately it is different to that proposed by those involved in the historical and archaeological work at Lanyon and cannot be tied in to the current buildings on the site. If the views of Ray were accepted, that the early buildings were timber, then the buildings in Larmer's field notes would be timber and

presumably replaced by the stone buildings when Cunningham took over Lanyon in 1848. This is consistent with the current buildings not being able to be related back to the evidence of Larmer's plan. They were not there in 1840 to be recorded. I think Ray's argument is quite strong based on contemporary evidence, whereas the alternative view is based on myth and sentiment. Perhaps if the archaeological work had addressed the issue of the dating of the buildings and had been more extensive (and better reported) then this problem may have been resolved.

The evidence for Wright's Lanyon as resembling "a substantial dairy farm in Wright's native Derbyshire with its collection of stone buildings around a courtyard" (Blair and Claoue-Long 1993b:87, also argued by Taylor *et al.* 1987:99) is slim. Lowland Scots such as the Cunninghams were also known to have built evocative stone buildings and the evidence points to the Cunninghams having done so in this case.

### **A LANDSCAPE OF CAPTIVE LABOUR?**

Having attempted to establish what was actually in the Lanyon landscape during the Wright era, we turn now to the reading of the Lanyon landscape in the period of Wright's occupancy (1834-1848).

#### **Boundaries**

Lanyon was not a fixed entity during this period largely because James Wright and his partners were settling and the area was under a variety of land tenures. Initially Lanyon was the land purchased by Lanyon and the Wright's in 1835, some of which was squatted on by Timothy Beard. Fairly soon thereafter squatting across the limits of location occurred, certainly by 1836 when Wright attempted to move Webb on. It is likely that Wright was master of all the land in the Lanyon bowl. The good grazing land up to the edges of the ranges (probably where the trees began to get thicker) were no doubt considered by Wright to be his in some sense. Where the landscape did not constrain him Wright was constrained by other runs, notably Macquoid's run to the north and Herbert's runs in the Naas valley. So Lanyon, up until the early 1840s, would have included runs that are now known as Boroombah and Cuppacumbalong and the limits of location were largely ignored. The boundaries of all these runs rested in the east and west on natural features, probably ridge-crests. Boundaries to the south (at Naas) and the north (Freshford) were not as clear-cut. However, no evidence of disputes has been found.

Apart from the core of Lanyon there is evidence that Wright also utilised the broader region for his sheep especially during the years of drought when he, like other squatters, put his sheep on the road in search of fodder.

In 1843 Boroombah was separated off and given to Wright's in-laws, the Davis', as their run. Boroombah was a triangular flat with a northern extension along Paddys River. Again, the boundaries rested on natural features such as ridges and streams. As Wright faced bankruptcy Cuppacumbalong began to become a separate entity. Once it became clear that he might lose Lanyon, no doubt preparations to move to

Cuppacumbalong would have been made. The separation of the two runs or estates was easy as the river formed the dividing line.

So from 1835 to 1843 the Lanyon estate was established as a large pastoral run but from that period, it was broken down into Lanyon – the freehold estate and Boroombah and Cuppacumbalong, both squatting runs.

### **Land uses and activities**

The pattern of land use at Lanyon divides into two functions. Firstly, there was the use of land for agriculture. This involved the creating of gardens, sowing and reaping of crops as well as some dairying activities. It is difficult to assess the importance of this in comparison with Wright's grazing activities. Obviously, it supplied the needs of his assignees and employees for food but there may have been a surplus for sale. Raby in his recent book on early agriculture cautions the historian to be wary of the greater emphasis placed in the histories on sheep rather than agriculture which was a greater component of the economy (Raby 1996).

The second use was grazing, mainly sheep, although Wright also had a herd of cattle. Sheep numbers seem to be variable between (8000 and 1500). In contrast to agriculture, grazing was spread over the entire extent of Wright's domain but with less intensive impact.

### **Patterns of spatial organisation**

With the differing type of land use came differing patterns of spatial organisation. With agriculture space was organised into gardens and focused on farm livestock. Wright had a wheat crop which was harvested in December -January and carted somewhere (as Joseph Keenhan's defiance of Wright lost a day's wheat carrying). Presumably, the wheat was grown on the flat at Beard's old paddock. The gardens for vegetables may have been those closer to the buildings. The homestead would have been the focus of all agricultural work providing accommodation for workers, storage for equipment and produce, as well as the location of the dairy and the pigs. The bell was rung to indicate work periods, even if the building with the bell tower proves to have been constructed after the Wright era.

Sheep grazing was organised around the concept of the flock: some hundreds of sheep (flocks of 400-500 are reported in the Bench Books) tended by a shepherd and placed in hurdles at night to prevent their wandering. Some of these flocks seem to be relatively mobile, others were established at stations where huts were occupied by one or two shepherds and from which the shepherd walked the flocks each day. For Lanyon, we know of flocks established in the Naas valley, three miles from Lanyon, at Dry Creek and near Michelago. The flocks and stations were linked by tracks running back to the homestead at Lanyon. The homestead provided the source of supplies for the flocks and their shepherds. The homestead was also the base for activities such as shearing which occurred in November. Presumably each flock was brought in, washed and shorn and returned to their pasture.

The location of each flock was determined by the terrain which, being steep with forested hillsides and open grasslands in the valley, offered a natural location for

flocks with easily determined boundaries. Based on what is known about later patterns of occupation (see Chapter Seven) it is suggested that the "Lanyon Bowl" would have one flock with another to the north near Point Hut. Over the river, a flock could be accommodated at Boroombah, near Lambrigg, in Sawyers Gully, north of Naas and at Binda. The density of occupation seems to be low in comparison with later stocking rates but precise sheep figures are not available.

### **Responses to the natural environment**

The natural environment as far as can be established was grassland and open forest located in a series of flats surrounded by steep ridges. Wright and Lanyon were able to fit sheep-grazing into the environment, with flocks positioned in naturally occurring grasslands with no evidence of attempts to "improve" on the grasslands. The area used for agriculture near Lanyon homestead at the "bottom" of the "Lanyon bowl" was in contrast cleared and cultivated.

The positioning of the homestead complex in the landscape is on a rise overlooking the Murrumbidgee and Mount Tennent. However the current buildings –all of the Cunningham era - are orientated with their front facing away from the prospect and towards the entrance road which runs down a ridge from the main road. Even so, the ornamental driveway is not aligned with the house and buildings but is at a 45-degree angle to it. I think the effect might be to give a full view of the homestead as one comes down the drive and then curve around to enter the homestead. As there is now a pine plantation and the Sid Nolan gallery in between, this view is currently obscured. The well known illustration of Lanyon from 1869 shows this effect (Figure 6.9) although the distance between Lanyon and Mount Tennent is foreshortened.

The orientation of Wright's buildings, I think, would be much the same for two main reasons. Firstly, once the orientation of buildings is established on a site it is difficult to totally reorientate buildings unless a wholesale removal and reconstruction is undertaken. It seems that Cunningham did not do that but gradually built up his buildings. Secondly, Cunningham seems to have incorporated the Wright homestead into his homestead, preserving its axis. I would argue that Wright's homestead was also orientated towards the track in from the road.

This would place the rear of Wright's buildings towards the fields, hardly in a dominating or intimidating position if this was a landscape of coercion or dominance, but convenient for farm work. The same point could be argued for the actual position of the homestead, which is not on the most prominent ridge in the Lanyon bowl. It is not in a particularly dominant position although it can be readily seen from the flats where the cultivation was. The response to the natural environment acted more to make the homestead in rather than on the landscape. Thus, the relevance of Farquhar McKenzie's comment quoted earlier in this chapter "that art had contributed almost nothing to the homesteads improvement" reinforces the idea that Wright's interaction with the landscape was muted and refined.

### **Circulation networks**

The geography of Lanyon largely controls the circulation networks. The main road was from Queanbeyan through Lanyon to the runs in the upper Murrumbidgee and the



Naas and Gudgenby valleys. The plan in Figure 6.5 shows the road from Queanbeyan running over a ridge between Lanyon Hill and the Rob Roy range from there splitting, with one track running close to the house and the other at a distance, both joining at the ford across the Murrumbidgee at Tharwa. Larmer's plan of 1841 shows the road more or less in its present position with a track running to Lanyon. However it is likely that the unofficial track was used until mid-1860 when Cunningham closed it, forcing travellers onto the surveyed line of road (see Chapter Seven).

The major barrier was the crossing of the Murrumbidgee. The difficulty lay in the variable nature of the river's flow. Generally, it was crossable anywhere provided you (and your horse) were prepared to swim. However the most reliable crossing places were at Tharwa and at Point Hut. From Point Hut the northern parts of Cuppacumbalong around Conlon's Corner could be reached. From here a traveller could go on to Boroombah or south to Tharwa. Point Hut was also a convenient crossing place for Freshford, which was run from the nearby Tuggeranong homestead. Tharwa was on the route to Naas and other runs further to the south and ultimately the Monaro. From Tharwa, a traveller could also go north-west to Boroombah by several routes.

The internal circulation was based around Lanyon homestead. For the workers involved in agriculture, circulation would have been from Lanyon to the fields and back again on a daily basis. For the shepherds it was out to the out-stations (on foot) where they resided for a while, then back to Lanyon. Judging from the evidence in the Deposition Books of the Queanbeyan Bench of Magistrates (State Records NSW 4/5650) it was possible to walk from Lanyon to Naas in an afternoon (about 14km which is not an unreasonable distance). Presumably Wright and his "sheep overseer" were mounted and could travel a circuit of the out-stations in a day, provided crossing the Murrumbidgee was possible. During periodical floods Cuppacumbalong homestead may have developed as a station where supplies and accommodation could be provided to cover times when crossing was impossible and workers were separated from Lanyon.

### **Boundary demarcations**

The boundaries of Lanyon would have been the natural features of the landscape marking the limits of areas occupied by Wright's flocks. It seems from Larmer's map that on the freehold land the boundaries of each allotment were marked by blazes on trees and ploughed furrows. Fences of some sort would have marked the boundaries of the gardens and farmed areas.

No physical or documentary evidence of boundary markers delineating entrance onto the Lanyon estate or the road into the Lanyon Homestead, during the Wright era, has been found.

### **Vegetation Related to Land Use**

Part of the appeal of grazing in the Lanyon area was that the grasslands and open woodlands were ideal sheep country. There was no need to improve or change the landscape to adapt it to take sheep. The vegetation in fact determined the land use as the squatters were not interested making extensive changes to a landscape they did not

own. A more subtle change would have occurred previously with the introduction of cattle and sheep to the Kangaroo grass (*Themeda australis*) grasslands of the Canberra plains. Grazing would have brought two initial changes. Firstly, the sheep would have selectively grazed the grasslands. As Kangaroo grass seems not to be particularly palatable to sheep they would have grazed the less dominant species (Lunt 1991:58). This intensive grazing may have opened the way for the invasion of other species but the canopy of the Kangaroo grass would have obscured this from sight (see Moore's note in Pryor 1954:176-177).

Secondly the fire regimes of the Canberra region would have been disrupted and changed. The native grasslands require occasional burning to prevent the vigorous canopy of the Kangaroo grass from shading the patches between the tussock and thus excluding other plants (Stuve and Parsons 1977:473-474). The dominant factor in pre-contact fire regimes would have been Aboriginal lit fires. Following contact this fire regime would have been disrupted and a new fire regime developed. Pryor notes that the Dry Sclerophyll, Wet Sclerophyll, and Alpine vegetation have been damaged by post-contact burning (1954). There is however, no record of squatting fire regimes in this period.

These changes would have been gradual and perhaps difficult to see by the untrained eye. More obvious vegetation changes were the clearing of a paddock for wheat and the cultivation of other paddocks for vegetables close by Lanyon homestead.

### Clusters

The major cluster on the run was around Lanyon homestead with the house, sheds, dairy, cultivation paddocks *etcetera*. A secondary cluster would have been on the west bank of the Murrumbidgee where Cuppacumbalong homestead was built.

### Gardens

Although no historian, architect, archaeologist, or landscape architect has disputed that there was a garden in the Wright era, evidence of this garden is hard to find. Ray notes that in the 1841 Census no gardeners were listed and it is suggested that the garden was the work of Mary Wright (1981:36). Lehany's conservation analysis of the Lanyon gardens and grounds unfortunately starts in 1849, presumably as there was no evidence of earlier gardens (Lehany 1986).<sup>120</sup> All that can be concluded is that there was possibly a garden.

### CONCLUSION

The process of pioneering was one of in-filling between a loose network of pastoral runs. Lhotsky in 1834 noted Herbert at Naas and Beard at Mount Tennent, Wright and Lanyon and George Webb in-filled the gaps between the freehold land at Tuggeranong granted in 1827 and Herbert at Naas.<sup>121</sup> Both Wright and Lanyon and

<sup>120</sup> There has been no archaeological study looking for evidence of Wright's garden.

<sup>121</sup> No historian has established when Herbert settled at Naas or why he took up land there instead of the more extensive plains to the north.

Webb occupied the locality in 1834. Interestingly the first action of Wright and Lanyon in creating their estate was to displace both Beard and Webb. Beard seems to have gone without a fuss as he had other pastoral interests in the district and with the land being sold, action for trespass could be taken by Wright and Lanyon. Webb it seems, required more persuasion, probably because he had as much right to squat on vacant Crown Land as did Wright.

The impact of pioneering was minimal and gradual. But there was little in the landscape save the obvious presence of sheep, their shepherds and the homestead to indicate ownership. The squatting landscape at this stage consisted of the Aboriginal landscape plus sheep (and minus the Aborigines).

Wright however differed from most squatters in one important way in that he did have a comparatively large agricultural establishment on his freehold land. While such an establishment seems comparable with other areas such as the Hunter Valley one has to ask whether Wright really knew what he was doing. It was a long trip back to Sydney, the only major market for agricultural produce and Wright was competing with farms on the Cumberland Plain as well as those on the Hunter and South Coast linked to Sydney by sea. I suspect that after the ending of assignment in July 1841 Wright scaled back his agricultural activities. Wright was not the only squatter to have freehold land – George Russell of the Clyde Company was another- but generally squatters did not hold freehold land. This was partly because they were outside the limits of settlement, but even when the pre-emptive right was granted there was not an immediate rush to take up the land. The comparisons between the Lanyon estate, which cost £1032 to buy, and the larger Cuppacumbalong Estate which cost £10 per annum to occupy, show why squatters preferred the licence rather than the speculative investment in land.

Blair and Claoue-Long have raised the question as to what extent can Lanyon be seen as a landscape of captive labour (1993a; 1993b)? It seems that they view the landscape as one likely to contain evidence of surveillance and coercion of the convicts, which is in line with their view that Wright had to coerce his workers. They write of Wright's homestead providing unobstructed views of the barn and stockyards, cultivation areas, orchards and gardens, all of which were convict workplaces (1993:85). The stone hut, (Building 8) is identified in local tradition with Thomas Appleby and interpreted by Blair and Claoue-Long as providing "a vantage point for the surveillance of Wright's out-stations at what is now the Naas-Boroombah area" (1993:86).

Their argument would have been more convincing had their reading of the landscape paid more attention to the historical debate about Lanyon and the actual landscape itself. For example simple map reading reveals that Building 8 is at 580m above sea level and therefore it would be difficult to see Naas, which is obscured by Mount Tennent and a ridge of 700m elevation and Boroombah which is behind a ridge of elevation no less than 600 m. Moreover, by ignoring the historical evidence, they fail to note the strong possibility that Building 8 was not there during the Wright era. They published Larmer's plan, which throws the very evidence they are "reading" into doubt, apparently without realising its importance. The evidence of coercion in the landscape does not exist.

The point about the Lanyon "landscape of captive labour" is that sheep grazing by its nature requires a large landscape, so large that surveillance and coercion was not effective in controlling the convicts as they could not be supervised at all times. As can be seen by the number of absent or stray convicts, it was very easy to abscond, leaving the sheep to fend for themselves. Wright would have had to negotiate with his assigned convicts some shared sense of responsibility for his enterprise. The differential ration scales - a common practice in the convict era - was one form of incentive. Possibly, there was some form of unofficial wage system or bonus such as a share of the increase in flocks. Whatever the system was, it was not written in the landscape or the documentary record, except through the absences of overtly coercive buildings and structures.

My reading of the Bench Books is that there was a general decrease in charges brought by Wright over time suggesting that initially Wright tried the coercion strategy but then learned from his experience that it would not work. Wright's frustration with the system reached a peak in late 1839 and early 1840 with the inquiry into the Administration of Justice in Queanbeyan (see Appendix Three). After that, his appearances bringing charges against his convicts decrease, suggesting he had found another way to manage his workers.

We know from Wright's appointment as a Justice of the Peace and his purchase of freehold land that he was a man of property and status. His letter of the 15<sup>th</sup> September 1836, asking that Webb be removed, assumes that he has a right to occupy the land and displace Webb based on Webb's poor character. Wright makes an implicit claim that he was respectable and deserving of consideration in this matter. In his role as a Justice of the Peace on the Queanbeyan Bench of Magistrates Wright was an important person in the district. In discussing Wright's role on the Bench (see Appendix Three) I argue that Wright misplays the role of J. P. and, by inspecting a convict's back after punishment, crosses a line between respectability and brutality leaving him in an uncertain position. Echoes of this are seen in the historiographic treatment of Wright as a flogging magistrate.

What can be seen of Wright's social status in the Lanyon landscape? The size of the estate is one indication of Wright's economic position both before and after his bankruptcy. It was a large estate and passing through one would have seen a homestead and cultivated fields and flocks of sheep. Whether it was well husbanded is not clear. Certainly there was the stain of bankruptcy which split the estate causing Wright to lose his freehold land (and resign as J. P.). On the other had he did, to some extent, recover by moving to Cuppacumbalong where at least his family did not starve. More could be read from the landscape if more precise details of Wright's house, outbuildings, and gardens were available. But in this we are hampered by the confusion of previous historical and archaeological research.

Wright's personal possessions listed in his bankruptcy inventory are more revealing. Such items as 300 books, a clock, "German silver cutlery" some crockery, a dining table and 12 chairs and a writing desk are listed (Supreme Court - Insolvent Estates 2/8743 Packet 858, State Records of NSW). This list shows that Wright could muster at least a dinner table and setting for 12. If the crockery was not of sufficient value to be listed as a dining set, there was at least the "German silver". The books and the clock would have added a nice touch to the room. These items of material culture



show that Wright was at least on the way to genteel respectability and was certainly maintaining appearances even at the edge of the limits of location.

To summarise, Wright emerges as an ambiguous character. He is keen to assert his social position and respectability and to that end was rewarded with public office. Nevertheless, he then misplayed his role as a J. P. The fact that many of his convicts were prosecuted and some escaped is not as important as has been argued. Many other "masters" had the same problems. It does seem that after about six months there is a marked decline in appearances at the Queanbeyan bench suggesting Wright tried other approaches to convict management. Similarly, Wright made a bad decision to invest in freehold land, which resulted in him being caught with a high level of debt when the speculative boom in sheep busted. But he did recover. Again, the ambiguity in his role in managing the estate emerges.

In the broader context Wright certainly fits into the role of a respectable squatter both from the point of his estate and from what we can glean from his possessions. Nevertheless, his individual circumstances created social ambiguity and his bankruptcy and fall from a prominent social position led him into relative obscurity.

**CHAPTER 7: MAINTAINING THE ESTATE -  
CUPPACUMBALONG AND THE DE SALIS  
FAMILY**

## INTRODUCTION

The de Salis family estate of Cuppacumbalong Run and Coolemon Run was located to the south west of Canberra on the Murrumbidgee River. The aim of this chapter is to look in detail at the process of husbanding the run in the face of the selection movement. The availability of detailed selection records, the diaries of George de Salis, and the comparatively unaltered nature of the current landscape allows the process of creating, husbanding and defending the de Salis estate to be studied in detail.

Leopold de Salis was an already established squatter, having purchased the Dabalara run in 1841. In buying Cuppacumbalong, De Salis was simply moving his capital to an established station rather than pioneering a station as Wright and Lanyon had done. As discussed earlier, especially in the case of Lanyon, the pioneering period of squatting created landscapes that were little modified from those occupied by the Aborigines. The period of husbanding the de Salis estate created a more distinctive cultural landscape, driven in part from the process of maintaining the run and making a profit, and partly in response to selection on the run.

After some preliminary comment, the chapter looks firstly at the Cuppacumbalong and Coolemon Runs as pastoral holdings and then turns to the strategy for defending the runs and creating the de Salis estate. The impact of the selection strategy on the landscape of the run is then discussed.

In the previous chapter, the establishment of the Lanyon and Cuppacumbalong runs by Wright and Lanyon was discussed. Cuppacumbalong was established in the mid-1830s over the Murrumbidgee River (and outside the limits of location), west from Lanyon run. Cuppacumbalong was part of the Lanyon estate. The Commissioner of Crown Lands listed "slab and bark huts" on Cuppacumbalong in 1839 and the 1841 Census lists three buildings. Presumably, these were located in the Tharwa area as this was the site of the best ford over the Murrumbidgee River. In 1841, Mary Wright's family - the Davises - arrived and James Wright separated out the Boroombah run from Cuppacumbalong. The Davises were established there from 1841.

Wright's insolvency resulted in the focus of his pastoral activities changing to Cuppacumbalong. In March 1845, Andrew Cunningham, his wife Jane (then pregnant) and children arrived in the district to take up the Congwarra run (Moore 1982:43). Moore claims that the Cunningham's stayed with the Wrights at Lanyon and later moved to a slab hut on Congwarra Run. Although Cunningham had little in the way of capital in those years, he was able to negotiate the purchase of the Lanyon estate from Wright's creditors and Lanyon's heirs. The Cunninghams moved into the Lanyon homestead in 1848, and the Wright's moved to Cuppacumbalong where they lived until James Wright was injured in an accident and sold the property to Leopold Fane de Salis in 1855.



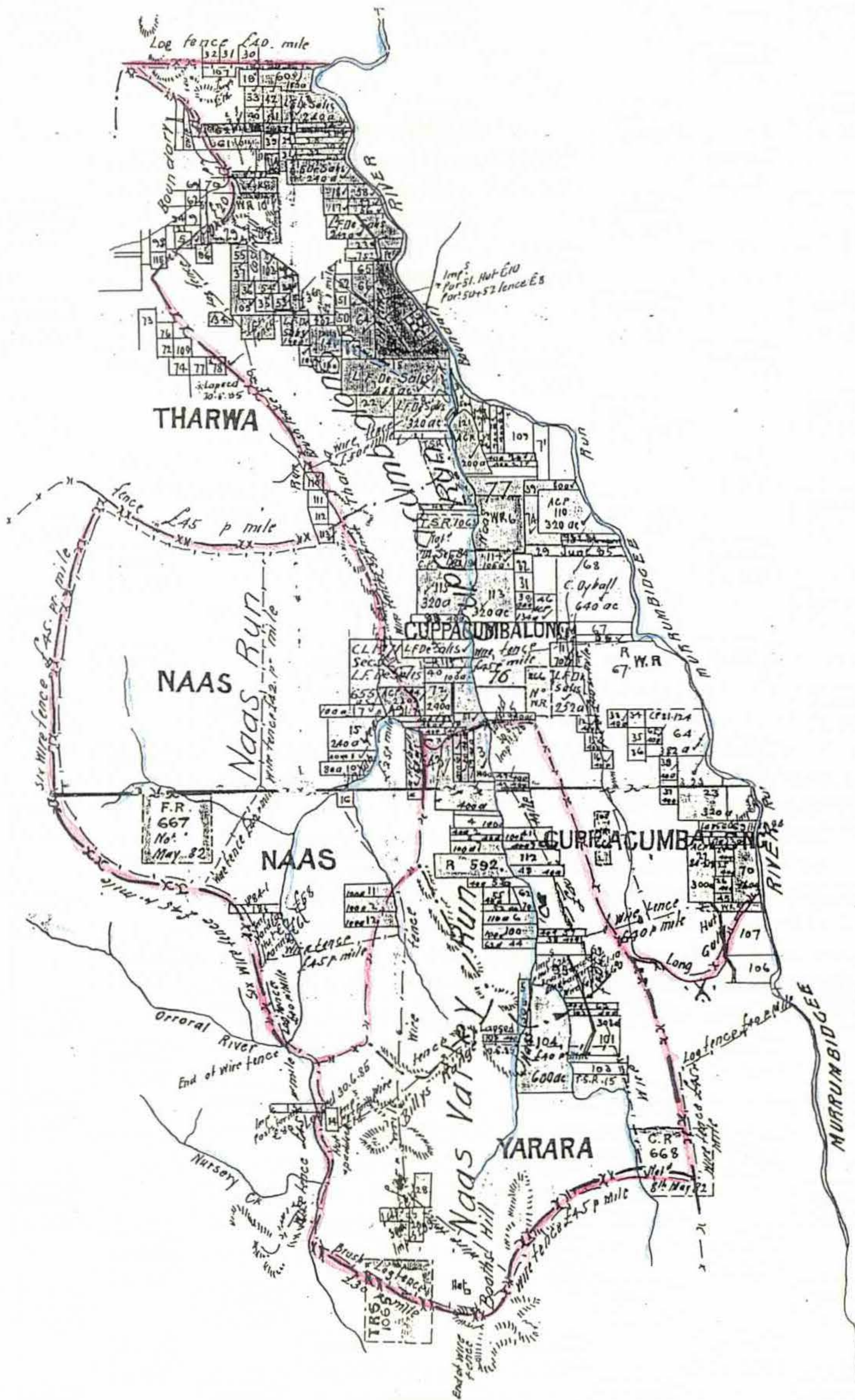


Figure 7.1 The de Salis Estate



## The de Salis family

The origins of the de Salis family have been outlined in an informative paper "Some family history" read to the Canberra and District Historical Society in November 1960 by W. A. F. de Salis.<sup>122</sup> He traced the de Salis family name to the Bregaglia valley in Switzerland. A Peter von Salis, a hereditary count of the Holy Roman Empire, founded the English branch of the family. Peter's son Jerome, settled in England and married the Honourable Mary Fane, eldest daughter of Viscount Fane. By various acts and licences, the English de Salises gained naturalisation and the rights to use all the previous honours and dignities as well as the right to use the name "Fane" (1960:2-3). The de Salis' considered themselves minor, though honourable, aristocracy.

The fourth Count Jerome (1771-1836) had several sons. The eldest, Rodolph served in the British Army in the Crimea and in the Indian Mutiny. The second son, William (Uncle Willy) was born in 1813 and was educated at Eton and Oxford. He practiced at the bar and was involved in the business affairs of the Indian merchants Jardine Matheson and Company. The third son, born in 1816, was Leopold. Leopold was educated at Eton but illness prevented him from going to Cambridge and he began to learn farming, as an outdoor life was thought to be of some benefit to his health.

After learning sheep farming near Jedburgh, Scotland, Leopold migrated to Australia, arriving in November 1840. Leopold, with a partner "Mr Smythe" purchased the Dabalara run near Gundagai on the Murrumbidgee River in 1841. In 1844, he married Charlotte McDonald, daughter of Captain McDonald who owned the neighbouring run of Bongongo. In 1842, William de Salis was employed by Jardine Matheson to go to Australia to sort out some of their business affairs. William arrived on the *Kelso* in May 1842 and was offered a partnership in the Sydney branch of Jardine Matheson. In Sydney, William de Salis rapidly rose to prominence through the success of his business activities. He was a friend of Governor Gipps and a prominent member of various boards including the Union Bank. In 1848, William de Salis returned to England but continued his interest in Australia and was a London director for many companies with Australian interests (see Broeze 1993). No doubt, William de Salises commercial connections and position in the business world, particularly in England, would have been of great use to Leopold de Salis.

With the retirement of his partner Smythe to England, Leopold expanded his pastoral interests using his brother-in-law Colin McDonald as manager of various runs. He started a family, his children being Leopold William (1845), Rodolph (1847), Nina (1848), George (1851) and Henry (1858) who was born when they moved to Cuppacumbalong. In 1855, Leopold decided to sell up and return to England. Having sold his pastoral holdings in the Gundagai area, he apparently purchased Cuppacumbalong as a temporary home but on receiving news of his mother death he decided to stay in the district.

Leopold de Salis was a different type of squatter in terms of his social and economic position compared to Wright or, for example, Andrew Cunningham who bought out Wright. Firstly, he had a claim to aristocracy. He was well educated, somewhat of an intellectual and brought up in a well to do environment. He had capital and had been a

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<sup>122</sup> This presents both a narrative history as well the de Salis family view of their ancestry.

successful squatter before he bought Cuppacumbalong. The other major difference was Leopold de Salises interest in politics. He was the MLA for Queanbeyan from 17<sup>th</sup> December 1864 to 14<sup>th</sup> July 1869. He was appointed to the Legislative Council on the 14<sup>th</sup> July 1874 and served until his resignation on 5<sup>th</sup> January 1898 after some 23 years of service. In contrast, Wright and Cunningham's public service was limited to the judiciary and although they were important figures in their time in the district, de Salis was of importance on a statewide basis.<sup>123</sup> He had numerous political friends such as Sir Henry Parkes and Sir William Stawell. As an appointed member of the Legislative Council, de Salis was in the colonial equivalent of the House of Lords.

### **Brief overview of runs held by de Salis**

In order to assist the discussion of the de Salis' holdings it is useful to outline the history of the holdings they purchased (Figure 7.1). The first run was Cuppacumbalong purchased in 1855.

In 1869, the runs of Naas and Naas Valley were purchased. These runs were part of the estate built up by the Herbert family and Thomas Chippendale (who had married into the family). The Herberts decided to move their pastoral operations south to the Bolero region and sold their properties to a partnership of Mendleson and Joseph both were Jewish grocers moving into pastoralism. The De Salises disliked Mendleson and Joseph for reasons that are not quite clear (there were allegations of theft), and these seem to be in part racially based. George de Salises diary commences with Mendleson and Joseph selling Naas and Naas Valley and the de Salis family taking possession. It seems from the land title information that Mendleson and Joseph went broke and the property of Naas and Naas Valley<sup>124</sup> was sold to the de Salises in 1869. This extended the original run of Cuppacumbalong to the south.

In January 1872, the de Salises purchased Coolemon run high in the Brindabella Ranges from the O'Rourke family for £275. Coolemon had been used for summer grazing since the 1830s and been held by the O'Rourkes since the mid-1860s.

At its greatest extent (*i.e.* after 1872), the de Salis estate consisted of Cuppacumbalong, Naas, Naas Valley and Coolemon runs. Leopold de Salis was the patriarch overseeing all the de Salis estate. However, one of the interesting aspects of reading the de Salis diaries is the increasing responsibility taken on by George de Salis for the de Salis estate in NSW. The diaries recount George's management, initially of the summer grazing at Coolemon, and his first shearing in 1875, which was commemorated by a poem. By the time of his marriage in 1878, George was in effect the manager of Cuppacumbalong and Coolemon, being paid a percentage of the wool clip and a bonus for increase of stock. In some aspects of management, particularly in the selection strategy, George disagreed with his father but, ever the dutiful son, he deferred to "Papa".

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<sup>123</sup> Curiously, the de Salises are lesser figures in the historiography of Canberra. I think this is because Lanyon has survived to be such an important historical site that its owners have achieved a historical status that the de Salises lack. Cuppacumbalong exists but it is a 1920s building replacing the earlier homestead.

<sup>124</sup> Naas and Naas Valley will be referred to in the text as Naas.

The de Salises also had a pastoral estate in Queensland. Leopold purchased Strathmore run in February 1870 for £2700 and afterwards there were other purchases. This estate was run by the two oldest brothers William and Rodolph and, after the latter's death, Henry. Leopold and other family members such as George and Nina regularly visited the Queensland estate.<sup>125</sup> They also seem to have owned some land at Maitland although the exact status of the land is unclear. Certainly, it was not part of their farming estate.

In broad terms, the estate at Canberra consisted of a series of flats along the margins of the Murrumbidgee River. The flats are stepped in elevation back from the Murrumbidgee. Cuppacumbalong homestead on the Murrumbidgee at Tharwa is at 580m, Naas at 650m. Coolemon Plain is at around 1280m with the surrounding hills at around 1500m. The elevation of the Coolemon Plain means that it is subject to hard frosts and snows in winter but this also means that it is well watered and provided a spring growth of grass. Thus, Coolemon (along with other runs in the area) provided good conditions for summer grazing.

### Loss of the estate

The precise circumstances of the collapse of the de Salis estate are not clear.<sup>126</sup> It seems that the Queensland venture was unsuccessful, resulting in substantial losses. As a way of raising capital the Cuppacumbalong estate was mortgaged to the Union Bank of Australia<sup>127</sup> for £69,956-13-5 (Lands Title Office Old System Number 450 Book 444). Just prior to the mortgage being drawn up, 21 large conditional purchases and conditional leases were taken up by the de Salises (totalling 5458 acres), presumably as a way of increasing their equity. Details of the de Salis estate at its greatest extent were listed on the Lands Title (see Figure 7.1). The de Salis diaries for that time give little precise detail of what was occurring. This is because Leopold de Salis kept control over the estate, but was finding it difficult to cope with the overwhelming bad news (he was then 76 years old). George and William de Salis seem to have realised the problems but were having difficulty persuading Leopold to act (de Salis diaries 23 to 30<sup>th</sup> April 1892). Ultimately, they attempted to sell the Queensland runs, but the drought reduced the value of the runs and more importantly made it difficult to get cattle to market (presumably because of lack of feed on the droving routes) which reduced cash flow. While the de Salises waited for the drought to end and the runs to sell the interest on the debt increased. The debt was something like £82,000 in October 1892. The Union Bank sent valuers to inspect Cuppacumbalong and Coolemon. Predictably, they claimed that the runs were not worth the £40,000 loan they were to secure (de Salis diaries 30/3 1893).

The Union Bank took effective control of the estate by late 1893, although it is difficult to be precise about this without access to detailed records. The Bank installed its own manager (at one point this was William Lees) who ran the property until the

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<sup>125</sup> Although the failure of the Queensland venture bankrupted the de Salises and therefore is historically important I have been unable to find out much about their Queensland estate or why it went bust. Presumably the drought of the 1890s was one factor.

<sup>126</sup> There is little in the public record, nothing in Leopold de Salises bankruptcy files. The ANZ Bank Archives, successors to the Union Bank, hold some material but permission to access the file was not given by the de Salis family.

<sup>127</sup> Leopold de Salis' brother William had been a London director of the Union Bank.

land was sold to the partnership of Frederick Campbell of Yarralumla, Colonel (retired), Francis Selwyn Campbell and Percy Cameron Circuit in November 1899. They mortgaged the property to the Union Bank and this was not discharged until January 1905 on which date all the property was transferred to them (Land Titles Office Old System Title Book 656 Folio 843). At the inquiry into the Cuppacumbalong land exchange, Leopold de Salis claimed an equitable right to redemption, which was accepted by the Select Committee<sup>128</sup> (whether in law or sympathy it is not clear). This means that in 1897 Leopold de Salis still thought he could pay the loan back but his bankruptcy in 1898 must have put paid to those hopes (Select Committee 1897).

Like Wright before him, others in the district and throughout Australia, Leopold de Salis was brought down by over confidence in the environment. When the extremes of drought hit, he was left with debt but no cash flow to tide the business over. It can only be imagined how this elderly gentleman would have felt about his predicament, seeming to fail at the end of his life. Leopold de Salis was in his late seventies and was too old to see the ending of the drought and his children survive and prosper in the years ahead.

## THE DE SALIS RUNS

As discussed above, the de Salis family held several runs during the period 1855-1892. These formed the Cuppacumbalong Pastoral Holding (No. 398) and the Coolemon Pastoral Holding (No. 506) under the Land Act of 1884. In the section below the landscape forming the de Salis runs is described and analysed to show how the run worked as a grazing property and to identify the nature of the land. Apart from showing how the run worked, the description forms the basis for understanding how the de Salises husbanded their runs. The description follows the methodology outlined in Chapter Two, however for the sake of non-repetition some categories have been merged with others.

### Run Boundaries over time

It is difficult to describe precisely the pastoral runs at the time (1855) de Salis purchased Cuppacumbalong as the pastoral run files or their equivalent were destroyed in the Garden Palace Fire of 1882. The only surviving information of the pre-1884 run boundaries is the run descriptions published in the Government Gazettes of 1848. These descriptions formed the basis for the pastoral licences issued to squatters from 1848. The descriptions of the de Salis owned runs are as follows:

No 3  
 Atkinson William  
 No 35  
 Name of Run Cooleman  
 Estimated Area – 8,000 acres  
 Estimated Grazing Capabilities – 500 cattle

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<sup>128</sup> Although the Bank seems to have been running Cuppacumbalong without the de Salises by that time.



Bounded on the north by lofty mountains; on the south, lofty mountains; on the east by lofty mountains; on the west lofty mountains.

Chippindall [sic], Thomas  
 Name of Run Naas  
 Estimated Area – 15,360 acres  
 Estimated Grazing Capabilities – 600 cattle

Bounded on the north by the stations of William Herbert and James Wright; on the east by a range of hills dividing it from the run of James Wright, until it joins a station belonging to James Booth, which station forms the southern boundary of the run; on the west bounded by a range situated about half a mile to the westward of a running stream, dividing it from the runs of Edward Severne and William Herbert.

No 66  
 Herbert, William  
 Name of Run Naas and Orarell  
 Estimated Area – 6,000 acres  
 Estimated Grazing Capabilities – 700 cattle

Bounded on part of the north by an imaginary line along the ridge of a spur of Mount Tenant,<sup>129</sup> dividing the land now described from the run called Boorooroomba, now occupied by William Davis; on the remaining part of the north along the ridge of another spur of Mount Tenant bearing nearly east to a small stream called Little River, dividing them from Stony creek sheep station, in the occupation of James Wright; on the east by an imaginary line running about south west from a bend in the little River called the corner hole to the ridge of a range about half a mile from the dwelling house at Naas; and thence and thence in about the same direction across ranges to a hut on the Gudgenby river, occupied by Thomas Chippindall [sic], dividing the lands now described from the run called Naas; occupied by Thomas Chippindall [sic]; on the south by ranges dividing them from the run called Gudgenby now occupied by Edward Severne: on part of the west by ranges called Bimberri Ranges; and on the remaining part of the west by ranges dividing the now described lands from Boorooroomba run.

No 188  
 Wright, James  
 Name of Run Cuppacumbalong  
 Estimated Area – 15,000 acres  
 Estimated Grazing Capabilities – 1,200 cattle or 7000 sheep

Bounded on the east by the river Murrumbidgee from the Bald Hill Creek to Conlan's corner for four fifths of the distance the river is inaccessible; upon the north from Mr M'Quoids run by a line of marked trees; upon the

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<sup>129</sup> Mount Tennent, spelt Tennent after the bushranger.

west from Mr Davis' run by Paddy's creek and the north spur of Mount Tenant, from Mr Herberts run by the south spur of Mount Tenant and for a short distance by Gudenby Creek: upon the south east from Mr Chippendale's run by the Neis Mountains to the Bald Hill Creek, thus almost forming an obtuse angle of which the Murrumbidgee river is the base.

As can be seen the descriptions of the runs are not geographically precise. There are several reasons for this. Firstly, there is sheer incompetence. Secondly, there is creative incompetence where vague descriptions are used to include two runs on one licence as William Herbert was doing. Finally, in the absence of formal maps and indeed any form of settlement, in some cases definable locations are often difficult to find.<sup>130</sup> The description of Coolemon is a good example as it is accurate but imprecise. Most boundaries were properly surveyed in the period after the passing of the *Crown Lands Act* of 1884. This required the dividing of pastoral runs in to "resumed" and "leasehold" areas, something that needed defined run boundaries to administer. The surveyed run boundaries were plotted on the Parish Plans.<sup>131</sup> As far as can be determined there were no major changes in the boundaries of the runs and the de Salis estate varied only with the purchase of runs in 1869 and 1872.

### Land Uses and Activities

The primary land use was sheep and cattle grazing with sheep grazing on the flats and hillslopes and mobs of cattle in the surrounding hills. The sheep were primarily grazed for wool although old sheep were sold for meat. Cattle were sold to the butchers at Queanbeyan and Goulburn. There were small areas of cultivated land, mostly fodder for the stock and the horses. Even smaller vegetable gardens were established near Cuppacumbalong homestead to supply the family and employees.

### Response to the Natural Environment/Vegetation related to land use

The position in the landscape of the runs created in the general area around Cuppacumbalong can be characterised into runs that occupy a single valley such as Boroombah, Coolemon, Gudgenby, Orroral, Naas and Naas Valley, and runs like Cuppacumbalong which take in several valleys, such as Spring Gully (now known as Sawyers Gully), part of the Naas Valley, Reedy Creek valley and the western bank of the Murrumbidgee.

The original Cuppacumbalong run took in an area of undulating gullies running down from the ridge line of Clear Hill (an extension of the Bullen Range), east to the Murrumbidgee. The Clear Hill Ridge runs to the southwest and intersects with the Murrumbidgee and the Gudgenby River near Tharwa.<sup>132</sup> On the western side of the ridge is the valley called Spring Gully (now called Sawyers Gully). Spring Gully is bounded by the Clear Hill ridge and the massive ridges and spurs associated with

<sup>130</sup> It was only in the 1870s that a formal county map was produced and positions of features such as Mount Tennent accurately established. The first parish maps were produced in the 1880s.

<sup>131</sup> Figure 7.1 was compiled from the data on the Parish Plans and plans in the Occupation Files and checked with the 1848 descriptions overlaid on the contour map.

<sup>132</sup> Cuppacumbalong is supposed to mean "meeting of the waters".





**Figure 7.2 A Typical Flat adjacent to the Gudgenby river and with steep slopes rising to the west**

Mount Tennent. The eastern spurs of Mount Tennent create a small gorge through which the Gudgenby River has to pass. Further upstream the valley widens out and there is a good area of flat between Mount Tennent and the Gudgenby River. The Clear Hill ridge runs into the northern end of the Cullen Range. The Cullen Range between the Gudgenby River and the Murrumbidgee also formed part of Cuppacumbalong. In this area, the range falls quite steeply to the rivers making grazing quite difficult for sheep. However, in between the Murrumbidgee and Gudgenby rivers in the Cullen Range, the Reedy Creek catchment created a number of flats suitable for grazing. Thus, Cuppacumbalong took in four large areas of flats and valley bottoms suitable for sheep grazing as well as a large amount of frontage along the Murrumbidgee, Gudgenby, and Paddy's rivers.

Of the other runs, Naas Valley took in part of the catchment of the Naas River including most of the open flats. Similarly, Naas took in flats along the Gudgenby River and Borroombah and Half Moon Creeks. Orroral was largely confined to the Orroral Valley. Gudgenby took in a flat at the junction of several creeks with the Gudgenby River. Borroombah was similar, taking in flats created along the Paddy's River as well as some hills encompassed by a curve of Paddy's River.

The name Coolemon possibly refers to the shape of the run in the landscape, the run boundaries being mountain ranges give the run the shape of a Coolemon dish. Wilson citing no authority claims the name is the Aboriginal name for the place (1968:109), which is plausible.<sup>133</sup>

<sup>133</sup> Or of course Coolemon might be a place in Scotland.





**Figure 7.3 The Steep Decent into the Murrumbidgee at Angle Crossing**

The landscape comprised rolling granite hills of the Mount Kelly Uplands with steep rocky slopes leading to wide flats beside minor streams and swamps. From the sheep-farming perspective, the important element in the landscape was the flats, which would have originally been open and grassed. The valley slopes in contrast were mainly quite steep and rocky, lacking the gassy vegetation of the flats and lacking in permanent water.

The poor quality of the valley slopes and ridge crests for sheep grazing is attested in comments made in evidence by local farmers in the *Select Committee on Exchange of Land, Cuppacumbalong Run, Queanbeyan District* (Select Committee 1897) and in the evidence given in inquiries at Local Land Board into Patrick Smith's application for rent relief (Lands Department - Conditional Sales Branch Correspondence Files No 08/59 (SRNSW Ref 10/20798) and Thomas Tong's similar application (Lands Department - Conditional Sales Branch Correspondence Files No 06/27177 (SRNSW Ref 10/19868)).

Flats in contrast were relatively level, containing alluvial soil, being well grassed and often containing swampy ground or minor streams ensuring a good water supply. Because of the flats relatively shallow gradients (0 to 3%), water from small streams and surface runoff accumulates in the them, saturating the soil. Thus, they act like a natural dam, retaining moisture for a considerable time in dry seasons. Flats are thought to have been frost hollows intolerant to larger trees and probably burnt on a regular basis by Aborigines. Shepherds coming into this country would have found the flats ideal places for sheep grazing and no doubt kept up the burning to promote new growth of fodder.





**Figure 7.4 Undulating moderately to gently sloping country in the hills. Due to the shallow soils and lack of water this country was generally considered second class**

On the hillslopes and crests above 800m, the vegetation was more closed forest, which did not allow growth of grass and was unsuitable for sheep, although cattle could graze in these areas. This was third class land and generally not particularly desired except for its timber.

Water, another essential element in squatting, was much less of a problem in the region than it was in the Western and Central Districts. Cuppacumbalong was well watered by the Murrumbidgee River and the Naas and Gudgenby Rivers and creeks feeding into them. There was however a problem in some areas with access to water. The Murrumbidgee, upstream from the junction with the Gudgenby River, is in an area of semi-gorges with steep descents to the river. The de Salises argued to the Lands Department that the slopes were too steep to be of practical use for watering sheep and Figure 7.3 makes the point. Thus while the run included many miles of frontage to rivers and streams a lot of it was not useable.

Finally, it should be noted that although Coolemon was useful for summer grazing, due to the hazard of snowfall and frost it could not be grazed all year round. In a well-known and remembered incident, Dr Gibson's flock was caught in a blizzard in 1833 and the entire flock and some shepherds died. Accordingly the de Salises withdrew their flocks in May or June.<sup>134</sup> The cattle however were left more or less to themselves and presumably could escape from the frosts by moving into the steep surrounding ranges.

<sup>134</sup> The de Salises had the benefit of the advice from Thomas Fishlock, an employee who was on the Plains at the time.



The de Salis estate comprised three classes of grazing land, the flats which were first class land, the open slopes and crests which were considered second class and the forested slopes and crests which were used for grazing cattle. In addition, at Coolemon the de Salises has a large area of alpine grassland available for about half the year.

### Boundary Demarcations

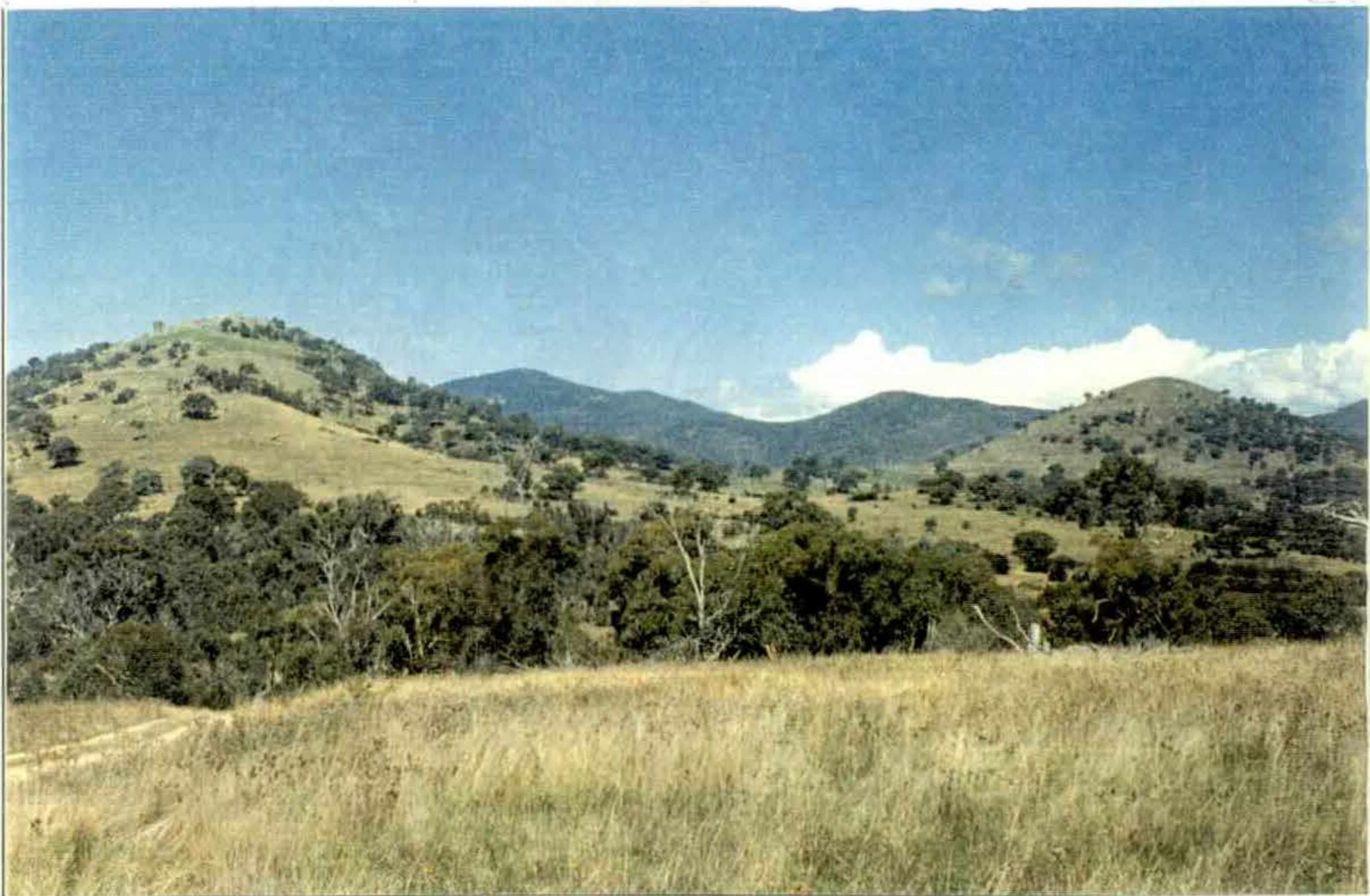
From the descriptions in the Government Gazette, the boundaries of Cuppacumbalong are mainly natural features such as ridgelines and creeks that are difficult to dispute. Figure 7.5 shows the boundary between Cuppacumbalong and Boroombah, which runs down the main ridge from Mount Tennent towards the centre of the photograph, then turns north down a gully to Paddy's River. The use of clearly definable topographic features such as ridgelines made boundary marking easy. Where no natural lines were available boundaries were marked by other means. The northern boundary between Freshford and Congwarra seems to have been a marked line of trees running west from Conlan's Corner, which was fenced by 1874.

Throughout the history of Cuppacumbalong as recorded in the de Salis diaries there is only one mention of a boundary dispute between de Salis and the neighbouring squatters. This occurred during the fencing of the boundary between Cuppacumbalong and Boroombah. McKeahnie was thought to be putting the fence in a position more favourable to him. The dispute was resolved by the patriarchs of both families, Leopold de Salis and Charles McKeahnie meeting and deciding on a spot. There is also a reference to the boundary between Cuppacumbalong and Boroombah changing *circa* 1860 by mutual consent of McKeahnie and de Salises. In a letter of 27<sup>th</sup> Nov 1883, George de Salis explains the wrong positioning of a conditional purchase (Portion 79) in relation to the run boundary, because the surveyor "naturally was ignorant of the official boundary of Cuppacumbalong being different from that adjusted 20 years ago between the owners of the adjoining runs" (Folio 83/10308 Lands Department - Conditional Sales Branch Correspondence Files No 83/10308 cor SRNSW Ref 10/20765).

Another example of boundary adjustment was at Coolemon where John McDonald, who leased the adjacent Peppercorn Run, made an agreement with the de Salises to fence the boundary in exchange for use of the "Peppercorn side of our ranges" for five years (de Salis diaries 6<sup>th</sup> February 1876). The key point is that in boundary disputes over runs the pattern was for the issue to be resolved between gentlemen, each being expected to give and take. Initially the boundaries were not fenced. Traditionally flocks of sheep were kept within range of a shepherd and where mixing of separate flocks from different owners was a potential problem, shepherds were instructed not to mix flocks, as mixing flocks from different runs was seen as a way of transmitting disease such as scab. The invention of the drafting gate in the 1840s was of great assistance in sorting out the inevitably mixed flocks. Sheep were identified by ear marking. The rivers and the vegetated crests would have formed natural boundaries discouraging sheep to cross. Cattle however would have roamed through the hills and range at will.

The de Salis diaries show that the fenced boundaries were largely successful in keeping sheep on their run. However, there are numerous reports of McKeahnie's





**Figure 7.5 Boundary between Cuppacumbalong and Borroombah**

cattle and horses (as well as accounts of stray Cunningham cattle) being found on Cuppacumbalong. In many cases the de Salises let McKeahnie know where the cattle were and relied on his men to recover them. In cases where the parties felt a little aggrieved the cattle were yarded and word sent to McKeahnie to collect them. George de Salis suspected on some occasions that the McKeahnie's were in no hurry to collect the cattle as they were grazing on de Salis grass.<sup>135</sup> Horses were invariably yarded to prevent their straying further.<sup>136</sup>

Figure 7.6 shows the plans of the leasehold and resumed areas for the Cuppacumbalong run, created at some point in 1885 or 1886. It is of interest in the context of this discussion as it shows the extent and nature of boundary fencing. A log fence divides Freshford from Cuppacumbalong (this dates from at least 1874). Paddy's River seems to have formed a natural boundary and was not fenced. A brush fence is shown running along the range to Mount Tennent. From Mount Tennent a six-wire fence ran along the boundary of the Naas Run until it reached the Orroral and Gudgenby River junction. There seems to be a short section of log fence and then the wire fence continues along the west bank of the Gudgenby River until the southern boundary is met. From here up to Booth's Hill the fence is brush and log. From Booth's Hill to the Murrumbidgee the boundary was wire fenced.<sup>137</sup>

<sup>135</sup> When McKeahnie yarded some de Salis cattle, George wrote "McKeahnie should not have yarded then considering the number of his cattle that always have been on our run" (de Salis diaries, 20<sup>th</sup> February 1875).

<sup>136</sup> From the de Salis diaries it seems that a considerable amount of time was spent chasing after stray horses.

<sup>137</sup> The mixture of fencing probably is a direct response to the terrain.



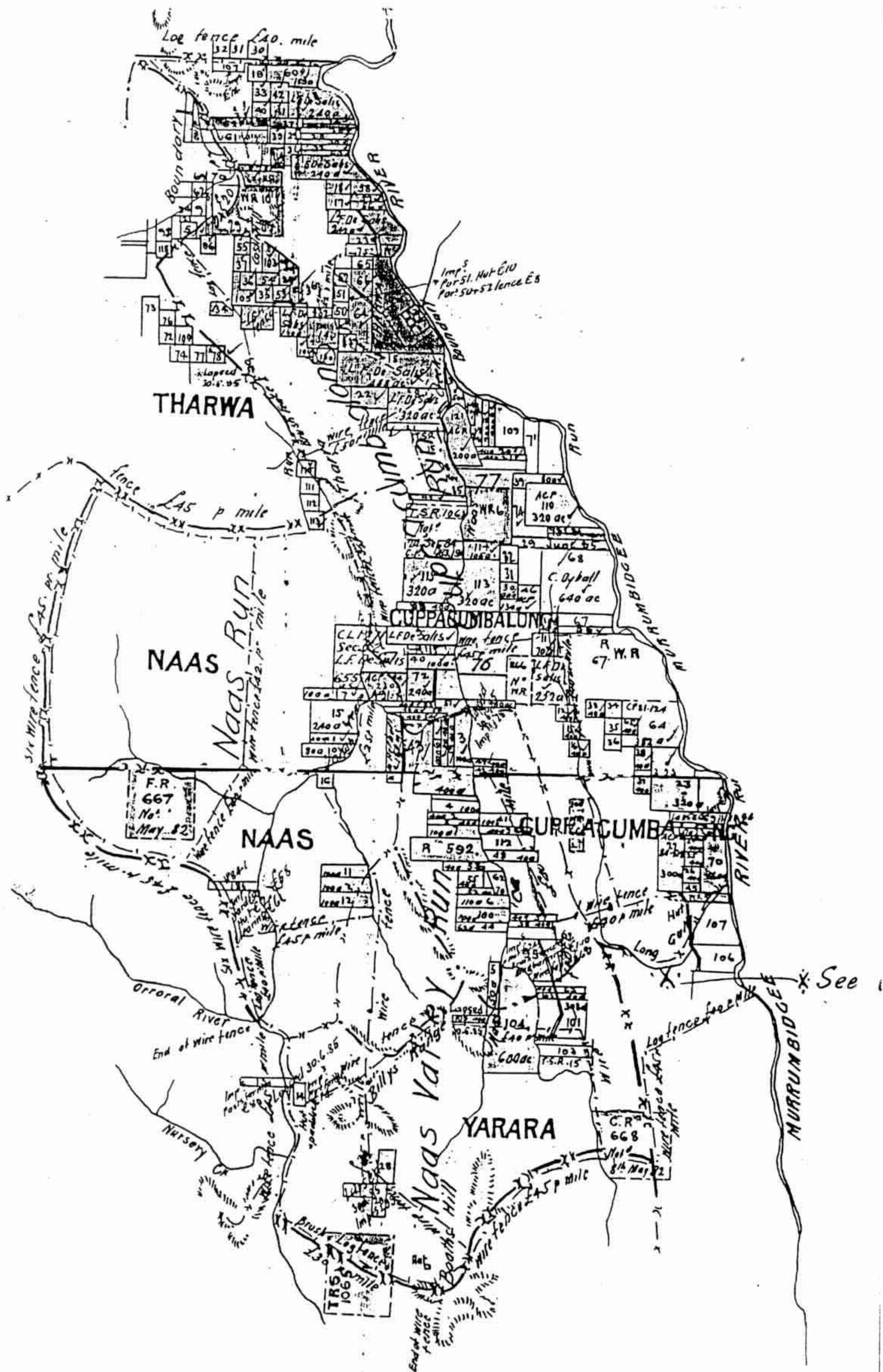
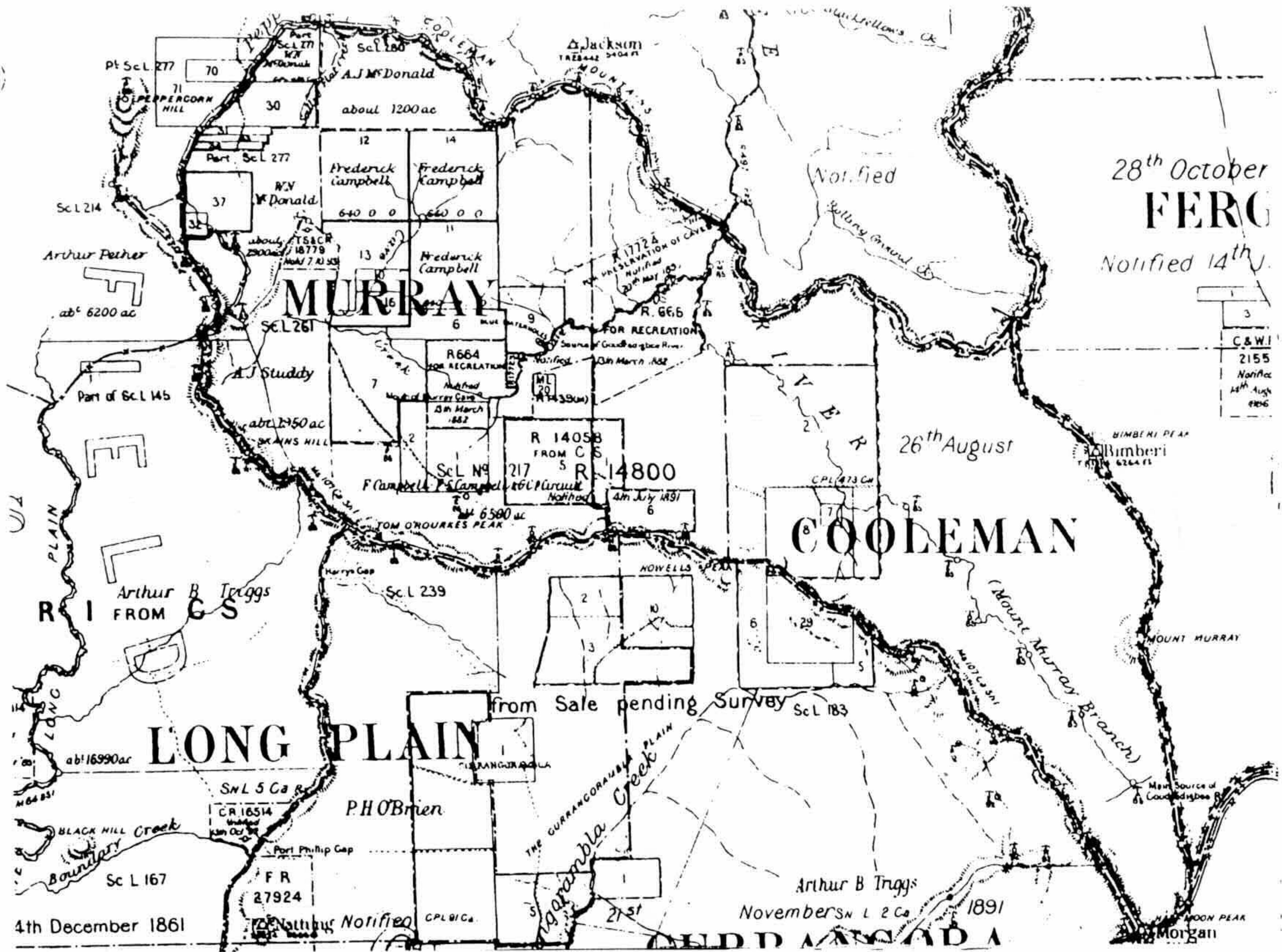


Figure 7.6 Resumed and Leasehold Areas, Cuppacumbalong



Figure 7.7 Resumed and Leasehold Areas Colemon



The Occupation files for Coolemon are more concerned about actually trying to accurately survey where Coolemon was and its boundaries. The main difficulty was that the agreed boundary for Coolemon was along a ridge known as "the Coolemon Range", but the surveyed boundary of the Parish of Murray and of Coolemon Pastoral Holding was made down the east bank of Peppercorn Creek. Ultimately the mistake would have been too costly to rectify and the boundary was fixed on Peppercorn Creek (see Figure 7:7).

### Circulation Networks

The main route from Queanbeyan to Kiandra and the alpine grazing areas was through Cuppacumbalong across the Murrumbidgee, along the valley of the Naas and Gudgenby rivers and over the ranges, back to the upper Murrumbidgee. Cuppacumbalong homestead at Tharwa was situated above the main crossing place of the Murrumbidgee. The de Salises maintained their own punt, which was generally used by all those wanting to cross the river. There were also other tracks into the various runs but these were not major routes. The de Salis diaries record a continual flow of people up and down the road and across the ford.

There was seasonal movement of sheep and cattle to and from the alpine areas for summer grazing. The de Salises moved sheep (there were quite large flocks of up to 10,000 sheep) up onto Coolemon during the summer (usually after shearing). As well, smaller mobs of cattle were moved down from Coolemon for sale. The movement of stock was always a matter of concern as out-of-control stock could damage property and infect other flocks with disease. Moreover the question of compensation for stock eating grass was important, so the government set up a system of travelling stock routes and stock reserves. Moving stock were always accompanied by stockmen who rode ahead to squatters to arrange a convenient passage of stock through runs. It is clear from the de Salis diaries that Mr. West of Yaouk run, on the stock route to Coolemon, was not particularly happy about the de Salis flocks traversing his run but did not refuse their passage. However, the Cunninghams at Lanyon are known to have fenced the road through Lanyon and to have refused permission for stock to go through Lanyon along traditionally used routes. This was the cause of some ill feeling between the community and the Cunninghams. In matters of roads, the de Salis family always took the view that traditional routes should not be fenced off. This principle caused major conflicts with the Cunningham family and later the Campbells.

There was also a network of smaller tracks between runs that were used mainly by boundary riders and stockmen. The track to Coolemon for example followed a different route from the way the sheep went. While the sheep went via Gudgenby and Yaouk Plain, the riders went via the Orroral valley and one of the "gaps" in the main Brindabella Range.<sup>138</sup> As is customary in the bush, riders stopped at Orroral station to get McKeahnie's permission to go onto his lease but this was largely a social action, as permission was never refused.

There seems to be little historical or archaeological evidence of boundary markers other than the fences that would have marked the entry to the runs. Boundary markers

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<sup>138</sup> This is more or less the route of the modern Alpine walking track.



serve to mark territory and buildings such as gatekeepers' houses and structures such as hedges have often served this purpose. In the bush fences and gates would serve to do this and well-informed travellers would probably have used some physical feature to mark the start of the de Salis estate. Crossing the river at Tharwa the traveller would have seen the poplars along the river banks (planted by 1869) and the Cuppacumbalong homestead which would have marked the entrance onto Cuppacumbalong Run. The western entry to Cuppacumbalong, from Gudgenby would have been marked only by a boundary fence.

The need to cross the Murrumbidgee at Tharwa (the best crossing place) acted as a choke point for travellers going through or to Cuppacumbalong. Crossing depended on the level of the river. Often it was fordable for carts and buggies but at other times it was high and a traveller would have to use the Cuppacumbalong punt or swim across on a horse. Apart from the obvious difficulty crossing the Murrumbidgee posed, it did mean that the de Salises were in a position to keep an eye on who was entering their territory. This allowed them a degree of warning about potential selectors and about "Inspectors of Conditional Purchases" and other officials who would pose problems if not handled properly.

### **Patterns of Spatial Organisation**

The form of Cuppacumbalong as purchased by the de Salises consisted of four flats with "stations" established in them. Stations or out-stations were small huts and yards (and probably small gardens) where the de Salis stockmen lived and tended their flocks. The flats seem to be called Spring Gully, Thomsons, Binda, and an area "down the river".<sup>139</sup> Cuppacumbalong station is located in the centre of the four flats just below where Spring Station Creek joins the Naas/Gudgenby River and all these streams join the Murrumbidgee. This location can almost be considered a central place on the original Cuppacumbalong Run. From the estimates of time taken to traverse the landscape in George de Salis' diaries it took a quarter of a day to get to each station.

The sheep-farming network radiated out to the four flats. It seems that it was possible to go from Binda to Thomson's by crossing through the Clear Range (through Cunningham's Gap?). It was also possible to do a circuit from Spring station to "down the river". From the de Salis diaries, both circuits were frequently done to inspect operations in each area. Mount Tennent however blocked any circulation from Spring Gully to Thomson's as the terrain was too difficult. To go from any of the stations one would have to go back virtually to Cuppacumbalong station before heading to the next station (Figure 7.8).

With the purchase of Naas and Naas Valley in 1869 this network of stations expanded to include the extensive flats in the Naas Valley, around Naas homestead and on Half Moon Creek. This meant that Cuppacumbalong was no longer at the centre of the run. Naas homestead was in fact at the centre of the flats such as Thomson's, Binda, Half Moon Flat, Naas Valley and Naas Flat. Naas was also where shearing occurred after 1869.<sup>140</sup>

<sup>139</sup> As called by George de Salis. The area down the river had been selected by the Oldfields and White by 1869 when George commenced his diary.

<sup>140</sup> Presumably the de Salis flock was shorn at Cuppacumbalong before 1869 but I have no idea where.



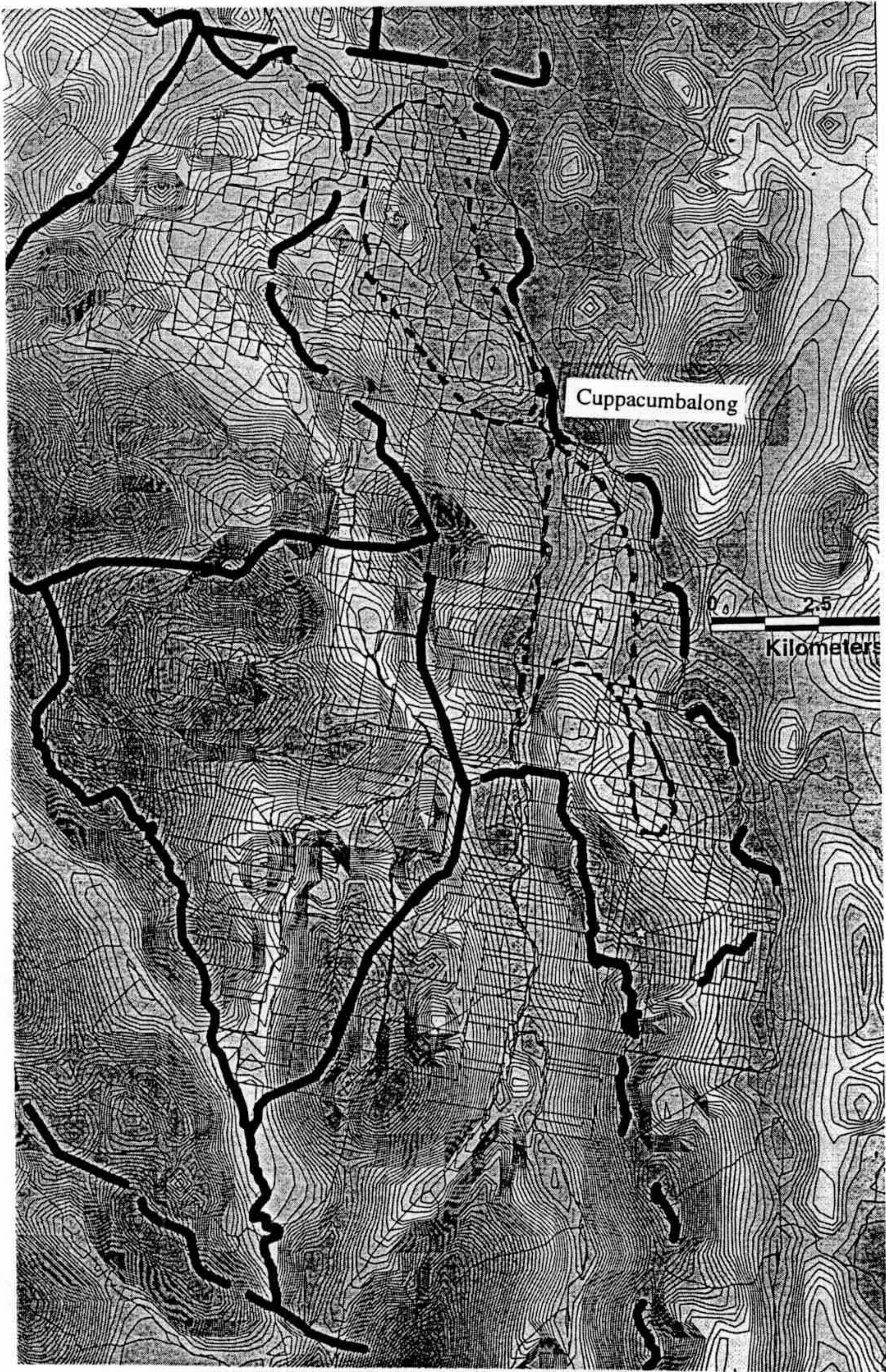


Figure 7:8 Circulation Networks Cuppacumbalong pre 1869



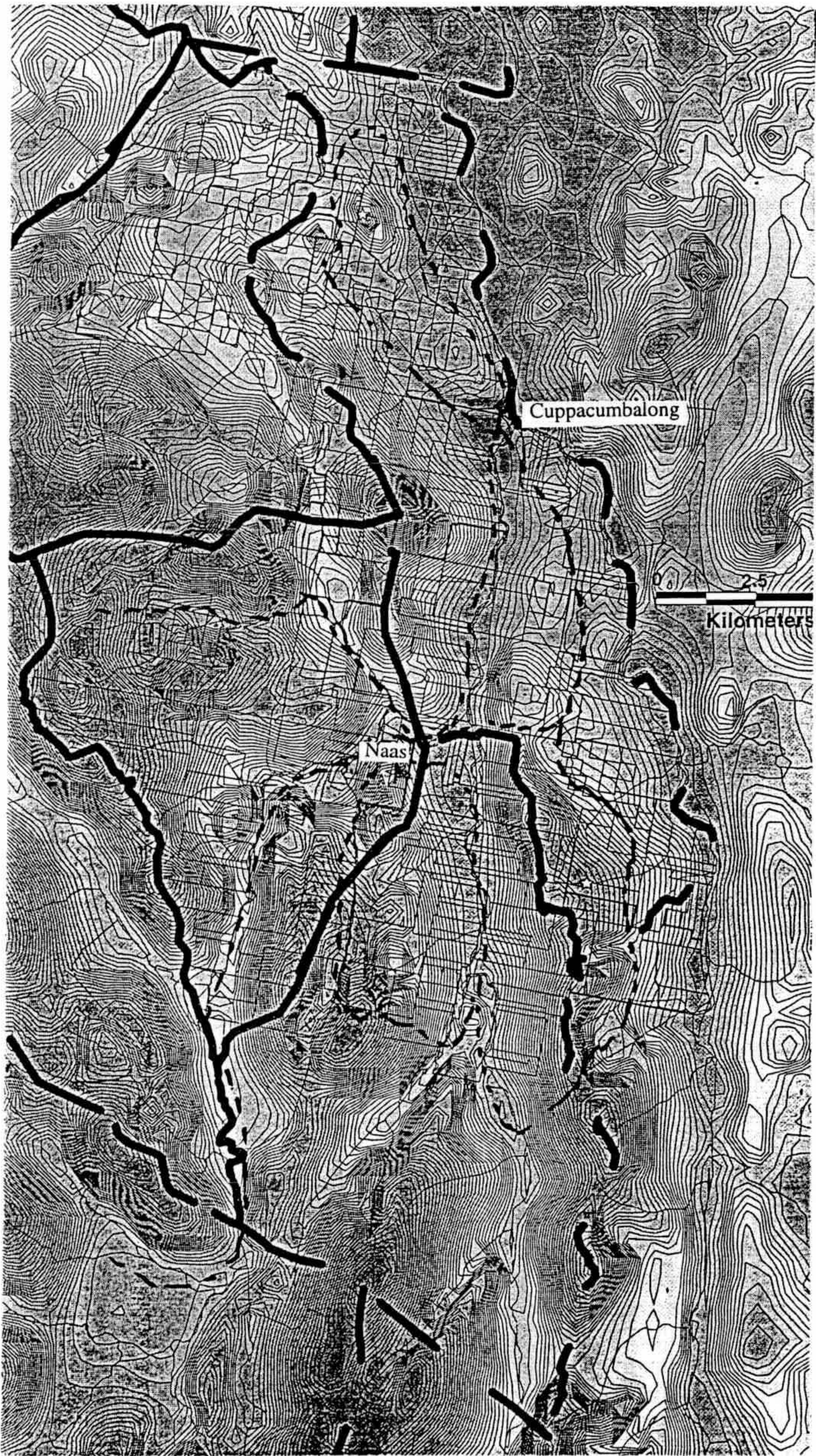


Figure 7.9 Networks on the Cuppacumbalong Run after 1872



Curiously, Naas was never permanently lived in by the de Salises although George de Salis was intending to move to Naas after his marriage and was resident there with his wife during shearing. The de Salis diaries record how they arranged for repairs on the homestead and lovingly prepared the garden. However, with the death of Charlotte de Salis in February 1878, Leopold de Salis wanted George and Mary to reside at Cuppacumbalong with him and Nina and they remained there. Naas therefore became a sort of office where someone could stay overnight or during the shearing season.

Thus Naas was the working centre of Cuppacumbalong run. Sheep were mustered for shearing in October and moved to Naas and then dispersed after shearing finished (sometime in December). Some were moved back to the flats but usually a large mob was mustered at Naas and moved to Coolemon for the summer grazing (December to May- June).

Cuppacumbalong homestead had the advantage that it was closer to Queanbeyan and to other homesteads where respectable people might socialise. George de Salis records a vigorous social interaction with the Cunninghams at Lanyon during the late 1860s to the mid-1870s. This is not surprising as the children were of roughly the same age. Social contact diminished as they all married and assumed managerial roles of the stations where their views often conflicted. Interestingly there was no social contact recorded with the McKeahnies.<sup>141</sup> George lists Charles McKeahnie as a pallbearer for Rodolph de Salis, so presumably McKeahnie was considered at least respectable, but the social relations between Boroombah and Cuppacumbalong were not as strong as those between Lanyon and Cuppacumbalong.

Cuppacumbalong's location in the social network was no doubt another reason why operations were not transferred to Naas. Importantly Cuppacumbalong contained the de Salis graves. Rodolph de Salis died on 7<sup>th</sup> June 1876. George recorded "we decided that the grave will be on the point of the hill overlooking the junction of the rivers, a spot where Rodolph would often sit alone on the rocks smoking his pipe & enjoying the view" (de Salis diaries 7<sup>th</sup> June 1876). When Charlotte de Salis died on the 9<sup>th</sup> February 1878 she was buried on the right hand side of Rodolph. Later in April 1878 Leopold visited the graves and explained to George how he wanted the work carried out. Leopold seems to have designed the graves and the construction must have been finished by November 1878 as George later refers to the outer wall collapsing (4<sup>th</sup> November 1878).

The graves are built on a levelled knoll. An extensive dry stone wall was constructed around the knoll and the ground within levelled. Within the outer wall was an inner wall, which enclosed the de Salis burial plot. Naturally the de Salis family members were buried in the inner circle. Trusted retainers such as Thomas Fishlock lie in the outer circle.<sup>142</sup> The graves were linked to the Cuppacumbalong homestead by a path marked by ornamental planting. The graves were an important part of George and Mary's life especially as their first child Arthur, who was born a month premature and died, was buried there. Mary's father Rev. Smith tried to have the child buried in the

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<sup>141</sup> There are also several comments about various jackaroos at Cuppacumbalong socialising below their status with the workers. George threatens to tell "Papa".

<sup>142</sup> The burial place of the de Salis employees reflects to some degree their social position and their relations with the de Salises. Tom Oldfield would have been as trusted an employee as Fishlock, yet he and his wife are buried elsewhere.



churchyard at Canberra but George wrote “neither of us liked the idea of leaving the little thing alone when it had a place beside other loved ones gone” (de Salis diaries 6/1/1879). “The Graves” was seen a place where the family lived on and George records frequent visits to the graves with Mary. Any separation from the graves would have been difficult for the family.

### **DEFENDING THE RUN/CREATING THE ESTATE**

There were two great challenges to the de Salis family during their ownership of Cuppacumbalong and Coolemon estates. The first was to make a living from the property, to manage it well and provide a living for the family. The second was to defend the estate against the challenge of selection. The latter task was the more important for it secured a base for economic prosperity and secured the estate. Securing the run from selection meant the transformation of the land from leasehold to freehold, that is the purchase of land. Government regulations in effect prevented the wholesale transformation of squatting runs into freehold and, even if they were allowed the minimum price of £1 per acre, purchasing the run outright would have required £73,725 to secure both Cuppacumbalong and Coolemon - this was an enormous sum.

Conditional purchase offered the de Salises the opportunity to secure land cheaply just as it offered the same opportunity to the selector to acquire land. Defending the run against selection meant trying to secure the key areas of the run by using the land legislation so that selectors did not get them. This secured the land as part of the de Salis estate. Thus the process of defending the run and creating the de Salis estate were the same, in that on the one hand the selectors were overcome and on the other hand the land was purchased (on generous terms) and added to the de Salis estate.

This section of the chapter discusses the process of defending the run from selection as well as creating the de Salis estate.

### **Exercising the Pre-Emptive Right**

Under the *Orders in Council (1847)* squatters had the right to purchase land without competition. For the Cuppacumbalong run this right was only exercised on 20th December 1859 when Leopold de Salis wrote to the Acting Chief Commissioner of Crown Lands:

“Sir,

I have the honour as lessee of the run of Cuppacumbalong in the Murrumbidgee district to apply for the purchase under my pre-emptive right as per Chapter III of H.M.’s Order in Council of March 9th 1847 of certain portions of my said run - viz - twelve quarter sections of 160 acres each or thereabouts in that portion of the run known as Cuppacumbalong and six quarter sections in that portion of the run known as Binda. And I request you will direct the commissioning of the proper surveyors to inspect and measure the quarter sections.”

Folio 59/12272, Lands Department - Miscellaneous Branch  
*Correspondence Files* No 85/15680 (SRNSW Ref 10/3642).

The application was referred to District Surveyor Adams, who was based in Albury, in March 1860. He allocated the task of surveying the portions to Surveyor Edward Fisher. Fisher had previously been engaged in surveying possible roads to the Kiandra goldfields and presumably was still in the area.

It is unclear when Fisher actually did the work. Fisher comments that there was a difference of nearly one degree between his instrument and that of Licensed Surveyor Thompson's who marked out Tharwa village reserve in April 1861, which would indicate that Fisher did his survey in April/May 1861 (why it took over a year to do the survey is unclear). His letter of the 22 May 1861 to the Surveyor General sets out the problems he encountered.

"Sir,

In compliance with your instructions of the 23rd March 1860 No 60/450 I have the honour to transmit for your approval under a separate cover a Plan of 6 portions of land containing an aggregate area of 1543 acres applied for purchase under pre-emptive right by Mr Leopold Fane de Salis in virtue of his Licensed Run called Cuppacumbalong in the County of Cowley, and Murrumbidgee District.

2.- In connection with the area measured which is 543 acres in excess of that to which Mr de Salis would be entitled under the terms of your Circular of the 31st Jan last No 134 I would respectfully inform you I could obtain no information respecting which of these portions Mr de Salis considered of the least value as he was absent from home when I commenced these surveys and I was accordingly left to use my own judgement in the matter, I therefore measured those portions on which any improvements were erected viz No 1, 2, 3 and 4, on Mr de Salis return he claimed to have Nos 5 & 6 measured but I objected to do so as I has already surveyed a greater area in proportion to the size of this Run than was allowed by your Circular No 134, he then declined to take Portion No 3 stating as his reason it was his intention to remove Cuppacumbalong head station which is at present within Tharwa Town Reserve and erect the same on the slight rise included in Portion No 5 under these circumstances I thought it best to measure the two latter Portions No 5 & 6 especially as No 3 is better adapted for sub-division into small farms (than any of the other portions) in the event of Tharwa Township progressing favourably, but at the same time I see very little encouragement to induce anyone to settle on this reserve as the small population of this portion of the District is scattered, the area of land suitable for cultivation is limited, the adjacent country is generally of a Mountainous character difficult to traverse even on horseback, the Roads are almost impassible, and since the partial failure of the Kiandra gold fields the settlers have not a ready market for the disposal of their produce."

Folio 61/3973 Lands Department - Miscellaneous Branch *Correspondence*  
*Files* No 85/15680 (SRNSW Ref 10/3642)

The plan M161-1457, together with the plan of Tharwa reserve T 1792, documents the nature and extent of de Salises improvements on Cuppacumbalong.

The Lands Department files show some puzzlement as to what to do next. It seems that the intention was to survey the balance of land claimed by de Salis, however Fisher had been relocated to Forbes (Folios attached to 61/3973). When questioned, Fisher replied from "Camp, Lachlan River" on the 22 March 1862, that his survey "embraced all the land Mr de Salis was desirous of purchasing at the time of my making these surveys" which is not exactly what he had earlier said but then Fisher noted that all his files had been left in Gundagai when he moved (Folio 62/3564, Lands Department - Miscellaneous Branch *Correspondence Files* No 85/15680 SRNSW Ref 10/3642).

A difficulty was that although Leopold de Salis could have claimed the larger area prior to 1860, in that year the Minister for Lands, John Robinson, had issued the regulation limiting the right of pre-emptive purchase to 640 acres (*i.e.* a square mile) in any 25 square miles.<sup>143</sup> This regulation was presumably passed on to the surveyors by the circular referred to by Fisher in his letter. The effect was that Leopold de Salis missed claiming all the land he might have been able to had he applied a year earlier.

De Salis also wrote requesting that the Land Agent at Queanbeyan be advised "whether my six applications for purchase ... have been entertained and whether the lands therein described are in the process of alienation to me" (Folio 62/13878, Surveyor General Letters Received File 63/7591 SRNSW Ref 5/5510, actually this file deals with the land at Tharwa village reserve but the letter refers to the land surveyed by Fisher outside the reserve). De Salises concern was that the land he applied for could have been selected or sold while the process of obtaining the land from the Lands Department was in train.

It also seems that a William Thompson<sup>144</sup> had occupied part of de Salis pre-emptive purchase. William Ferguson Thompson selected 40 acres of land "commencing at a point on the west bank of the Little River about two miles North East from Mr Herbert's 160 acres pre-emptive purchase" on the 4th September 1862 (CP 62/3709, Lands Department - Head Office, *Conditional Purchase Registers* 1862, SRNSW Ref.7/2701). Who Thompson was is not known as he is not mentioned in the *Biographical Register of the ACT*. The land he took up was near de Salis' pre-emptive portion of 161 acres (*i.e.* Portion 9 Parish of Cuppacumbalong).

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<sup>143</sup> This was to prevent large scale purchasing of runs by wealthy squatters before the onset of free selection.

<sup>144</sup> Not to be confused with Licensed Surveyor Thompson who was the local licensed surveyor surveying the Tharwa Reserve under contract to the Surveyor General and later MLA for Queanbeyan.



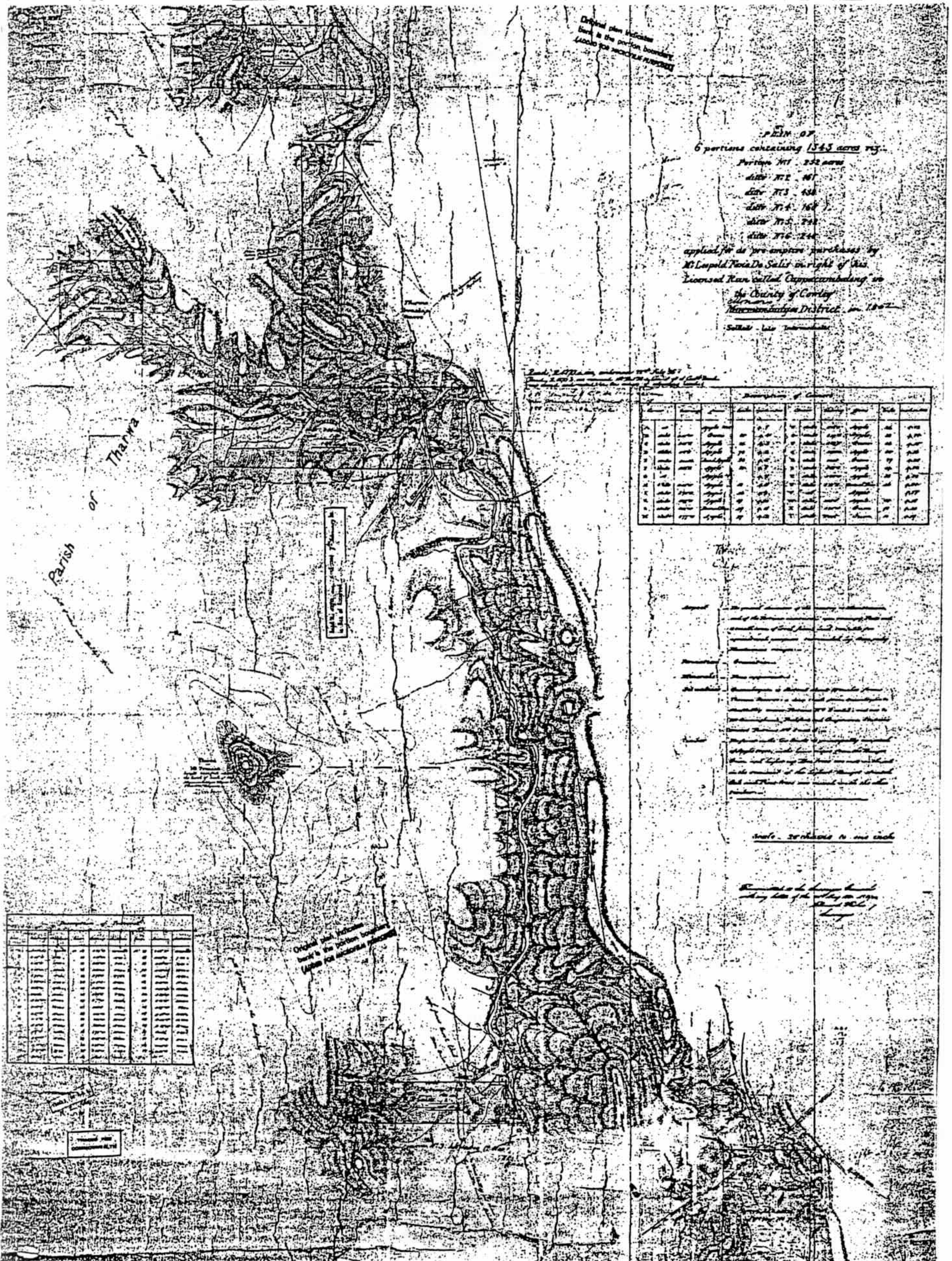


Figure 7.10 Copy of Original plan of de Salis' pre-emptive rights



Leopold De Salis wrote to the Chief Commissioner of Crown lands complaining of this on 13th October 1862 (Folio 62/12981 Lands Department - *Miscellaneous Branch Correspondence Files* No 85/15680 SRNSW Ref 10/3642). There appears to have been some confusion in the Lands Department about whether Thompson had selected some of de Salises pre-emptive purchase. A note on the folio comments that "by the application"... and the maps we have" that the application is for land beyond de Salises land<sup>145</sup> (18th October 1862). A second note mentions "Since writing the above Mr de Salis has called and says that it is within the above section".

In a second letter dated 18th October 1862, de Salis claims that despite Thompson's description in his application of land "more than a mile distant", Thompson had in fact occupied the pre-emptive land. The advice to the Surveyor General from the Queanbeyan Lands Office was that they agreed with de Salis and that the Surveyor be authorised to withdraw Thomson's conditional purchase and the Police Inspectorate be authorised to move him. However, the Surveyor General requested the District Surveyor to measure the land and proceed from there (Folio 62/13656 Lands Department - *Miscellaneous Branch Correspondence Files* No 85/15680 SRNSW Ref 10/3642). Thomson wrote from Cuppacumbalong on the 19th March 1863 requesting that the description be amended so that his Conditional Purchase did not intrude on that of de Salises so it is clear that Thompson did not want to intrude on de Salises land.<sup>146</sup> This was supported by the Land Agent at Queanbeyan (63/3755 Lands Department - *Conditional Sales Branch Correspondence Files* No 89/9551 SRNSW Ref 10/17637).

Licensed Surveyor Thompson had been urgently directed to survey that land by the Surveyor General on the 27th November 1862. Licensed Surveyor Edwards undertook the survey on 2nd September 1864 and the land became Portion 22, Parish of Cuppacumbalong. The land was reported as not improved and the applicant was not resident (63/13655 Lands Department - *Conditional Sales Branch Correspondence Files* No 89/9551 SRNSW Ref 10/17637). The application lapsed and was forfeit as per *Government Gazette* 7th June 1865 page 528. The portion was then put up for sale as Lot UU in the sale of the 6th May 1867 but apparently not bid for and remained a measured portion. Later this allotment was incorporated into Portion 115 and all markings of the previous portion were deliberately obliterated (Folios with Lands Department - *Conditional Sales Branch Correspondence Files* No 89/9551 SRNSW Ref 10/17637).

De Salises purchases were Gazetted on 15th May 1863 (page 1115). De Salis forwarded a cheque for £1549 to the Under Secretary for Lands to cover the purchase cost for the lands purchased as pre-emptive purchases on the 10th August 1863. Thompson was apparently still in occupation, prompting de Salises comment

"As however a portion of the same is occupied by one William Thomson [sic] under colour of a conditional purchase, and as the Hon Secretary for Lands has hitherto not ousted the said Thomson, and has moreover evaded granting to myself his requisite consent towards initiating

<sup>145</sup> Of course there was no overall map of the Parish until the 1880s which would have confused matters.

<sup>146</sup> This letter and the lapsing of the CP indicate that Thomson was not a land shark but a bona fide selector.

proceedings against Thompson, I cannot in prudence pay over the said £1549 otherwise than *In Trust* to you and all subsequent Colonial Treasurers until I be put in full and peaceable possession of my said just claim.”

(Folio 63/9068 Lands Department - *Miscellaneous Branch*  
Correspondence Files No 85/15680 SRNSW Ref 10/3642).

In any case de Salis received title to his land and Thompson moved off, although George de Salis was still referring to the area as Thompson's in the 1870s.<sup>147</sup>

Charles McKeahnie applied for pre-emptive purchase on Boroombah, later granted as Portion 4 Parish of Tharwa in 1860. Herbert applied for 160 acres on Naas Run granted as Portion 33 Parish Naas in 1859. The sudden spurt of pre-emptive purchases supports the notion that squatters never bothered to secure their land by purchase until selection began to be a political reality. Curiously no pre-emptive right was ever claimed for Coolemon. Unfortunately Leopold de Salis appears to have been caught by the limits placed on pre-emptive purchase by Robertson and this cut back his ambitions from 18 160-acre sections (some 2880 acres) to 6 sections of 1543 acres in total. It seems that de Salis was not unduly upset about this as it took until 1885 for Leopold de Salis to query when the remaining land was going to be granted.

Looking at the land pre-emptively purchased, it contains a combination of flats and improvements. Portion 1, Parish of Cuppacumbalong for example takes in Binda Station and the largest area of flat in the Reedy Creek Catchment. Portions 3 and 5

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<sup>147</sup> However this was not the end of the matter for on 30th July 1885 Leopold de Salis wrote concerning the remaining acres not granted to him, claiming that the surveyor “positively refused to measure more than 1543 acres, which I, but only as an instalment, accepted”. “Thus I still hold a pre-emptive right, duly claimed to purchase 3257 acres on the Cuppacumbalong run” (Folio 85/15680 Lands Department - *Miscellaneous Branch Correspondence Files* No 85/15680 SRNSW Ref 10/3642). On the face of it this was a fairly outrageous claim as de Salis had originally claimed only 2880 acres in 1859 but in 1885 claimed he had asked for 4880 acres. Moreover the claim was dormant for over twenty years during which time much of the good land was being taken up by conditional purchase. Why raise the claim now?

De Salis' letter caused some consternation within the Lands Department because by 1885 few officers knew the details of the old Orders in Council. The Under Secretary for Lands passed the papers on to Mr Finch (District Surveyor, Orange) “as you were thoroughly conversant with the old pre-emptive right business”. Mr Finch in a private note suggested that “as to what was the law at the time and what was the practice in respect of pre-emptive purchases no one is better conversant than Mr Thomas Lewis” and suggested the matter be referred to him. Mr Finch reflected “It is quite going back to the ‘dark ages’ to have to investigate a claim like this” (Folio 85/15680 papers attached to folio, Lands Department - *Miscellaneous Branch Correspondence Files* No 85/15680 SRNSW Ref 10/3642).

Finch's official reply (Folio not noted on papers) noted the obvious difference in area between the original and then current application. Finch also noted the lack of any discussion of de Salis' claim since the 1860s despite his communication with the department over other matters. The letter accompanying payment (quoted earlier) was most telling as de Salis objected only to Thompson's occupation. Indeed the lack of protests after Fisher's survey and only lodging 14 applications suggest that in 1862 de Salis had forgotten about his larger claim. Mr Lewis's reply (Folio 85/13658) is quite interesting respecting practice at the time but generally agrees with Finch's view. The Department decided that de Salis had no outstanding claim and he was advised this on 16th September 1885.



Parish of Tharwa secure Spring Station by taking in important areas of flats in Sawyers Gully.

The improvements shown on the plan are as follows:

Portion 1	Tharwa	No improvements shown. Frontage to west bank Murrumbidgee River
Portion 2	Tharwa	No improvements shown. Frontage to west bank Murrumbidgee River
Portion 3	Tharwa	Hut and fence running through portion.
Portion 15	Tharwa	Cultivation paddocks, stock yard and fences
Portion 1	Cuppacumbalong	Known as Binda Station. Yards and hut. A fence runs through the flat
Portion 9	Cuppacumbalong	Frontage to west bank of Gudgenby River. Fenced garden and hut. This was the location known as Thomsons.

Figures 7.11 to 7.14 are details of the plan of the pre-emptive purchases M161-1457 which show the layout of improvements and the landscape. Three of these areas were surveyed in order to see whether any archaeological remains from this period were visible.

Portion 15, Tharwa was the site of extensive cultivation paddocks. Presumably these supplied food and crops to the de Salis family and probably fodder for the horses. The site of the paddocks is easily locatable however there is no archaeological evidence relating to this period on the ground (Figure 7.15)

Portion 1, Cuppacumbalong is the site of Binda Station, a swampy flat adjacent to Reedy Creek. The station consisted of a hut and yards and included a fence running from the Gudgenby River to the Murrumbidgee. The hut and yards were located on the southern edge of a low ridge overlooking the creek and swamp. A brief survey of the location found no evidence of the yards and fence. A flat area, possibly a hut site, was located but there was no surface evidence of a building. Binda Station is often stated to be on the site of "Ingledene" a farmhouse, located about 1km north on Reedy Creek on Portion 68. However "Ingledene" was selected by Charles Dyball in 1881 and the more substantial house was erected by 1884. From M161-1457 Binda is on Portion 1 although all evidence of the station has disappeared (Figure 7:16).<sup>148</sup>

<sup>148</sup> The locals who could recite owners back to the turn of the century refused to believe that the de Salises had anything to do with the place.

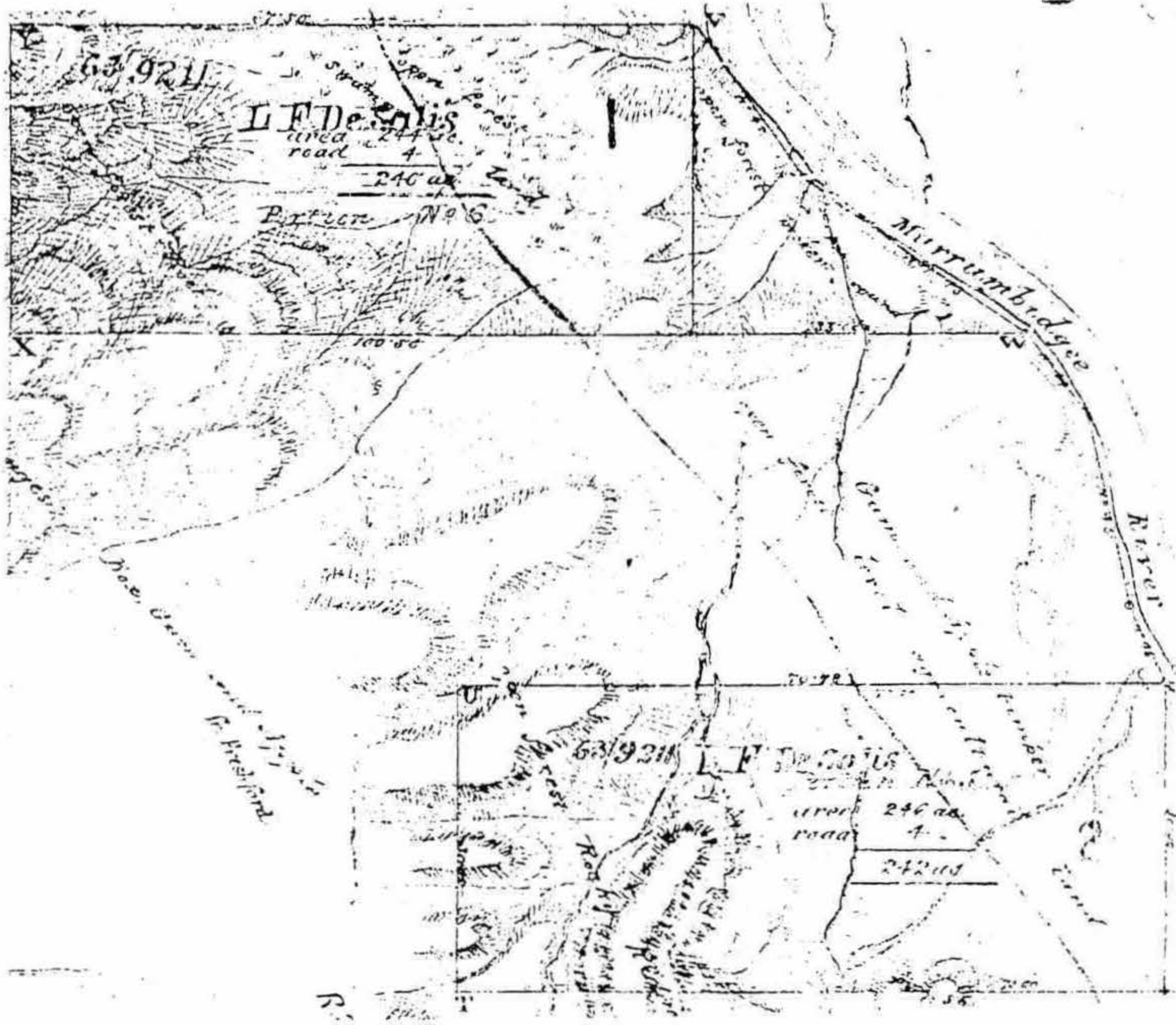
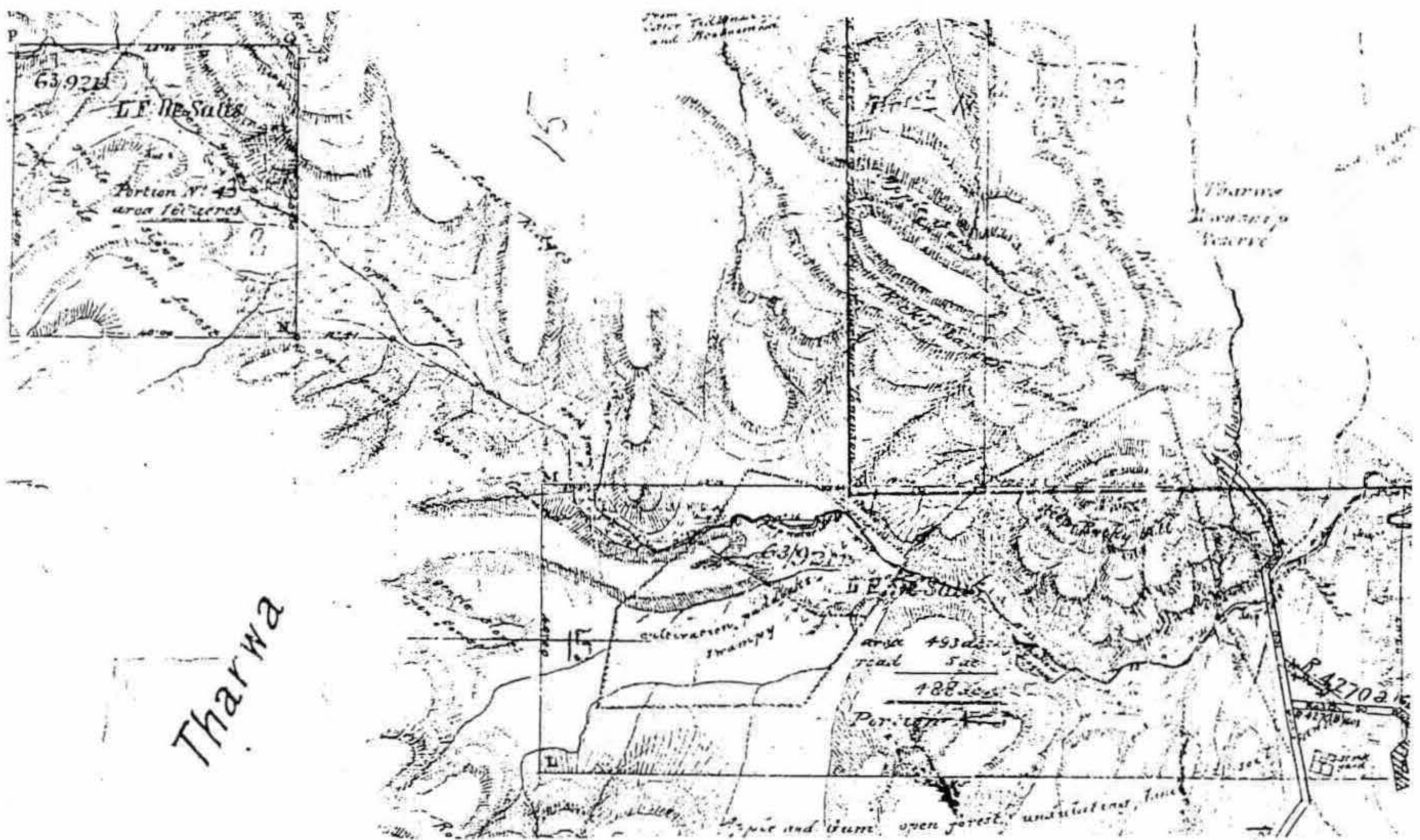


Figure 7.11 Detail from pre-emptive plan, Portions 1 & 2  
 Figure 7.12 Detail from pre-emptive plan, Portions 3 & 15





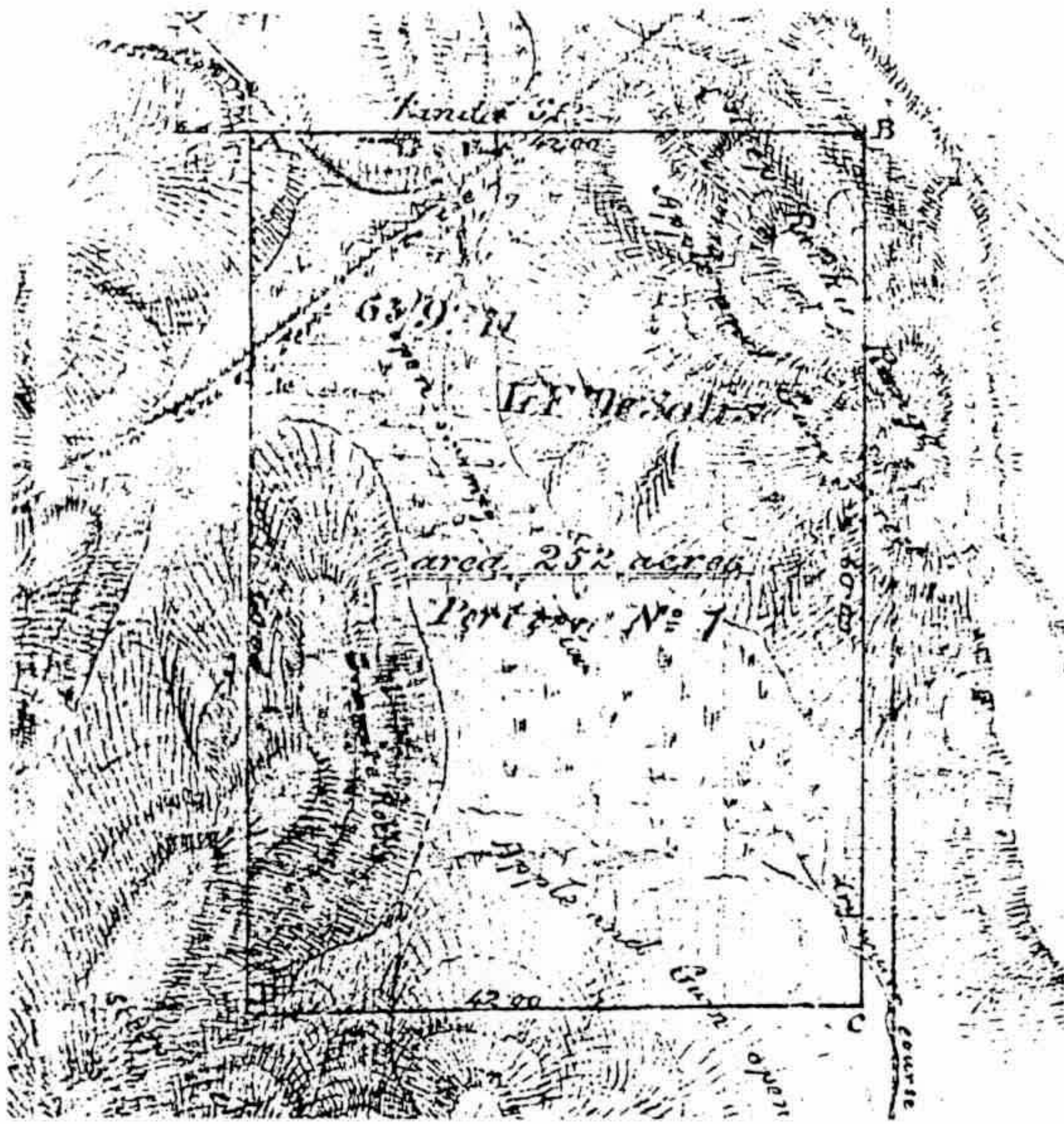
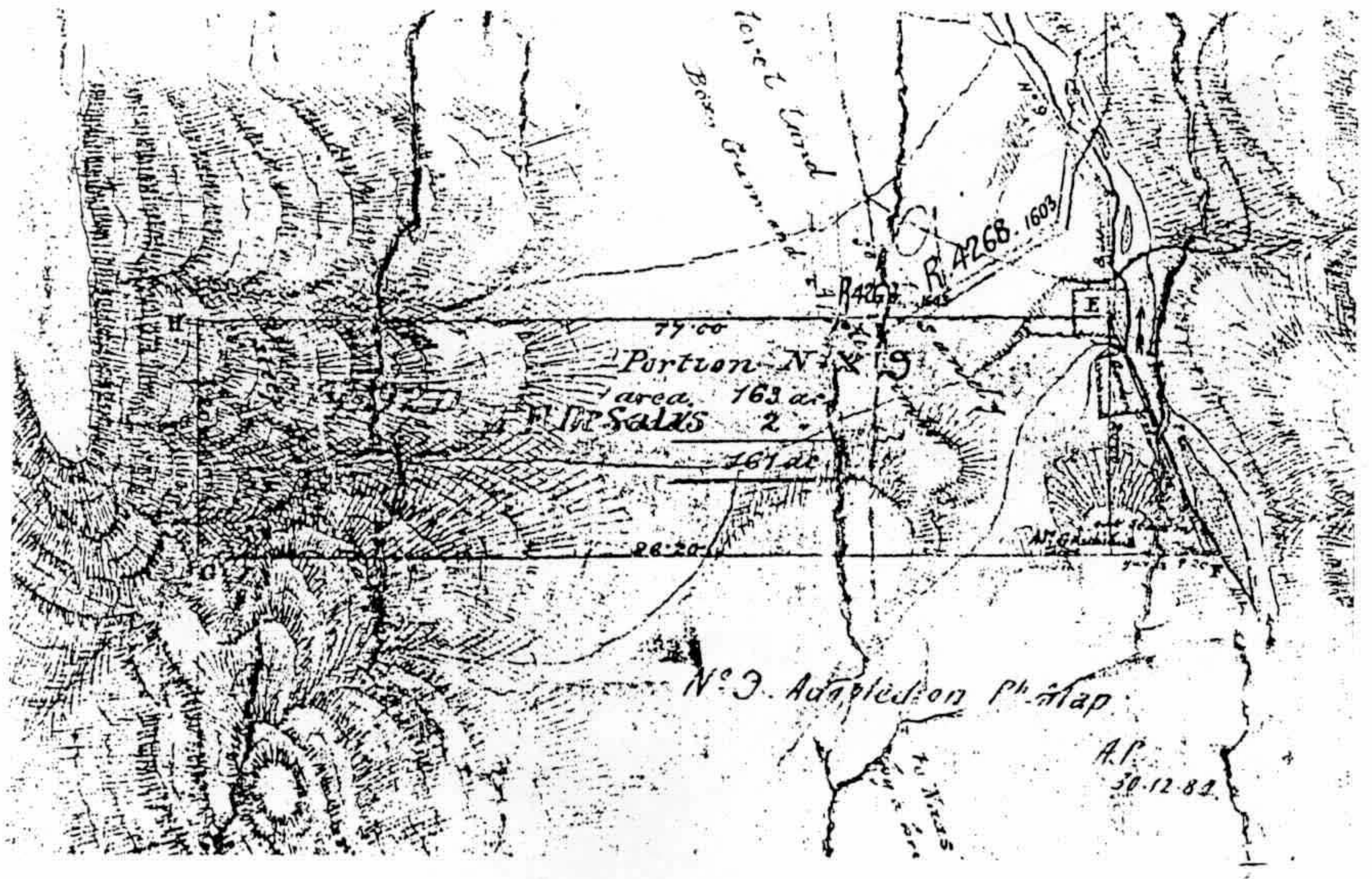


Figure 7.13 Detail from pre-emptive plan, Portion 1

Figure 7.14 Detail from pre-emptive plan, Portion 9







**Figure 7.15 Spring Gully site of cultivation paddock**

**Figure 7.16 Site of Binda Station (hut platform is approximately where the kangaroo is standing)**







**Figure 7.17 Site of outstation at Thompsons**

Portion 9, Cuppacumbalong is listed as an out-station (the name is illegible but probably this was Thomsons). There is possibly a hut and certainly two small fenced areas, one labelled garden. The site of the paddocks and house is easily found. The flat area where the paddocks would have been is now grassed and no evidence of the fences exists. The location of the hut was also inspected but all evidence of the hut has disappeared (Figure 7:17).

The results indicate that while major landscape features such as flats survive, fences and huts and evidence of cultivation are not visible on the ground surface.

It is difficult to know how much of the de Salis pre-emptive purchase strategy was mis-played. Certainly, by his pre-emptive purchases, Leopold De Salis was able to secure the Sawyers Gully and the Reedy Creek catchments. This was largely due to their topography being suitable for the rectangular structure of land portions so that strategically placed selections could secure the flats. To the north the wide expanse of flats along the western side of the Murrumbidgee could not be secured by two pre-emptive purchases and much the same situation existed at Thompson's. Presumably if Leopold had been allowed more pre-emptive blocks he would have placed them to secure these areas.



## The village of Tharwa

Leopold de Salis' exercise of his pre-emptive right was complicated by the creation of the Village of Tharwa. In September 1860 a petition signed by 24 "inhabitants of the town and District of Queanbeyan" was forwarded to the Minister for Lands requesting that the "reserve" at Cuppacumbalong be established as a township.<sup>149</sup> The road from Queanbeyan to the Kiandra goldfields crossed the Murrumbidgee at this point, the only good ford. The petitioners argued that the site was suitable, as there was no public accommodation on the road to Kiandra, the bank of the river was suitable for a township and that this was the only ford for some miles (Folio 60/4514 Surveyor General Letters Received File 62/989 SRNSW Ref 5/5510).

Andrew Cunningham and four other prominent landowners headed the petitioners followed by respectable shopkeepers and professionals. The last four petitioners were his son John and three employees.<sup>150</sup> Needless to say the de Salises and their employees did not sign. Curiously neither did any of the McKeahnie or Herbert families who might have been expected to support the Reserve if it was really necessary.

Licensed Surveyor Thompson was instructed to survey the township reserve urgently in October 1860, presumably because of the potential conflicts with de Salises pre-emptive rights. Leopold de Salis wrote to the Secretary for Crown Lands claiming that there was no need for the township reserve, that the action was instigated by a spiteful neighbour<sup>151</sup> and requesting consideration for improvements. The Secretary for Lands minuted that the land with improvements will be sold to de Salis without competition either at the upset price or assessed value (Folio 60/5958 Surveyor General Letters Received File 62/989 SRNSW Ref 5/5510).

Thompson surveyed the land in April 1861 and submitted his plan and report (the plan is T 1 1792 & T1792 ). Thompson's report basically suggests that the Township land and surrounds is generally inferior for agricultural purposes except for the areas where de Salis' house and garden were located, which he noted has a record of being flooded. (Folio 61/3895, Surveyor General Letters Received File 62/989 SRNSW Ref 5/5510). Thus the Village of Tharwa as surveyed took in the Cuppacumbalong homestead and outbuildings, a major problem for the de Salis family.

However historians and archaeologists have at least the legacy of Thomson's plan which show the improvements and their location (Figure 7.18 shows the reserve with allotments).

Leopold de Salis reacted by applying for the surveyed village lots as purchases without competition as provided under the Orders in Council. The file shows the lots that de Salis purchased and his estimate of the value of the improvements on them.

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<sup>149</sup> The evidence of a previous reserve is mainly evidence in this file that an existing reserve was in existence. I have not been able to find a gazettal date. There is no mention of the need to revoke a previous reserve so perhaps the reserve was customary.

<sup>150</sup> Of course the Cunningham interest was secured, in that the land on the Lanyon side was freehold.

<sup>151</sup> Presumably Cunningham (see below). Incidentally de Salis mentions an "irregularity of transfer" between Wright and de Salis" which prevented de Salis claiming his pre-emptive right earlier.



Tracing showing design for allotments  
in the Tharwa Village Reserve  
County of Corryleg.

Scale 20 chains to 1 inch

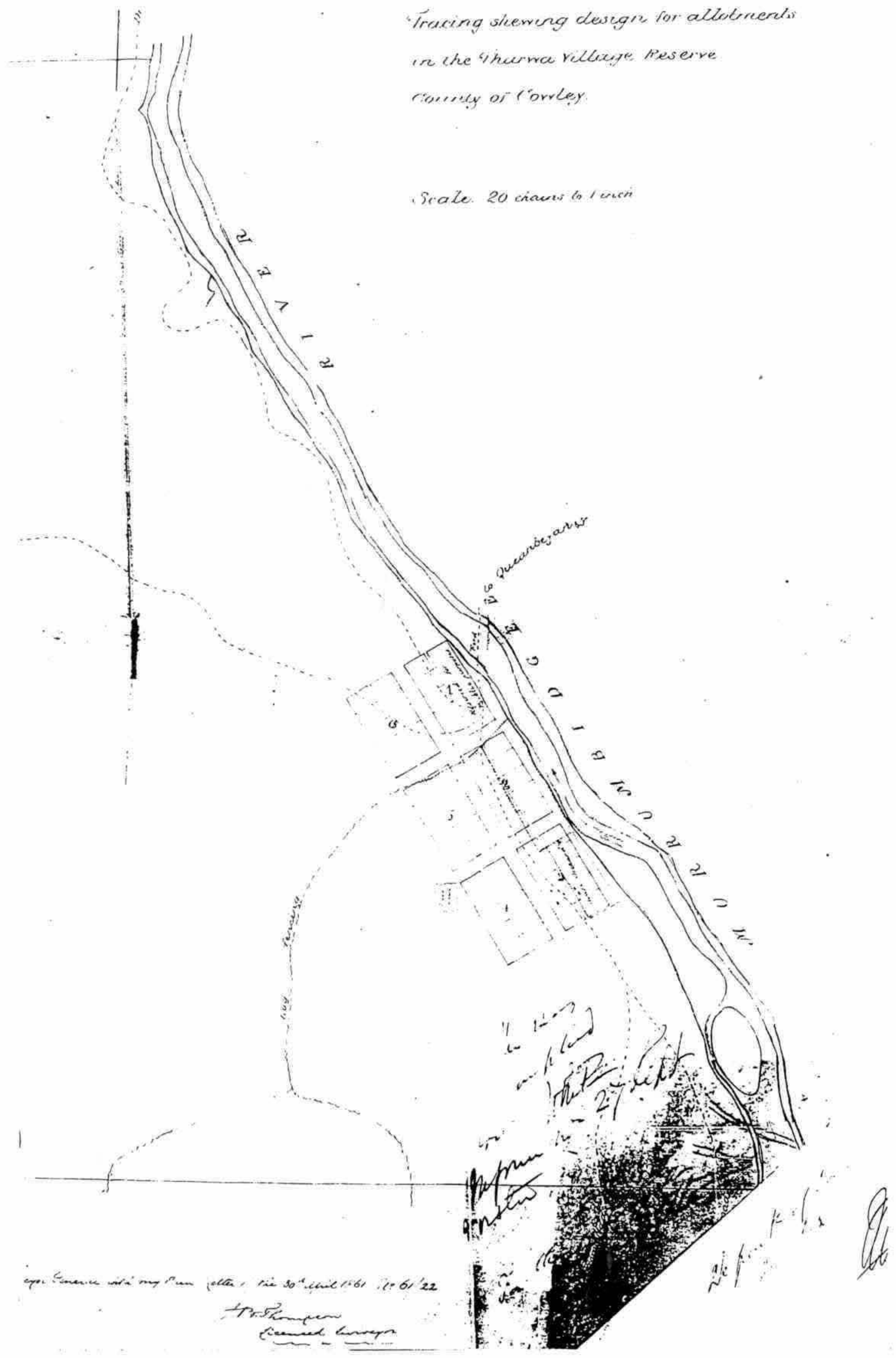


Figure 7.18 Plan of Tharwa with allotments

Lot	Section	Improvement	De Salises valuation
10	3	Mature orchard and paling fence	£20
9	3	Store, Barn, Dam, Fencing	£100
8	3	Mature orchard and paling fence	£20
7	3	Mature orchard and paling fence	£20
6	3	Mature orchard and paling fence	£20
5	3	Two huts, orchard and paling fence	£20
4	3	One house, one cottage, detached kitchen and laundry, fencing and shrubbery	£800
3	3	Mature orchard and paling fence	£20
2	3	Mature orchard and paling fence	£20
1	3	Mature orchard and paling fence	£20
1	2	Cottage	£20

(Surveyor General Letters Received File 63/7591, SRNSW Ref 5/5510)

In the sale of allotments in Queanbeyan on 29<sup>th</sup> November 1862 the land to be purchased by de Salis was withdrawn from sale. Lots 2-5 of Section 2 were sold to Leopold de Salis at the upset price. The remaining lots were not bid for.

With the hindsight of 140 or so years, the proclamation of the village of Tharwa allowed Leopold de Salis the opportunity to purchase an important part of his run and safeguard it from selection. De Salis would have had to have taken a pre-emptive purchase in order to protect Cuppacumbalong homestead. Instead he was given the opportunity to purchase the allotments at the upset price and secure his homestead as well as freeing up a pre-emptive purchase to secure land elsewhere. However this was an opportunity taken, not a strategy by Leopold de Salis.

#### **“A spiteful neighbour”**

Leopold de Salises “spiteful neighbour” was Andrew Cunningham, the owner of the Lanyon estate. To understand the basis of the conflict it is necessary to enter into a short discussion on the Kiandra gold rush. Kiandra is located to the south-west of the study area, high in the Australian Alps. Gold was discovered there in November 1859 and by March-April 1860 there were some 10,000 men at the diggings (Moyle 1959). There were several routes to the diggings from Sydney, the easiest being from Cooma to Kiandra. Cooma became a sort of regional supply depot to the goldfields and no doubt the merchants of Cooma were well satisfied with their position. This of course was to the detriment of merchants in Queanbeyan. Thus in the early 1860s there was a great search for a shorter and more convenient route to Kiandra from Queanbeyan. This would allow Queanbeyan merchants to supply the gold field with supplies and fresh meat from the local flocks. Two routes looked promising. The first ran through Brindabella and the second through Cuppacumbalong and Naas.

Larmer had surveyed a road to the ford over Murrumbidgee in December 1840 but for some reason it was not gazetted as a road reserve. However it appears that there was a route through Lanyon to the crossing on the Murrumbidgee known as "the ford". This route seems to be a customary route allowed by James Wright. In 1860, of course, it was the one of the routes to Kiandra. In 1856 Andrew Cunningham appears to have fenced a paddock, which included this road and diverted traffic around it ("Andrew Tomahawk" *The Golden Age* 13/10/1860).<sup>152</sup> This caused ill feeling between Leopold de Salis and Andrew Cunningham largely because of the principle of non-enclosure of roads which seems to have been a de Salis principle. Matters came to a head in late September 1860 over the great "gum tree case" where John Johnson, a Swede, was discovered in Cunningham's paddock some 400 yards from the new route but apparently on the old road with a fire. Cunningham had him arrested and charged with stealing wood (*i.e.* the wood he had burnt). Johnson was fined 5/- and 5/- in costs.

This prompted lengthy discussion in the *Golden Age* (as the *Queanbeyan Age* had renamed itself due to the Kiandra rush) about the rights and wrongs of the matter, which eventually the Editor had to cease due to the length of the correspondence. It seems that it was suspected that de Salis put Johnson up to it to test the legality of matters. A long letter by "Andrew Tomahawk" was followed with one by Cunningham and then a letter by Leopold de Salis which accused Cunningham of "vindictively putting up the reserve upon which are situated my improvements, wantonly tearing down my fences in several places and permitting his servants to take cattle over my run and paddocks without asking my leave" (17/11/ 1860).

The increased traffic through Lanyon and Cuppacumbalong caused difficulties to both landowners, as did the consequent need to formalise the route to Naas and Kiandra. The irony was that Thompson's report (April 1862) on the Tharwa reserve notes that in the absence of any traffic "except in the event of Kiandra reviving" it was unlikely there would be any demand for the allotments.<sup>153</sup> Thus, the whole roads question and the bad blood that ensued subsided once Kiandra proved to be another surface rush. It is of interest that Leopold de Salis was determined to stick to his principals to the point where his neighbour was sufficiently incensed to act against him.

### **The de Salis selection strategy**

Leopold de Salis initially ran the De Salis selection strategy. However from the mid 1870s as he began to take on more of the management of the run, George de Salis began to have his own ideas about what land should be taken up. For example on the 20<sup>th</sup> September George records riding beyond Gosson's Beck (part of the southern boundary of Cuppacumbalong) to look for any suitable land for selection (de Salis diary). George having his own views seems to have been a source of friction between him and Leopold. On the 2<sup>nd</sup> March 1880 George records "Papa began talking about selections he is very anxious to take one on Cotters run a mile or so from the boundary thinking it would be a very suitable place for our woolshed when the railway runs by Michelago. I am rather opposed to the scheme for we have so much

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<sup>152</sup> Squatters enclosing roads was a familiar complaint but in this case Cunningham was not a squatter as the land was freehold being either Portion 65 or 64.

<sup>153</sup> Kiandra's population had declined to around 200 by March 1861 as the alluvial gold had run out (Moyle 1959).



land of our own not secured" (de Salis diary). This comment is particularly telling in light of Campbell's hostile selection on Coolemon.

The de Salis selection strategy was influenced by two considerations: firstly their evaluation of the environment. They had a good idea of which were the important areas on the run to safeguard by purchase and selection. The second consideration was the way the legislation and regulations organised the selection of land. Section 13 of the *Crown lands Alienation Act* (1861) allowed for between 40 to 320 acres of land to be conditionally purchased and section 21 allowed additional selections up to 320 acres. This seems to have been interpreted as giving a person a right to select up to 8 conditional purchase (of 40 acres each) and to select up to 320 acres as additional conditional purchases based on each conditional purchase. Under the Regulations to the *Crown Lands Alienation Act* Section 31 and Section 39, the intention was to limit condition purchases and additional conditional purchases to 320 per individual. However the de Salis' and everyone else involved seems to have pushed this to the limit.<sup>154</sup>

There is also the question of pre-emptive or conditional leases.<sup>155</sup> These were obtainable for owners of land in fee simple and extended to conditional purchases after 1875. The de Salises would have been able to get up to three times their pre-emptive purchase under this provision but probably did not as they had the land under lease as a squatting run anyway.

In the period following the passing of the Lands Acts in 1861 until 1872 the de Salis family made 19 selections totalling 1372 acres.

The first de Salis selections were in January 1862 when Portions 7 (240 acres) and 8 (320 acres), Parish of Tharwa were selected. Portion 7 added to the flats to the north of Tharwa while Portion 8 took in flats to the south of Portion 5. A series of selections were made to the north and south of Portion 1 Parish of Cuppacumbalong on Reedy Creek in October 1862 and April 1863. These further secured Binda Flat along Reedy Creek.

Portions 13 and 14, Tharwa, selected in March 1863. These linked the pre-emptive purchases in Spring Gully. Later these selections were built on to form series 13 selections. Incidentally the conditional purchase records show that the purchase of this land was not finalised until 1920!

Robert Smithwick, a dummy, selected portions 17 and 18 on 15<sup>th</sup> October 1863. These connected Portion 2 with Portion 1. Portions 19 and 20 were selected by Rodolph de Salis on the same day. These were, I think, attempts to connect Portion 7 with the northern boundary of Cuppacumbalong but were misdescribed and ended in an odd position. Both 17 & 18 and 19 & 20 seem to be set back from the river, possibly in an attempt to peacock the flats.

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<sup>154</sup> There is virtually no mention in the conditional purchase files of the de Salises having too many conditional purchases although there are queries about frontage, peacocking, value of improvements, residence and so on.

<sup>155</sup> Unlike conditional purchases pre-emptive leases and conditional leases are difficult to track prior to the mid-1880s as the correspondence series LS does not seem to be in State Records. Either it is lost or still in the Lands Department. Even after the mid-1880s there are few references to related files.

All these selections except 13 and 14 were allowed to lapse and then were reselected and lapsed and eventually purchased as measured portions. The de Salis strategy seems to be to slowly build on the pre-emptive portions but to avoid the limitations on the land held (at this time 320 acres) by selecting land, deliberately allowing it to lapse and then eventually purchasing it.

The final selections in the period relate to the attempts to combat the hostile selections of the Oldfield family (discussed below).

### Conditional Purchase Series

The Crown Land Acts deliberately limited the amount of land taken up as a conditional purchase to 320 acres (640 acres after 1875). In addition, continuous residence for 12 months was required on each original conditional purchase. To avoid this, dummy selectors were used to reside on conditional purchases or to hold land so that the de Salises could select more land. In order to understand the process of taking up the land the portions have been organised into series. A series of conditional purchases consists of the original conditional purchase and the additional conditional purchases, pre-emptive leases and conditional leases that are based on the first conditional purchase.<sup>156</sup> The key is that the original conditional purchase is the one requiring residence, the additional conditional purchases merely required improvement. Residence was a difficult problem for the de Salises as they had the Cuppacumbalong homestead where they actually resided but also needed to establish *bona fide* residence on their conditional purchases. In contrast, improvements merely required capital to achieve them.

### De Salis dummies

The strategy to identify de Salis dummies has been to look at a combination of the conditional purchase file and conditional purchase register. This shows individuals whose land is sold after the residence conditions or improvement conditions are fulfilled. Often the dummy holds the first conditional purchase in a series for the required time for residence and then it is transferred to a de Salis who then makes additional conditional purchases for which only improvements need to be demonstrated. Using the George de Salis diaries it is possible to identify the de Salis dummies because George is quite explicit about the process.

Three types of dummy were used by the de Salises. Firstly there are the family members: the children, George, Rodolph, Henry and William, a cousin Harry and later George's children. Charlotte de Salis (Leopold's wife) made one conditional purchase but this was disallowed due to her being a married woman. Curiously Nina de Salis did not make any conditional purchases although eligible. Presumably this reflected caution on Leopold's part for his daughter might marry and there was a risk that the property would leave the family. In contrast, George's brother-in-law William Bradshaw Smith selected on behalf of the de Salises.<sup>157</sup>

<sup>156</sup> This is how the Lands Department viewed selections.

<sup>157</sup> Elizabeth McKeahnie on Boroombah held a number of conditional purchases so daughters did hold conditional purchases.

The second form of dummy selectors was made by people who seem to have the status of “jackaroos”.<sup>158</sup> They were inexperienced respectable young men who seemed to be at Cuppacumbalong for a few years and then left to make their way elsewhere. Arthur le Patonel and Richard Keatinge are two jackaroos who selected land for the de Salises.<sup>159</sup> Finally, there were the trusted de Salis employees, the Oldfield brothers Thomas and Henry, Charles Dyball, Martin Nugent, Edwin Tandy, Richard Webber, Thomas Warner, James Gray and Thomas Fishlock.<sup>160</sup> Both Fishlock and Gray were buried in the outer circle of the de Salis graveyard, which indicates the closeness of the relationship between them and their employers.<sup>161</sup>

The de Salises got the dummies to sign an agreement with them to take up selections and transfer them when called upon to do so. The agreement was either a copy or modelled on one that the Cunninghams had their dummy selectors sign. George de Salis records visiting Mr Cunningham (presumably Andrew Cunningham senior) and getting a copy of the agreement (de Salis diaries 28<sup>th</sup> May 1873). Later he records Tom and Henry Oldfield and Edwin Tandy signing agreements on the 14<sup>th</sup> July 1875. There is no record of any of the dummies refusing to give up their selection. It seems that dummies were paid a certain amount for agisting de Salis sheep on their land, thus maintaining the fiction of “bona fide” selection. Improvements on selections were definitely made and paid for by the de Salises, as an analysis of the George de Salis diaries shows. George is constantly directing improvements such as fencing, erection of facilities such as salt sheds and stockyards and ring-barking. Much of this work was undertaken by contractors as the dummies themselves had more important tasks as boundary riders/drovers.

#### **An example of a dummy selection – Thomas Oldfield**

Tom Oldfield, son of “old” Joe Oldfield, was born in 1851 and seems to have worked as a stockman for the de Salises and, from the de Salis diaries, was a valued and trusted employee. Tom's first selection was made on 31<sup>st</sup> October 1867 (when he was 16) and this was followed with an additional conditional purchase on 30<sup>th</sup> July 1868. These were portions 26 and 28 Parish of Tharwa and formed part of his father's selections (dealt with below). Tom and Henry Oldfield were working for Mendleson and Joseph at Naas. When the de Salises purchased the runs in 1869 Tom and Henry were kept on. Both were seen as respectable and trustworthy (whilst their brother Joe was not). Later Tom was the de Salis manager at Coolemon.

Tom Oldfield's first selections as a dummy for the de Salis were made on the 8<sup>th</sup> July when he took up Portion 59 in Cuppacumbalong as a conditional purchase and Portions 60 and 61 as conditional purchases. This was the area known as Warner's paddock, presumably as it was near Warner's selections. This was developed as Series 2.

<sup>158</sup> Even if the word was not invented then.

<sup>159</sup> Arthur le Patonel was the son of Captain Henry le Patonel, ADC to Governor Loftus.

<sup>160</sup> Fishlock was a long-term resident of the district having worked for the Palmers on Coolemon in the 1830s and worked for the de Salises since they bought the run. Occasionally drunk and ill, Fishlock was treated with affection in George's diary, as George seems more ready to excuse this fault in Fishlock than most people. On his death on 8<sup>th</sup> January 1880 George records that Fishlock was transported for burglary, “A more honest man there could never have been since we have known him” (de Salis diary 10/1/1880).

<sup>161</sup> I.e. not family but good enough to be in the de Salis cemetery.



Thomas Oldfield made a declaration under the 18th Section that the land had been continuously resided on from July to the 14th October 1878 and that a house valued at £20 had been erected (Folio 78/43346 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422). Licensed Surveyor McCord surveyed the portions on the 8th and 9th May 1878. Oldfield was non-resident and improvements were a hut valued at £14 and ring-barking to value of £2. An inspectors report was called for (Folio 78/25914 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422).

Inspector Cropper inspected the Portions 59, 60 and 61 on 21st October 1878 and noted that "Thomas Oldfield worked as a stockman for Mr de Salis" (who leased the land) and was non-resident. Improvements on Portion 59 were noted as:

Hut 20' by 12', one room, iron roof <sup>162</sup>	£18
40 acres 1/6	£ 3
total	£21

On all portions improvements were assessed as £26 for 120 acres. The residence was noted as "a very poor one". This folio was referred for comment and was included in the Gazette of 21st February 1880 as forfeited (Folio 78/44273 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422).

An inquiry was held at Queanbeyan on the 26 July 1881 in which Cropper and McCord basically restated their evidence. Oldfield was not present but George de Salis applied for postponement alleging that he hadn't been able to contact Oldfield. Nevertheless, it was considered that ample time had been allowed (Folio 81/33821 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422). This prompted some correspondence from Leopold de Salis, then in Sydney, basically arguing that Oldfield was unfairly treated as he had three years from the date of McCord's survey to complete the improvements and that he should have had the chance to appear. The inquiry was reopened to allow Oldfield to present evidence of residence and improvements (Folio 81/57131 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422).

Thomas Oldfield stated:

"within one month I went to live in a good hut on the Conditional Purchase. I lived there for three years when at home except when away with stock, about the time Mr Cropper was there I was away five months on business - I did not reside on the selection more than I lived off it among the three years. I did not live at Naas when at home I lived on the selection, I was not at home very often."

<sup>162</sup> I.e. A portable hut, probably one specially made for George de Salis for use on selections.

CAT N<sup>o</sup>.

POLICE DIST<sup>r</sup>

CON. SALES NO. 78.25914

TRACING

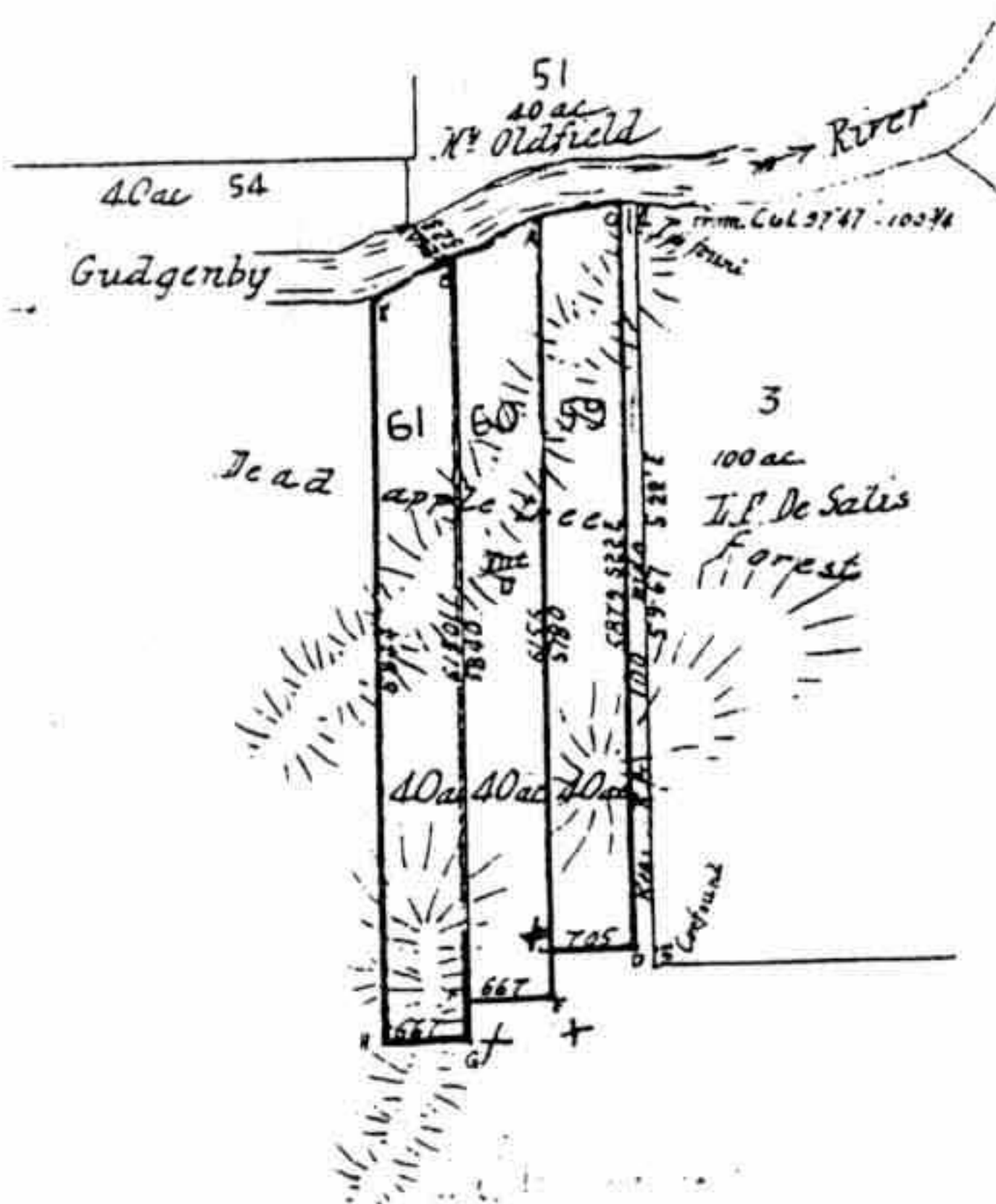
Of portions 59 to 61 in the  
Parish of Cuppercumbalong  
County of Cowley

Scale 20 Chains to an Inch

Applied for by *Thos Oldfield* under the

13<sup>th</sup> & 21<sup>st</sup> clauses of the C. L. A. Act of 1861.

C.P. 75 134 - 20<sup>r</sup> 59 17 July  
135 - 60  
136 - 61



REFERENCE TO CORNERS.				
Corner	Bearing	From	Links	No. on Trac.
A	65°20'	To stump	57	59.60
S	55°23'	" Apple	62	60.61
C	337°21'	" Fox	102	59
D	112°24'	" Apple	3 1/2	"
E	331°00'	" "	8 1/2	60
F	295°37'	" "	38	"
G	358°48'	Yel. Box	89	61
H	15°48'	" Apple	54	"
J	324°02'	" "	32	59
K	65°22'	" "	53	61

*C. L. Baly*

Date of Survey 8<sup>th</sup> to 9<sup>th</sup> May/78  
Improvements £16 14<sup>s</sup> 11<sup>d</sup> (plus £14 King's Harbours £2)

(Signed) *Thos Oldfield*  
Licensed Surveyor.

REFERENCE TO TRAVELERS.		
No.	Bearing	Links

Figure 7.19 Portion Plan of 59, 60 and 61 Parish of Cuppacumbalong

The improvements were noted in May 1881 as:

a house 20' x 12'	£20
60 acres dead wood packed and burnt	£30
120 acres ring-barked	£24
total	£74

Folio 82/9779 Lands Department - Conditional Sales Branch  
*Correspondence Files* No 87/13483 (SRNSW Ref 10/17422).

The inquiry concluded that residence and improvements were satisfactory "though the value of the latter (improvements), similar to Mr G. Fane de Salises case, grossly exaggerated".

A note of the front of the folio reads as follows:

"the selector deposes that he lived on the selection when at home but that this was not very often. He further says that he did "not reside more on the selection than he did off it".

There can be no doubt that in this case as in so many others, the selector followed a pursuit incompatible with a proper observance and discharge of the conditions of residence.

I cannot understand how the Commissioner can regard the evidence as to improvements as "satisfactory" when he admits it is "grossly exaggerated."

Submitted for forfeiture" (dated 22 April 1882).

The initials are difficult to read but this author could be District Surveyor Arthur Betts. However this view was not sustained, and the forfeiture was reversed 17th May 1882 (Folio 82/9779 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422).

All the portions were transferred to George Fane de Salis on the 28th August 1883. George developed the series by taking up Portions 40 and 91 as additional conditional purchases and Portion 20 Parish of Naas as a conditional lease.

### Analysis of Conditional Purchase Series

The following dummies are used to hold land:

**Table 7.1 Selection series Dummies and Length of time held.**

Series 1	Arthur le Patonel	14 months
Series 2	Tom Oldfield	8 years 1 month
Series 3	James Gray	5 years
Series 5	Martin Nugent	2 years 2 months



Series 6	Henry Oldfield	3 years 2 months
Series 7	George White	5 years 2 months
Series 10	Duncan Kier	9 months
Series 13	Thomas Fishlock	5 years 2 months

It appears that the dummies were to hold crucial parcels of land for the de Salises. The two aspects being avoided were the residence conditions, for which Fishlock, Nugent, White, and the Oldfields were used and the question of how much land could be held by the de Salises. Presumably all the dummies contributed to this.

Naturally the course of dummyming did not always run true. The original selections on Portions 50-53, Tharwa were made over to Fishlock. However there was an inquiry into residence and improvements. George de Salis records that he was not allowed to give evidence on Fishlock's behalf (not even allowed in the room) and in the confusion Fishlock said the wrong thing<sup>163</sup> and the whole series was forfeited.

The selection series, of which there are 14 in Tharwa and Cuppacumbalong parishes, are shown in Table 7.2.<sup>164</sup> The series total 7282.25 acres under conditional purchase and 4318 acres under conditional lease, a far cry from the theoretical 320 acre or 640 acres of the yeoman farmer. Of this land 6680 acres or 57% was held in the name of George de Salis, 4280 acres or 37% was held under Leopold de Salis and the balance (640 acres) was held by Henry de Salis. In addition there were numerous stray allotments and conditional purchase series in the Parish Naas and on Coolemon. From the conditional purchase series alone the de Salises held in their own name roughly twice the theoretical amount a yeoman farmer was supposed to hold.

The locations of the conditional purchase series in the Parishes of Cuppacumbalong and Tharwa are shown in Figures 7.31 and 7.32. Table 7.2 shows the series in order of initiation or purchase, which helps show something of the de Salis selection strategy.

**Table 7.2 Selection Series on Cuppacumbalong Run**

Seri es No	Comments	Date initiated
1	Secured key flats in the western side of Naas Valley	1872
10	Secured land at Long Gully	1872
5	Secured land along the Western bank of the Murrumbidgee	1872
14	Secured the top of Sawyers Creek (Spring Gully)	1873
4	Secured land along the Western bank of the Murrumbidgee adjacent to Series 5	1873
6	Secured land north bank of the Gudgenby river at Naas	1874
7	Secured land south bank of Gudgenby river at Naas and	1874

<sup>163</sup> I.e. the truth!

<sup>164</sup> This does not include other conditional purchases, pre-emptive purchases, improvement purchase, and sales at auction that made up the de Salis estate.

	land at bottom of Naas Valley	
2	Secured the middle of Naas Valley	1875
3	Secured more land on the west bank of the Murrumbidgee	1880
11	Secured land on west bank of Murrumbidgee between Long Gully and Reedy Creek	1881
12	Basically a series used to contain Oldfield's and later Wright's selections in the northern end of the run	1868-1880
8	Purchase of Oldfield's selections at Top Naas then used to exclude Cotter and Lenane	1881-1886
13	Secured the middle of Sawyers Creek (Spring Gully) and then into the hills behind Tharwa	1883
9	Purchase of Warner's conditional purchases Naas Valley	1887

### Peacocking

Peacocking is an ill-defined term but in this thesis it is used to refer to the selection of portions of land in such a way as to control a greater area. Examples of peacocking might be a series of selections along a frontage with a gap in between them that is too small to make a decent selection, so that in effect the selector controlled a greater area. It is at its most effective when essential resources in the environment are limited. In Chapter 4 peacocking in the Riverina and Western Plains was noted where selections could be used to control access to water.

An example of peacocking is shown in the case of Portions 52, 55 and 56. These were additional conditional purchases based on Portion 6, which was a conditional purchase of George de Salis. He transferred it to Arthur le Patonel on the 13<sup>th</sup> March 1876. This allowed le Patonel to select three 40 acres additional conditional purchases on that day. A look at Figure 7.23, the Portion plan drawn by L. S. McCord, will show how the three portions were arranged to peacock land fronting Naas Creek. It is not clear how McCord arrived at the layout as the descriptions on the applications are vague and the de Salis diaries show that le Patonel was at Coolemon and George does not mention McCord on the date of the survey so it seems unlikely that he was guided in some way, yet the portions act to peacock the frontage to Naas Creek.

The portions as measured were found to be objectionable as 55 should have fronted Naas Creek (see D. S. Betts note on folio 76/25912). McCord replied, suggesting that was what the applicant wanted. However, peacocking was exactly what the regulations were designed to avoid. The Deputy Surveyor General noted "I think if the form of survey is allowed it will form a very bad precedent". The compromise was that McCord was to measure the vacant portion for sale (Folio 78/25912CS Lands Department - Conditional Sales Branch Correspondence Files No 90/4874 SRNSW Ref 10/20852). This portion became No. 62, measured for sale in March 1880 and selected by George de Salis as an additional conditional purchase in virtue of Portion 6 which had been transferred back to him (Folio 81/200 Lands Department - Co

nditional Sales Branch Correspondence Files No 90/4874 SRNSW Ref 10/20852).

CAT. N<sup>o</sup> C 228 1793

POLICE DIST<sup>r</sup> Queanbeyan

G. S. N<sup>o</sup>.

**TRACING**

Showing portions <sup>52, 55, 56</sup> in the

Parish Cuppacumbalong

County Cowley

Scale 20 Chains to an Inch.

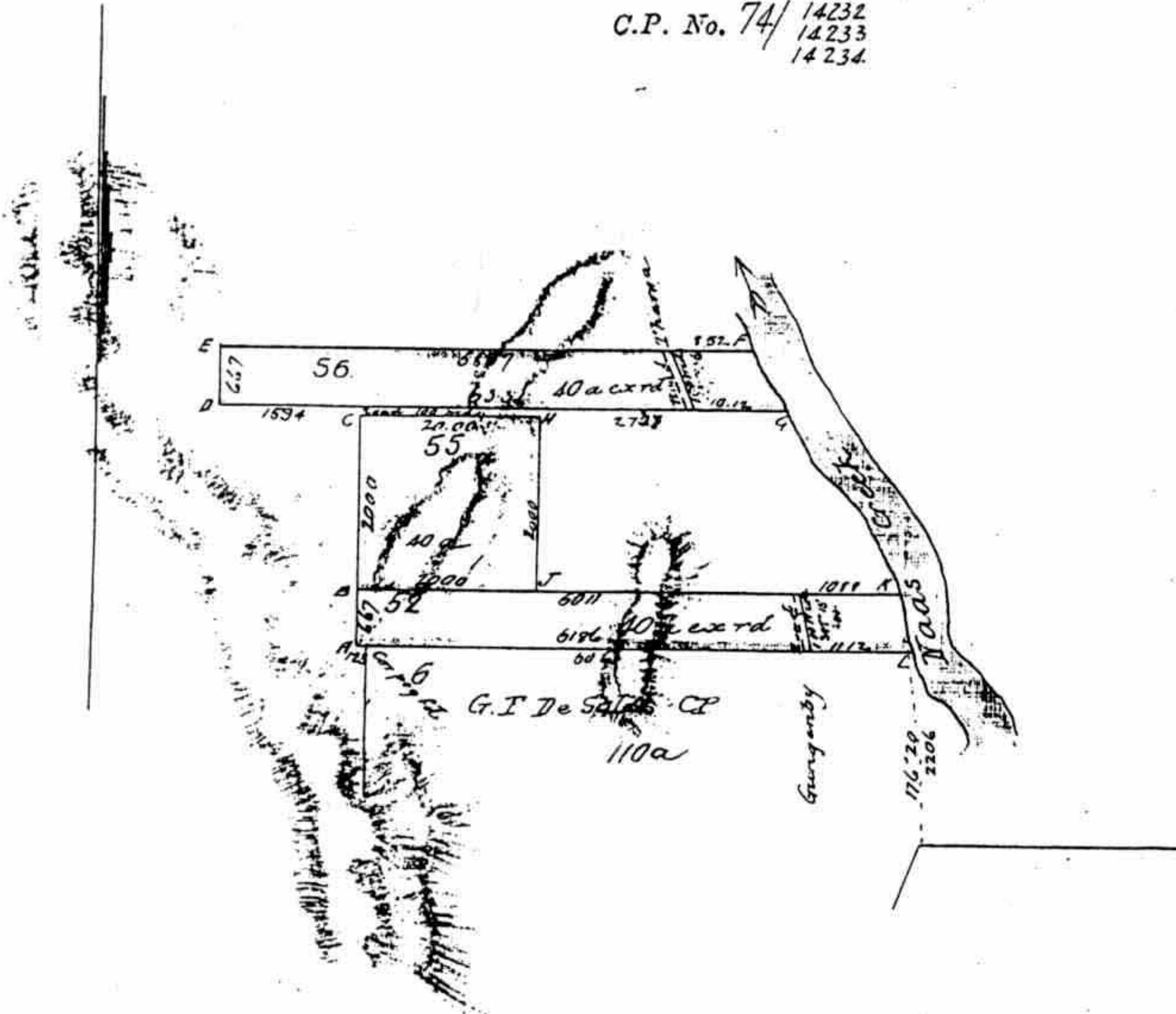
Applied for by

Arthur LePatourel

under the

21 clause of the C. L. A. Act of 1861

C.P. No. 74/ <sup>14232</sup>  
14233  
14234



REFERENCE TO CORNERS.

Corner	Bearing	From	Links	No. on Tree
A	194°	Apple	58 1/2	52
B	287° 43'	1/2 c. bar	10	52, 55
C	314° 21'	7 <sup>th</sup> 1/2 c. bar	15	55

Date of Survey 1 & 2 May 78

Figure 7.20 Portion plan of portions 52, 55, & 56 showing possible peacocking



A second example of “peacocking” occurred with the selection of the series based on Portion 13 Parish of Cuppacumbalong. The land was selected by Leopold de Salis in two batches, Portions 13, 14, and 17 to 19 on 29<sup>th</sup> August 1872 and Portions 20 and 21 on 5<sup>th</sup> June 1873. The original survey was done by L. S. Thompson on the 25<sup>th</sup> February 1874 (see Figure 7.24 ). The landscape covered was a steep ridge (about 100m high) between the Murrumbidgee and Gudgenby Rivers and a flat to the south (covered by portions 18 to 21). Technically the selection allowed de Salis to dominate the banks of both rivers although the steep descent to the streams in this area would have made access by stock difficult.

Thomson submitted his plan and descriptions on 9<sup>th</sup> June 1875 and these were immediately rejected as not being according to regulations because they should have had frontage on either the Murrumbidgee River or the Gudgenby River. The Surveyor General recommended resurvey according to a revised design (see Figure 7.25) on 10<sup>th</sup> September 1875. However by the time Thompson got his revised instructions his personal circumstances had changed - a coy note (dated 17/12/1877) in the file records “Mr Licensed Surveyor Thompson MLA is now in Sydney his address is at “Parliament”...”<sup>165</sup> L. S. McCord got the job of resurveying the land (see Figure 7.26), (Folio 75/14993 Lands Department - Alienation Branch Correspondence Files No 99/3375 SRNSW Ref 10/3760). The revised plan placed a road along the ridgeline and orientated the portions to front the Murrumbidgee and the road. The revised survey cut the de Salis selections from the flat and left him with steep grazing land.

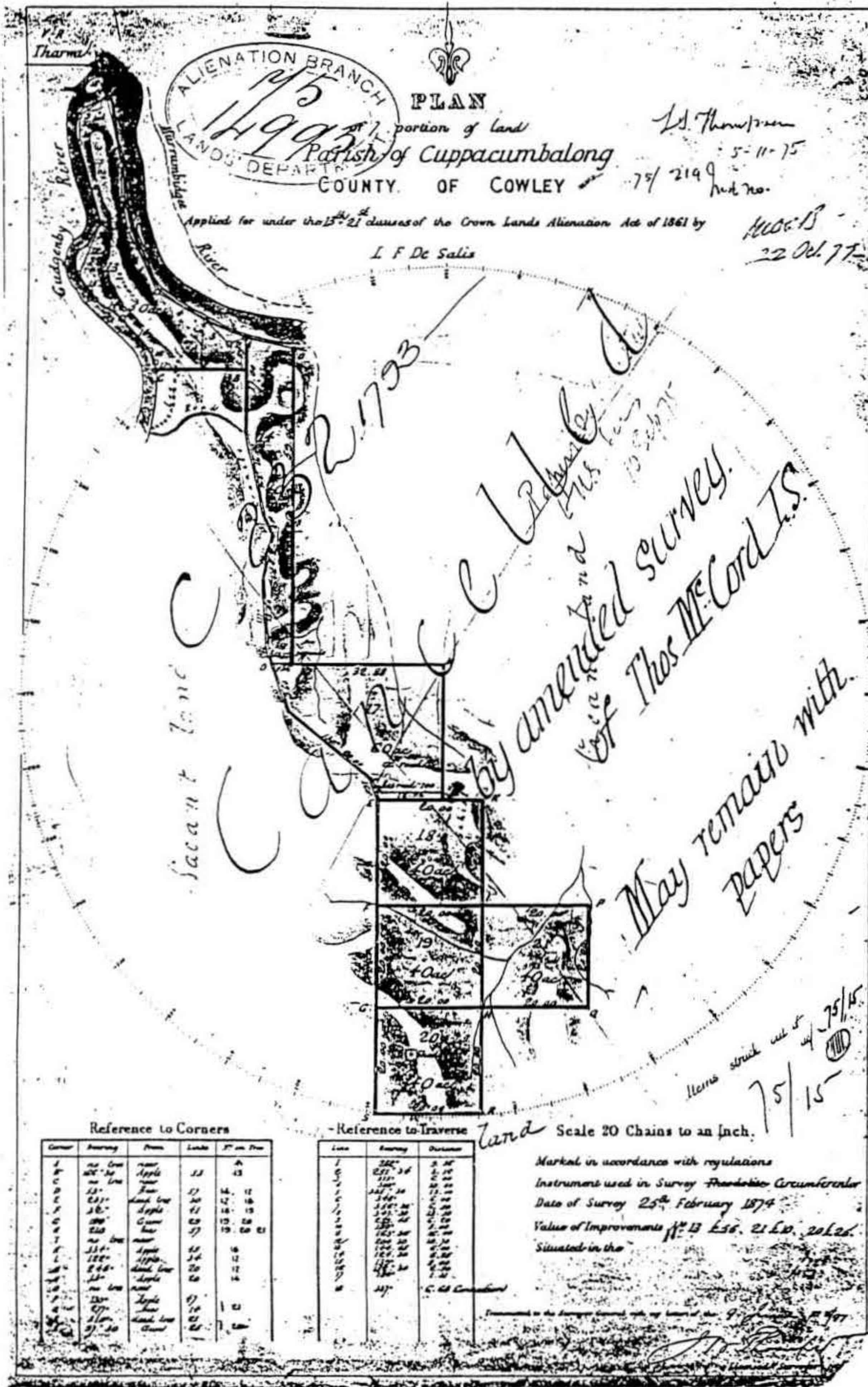
These episodes are the few obvious attempts at peacocking (another being the survey of portions at Orroral ) and here the strengths and weaknesses of the land administration system are shown. The administrative controls picked up the obvious peacocking through the review of portion plans and their failure to comply with regulations. In the case of Portions 52, 55 and 56, the end result was the same. De Salis peacocked the land at least for four years (the time it took to create Portion 62 and put it up for sale. In the case of Portion 13 *et al* the de Salises were not so lucky, losing control of a small flat (on which they had improvements). While the Lands Department was quick to look at attempted peacocking in the case of frontage to rivers and streams they seemed to ignore the potential to peacock flats which were limited in the hilly terrain of Cuppacumbalong.

### **Improvement Purchases**

Under the Crown Land Acts the squatter had the right to purchase land in virtue of the improvements made on them, the size of the land being related to the value of the improvements (*i.e.* 1 acre per £1 of improvements). Improvement purchases were extensively used in the Western Plains to secure tanks and dams. In contrast the de Salises made six improvement purchases totalling 339 acres, a comparatively small part of the overall estate. The obvious disadvantage of the improvement purchases was the need to actually make the improvements and spend the money up front whereas with conditional purchases the expenditure could be spread over a greater period of time.

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<sup>165</sup> Leopold de Salis supported Thompson’s candidature. Thomson was MLA for Queanbeyan for only one term.





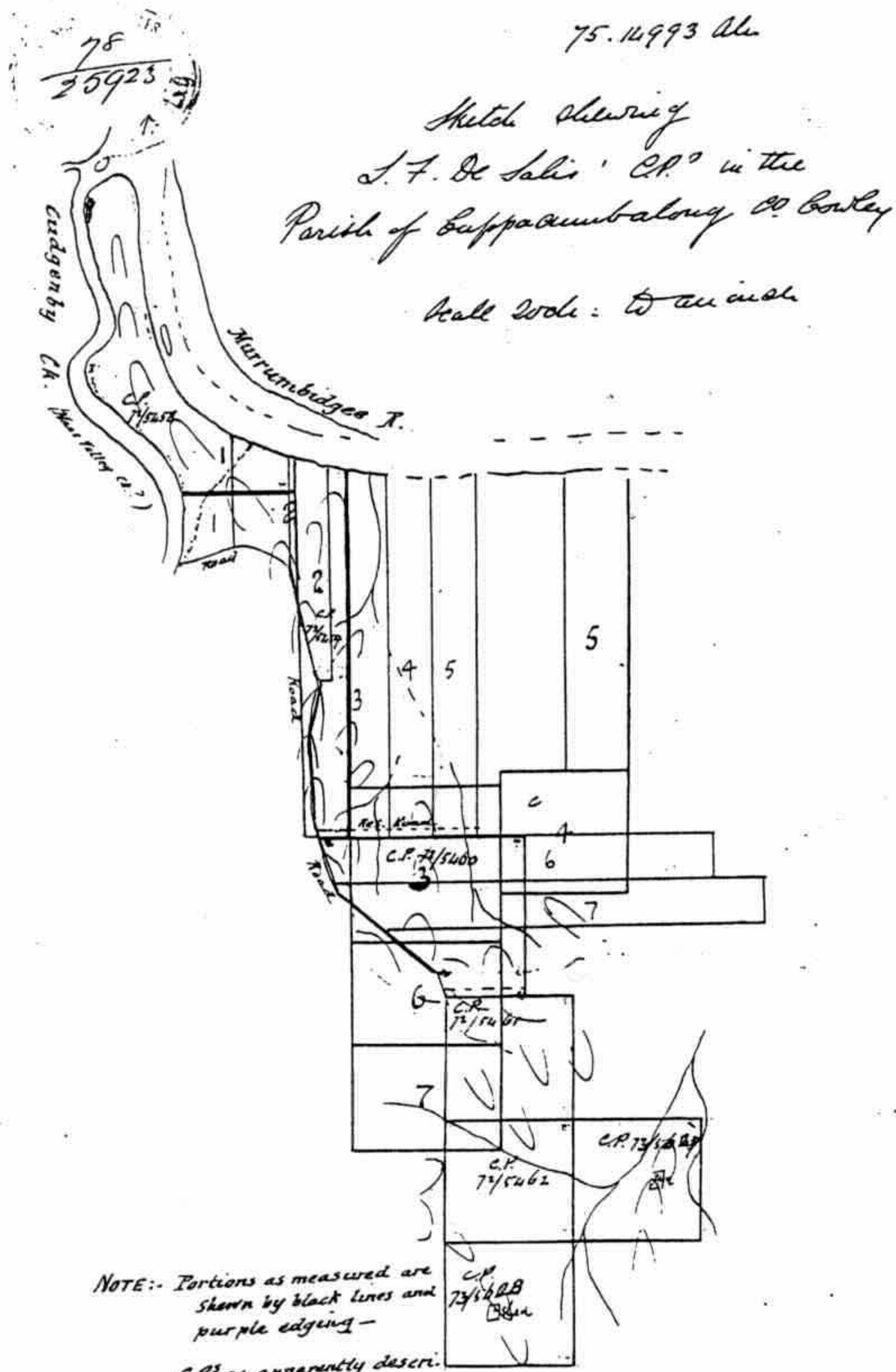


Figure 7.22 Revised design of the portions



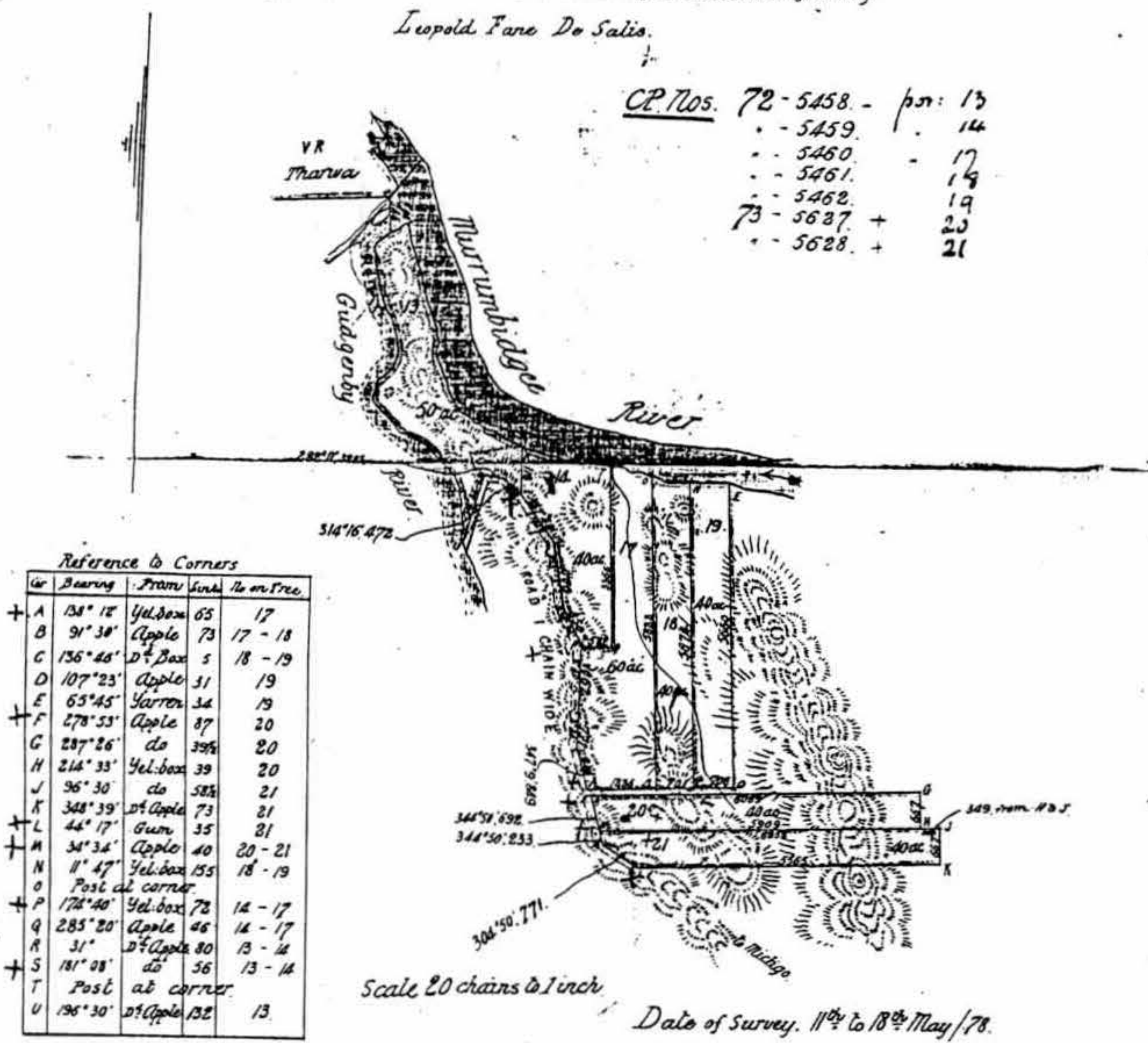
Cat. No. C. 232. 1793.  
C.S. No. 78. 25923.

Tracing  
of portions 13, 14, & 17 to 21.  
Parish of Cuppacumbalong  
County of Cowley.

Police District: Quambary.

applied for under the 13<sup>th</sup> & 21<sup>st</sup> Clause of the C.L.A. Act of 1861 by  
Leopold Fane De Salis.

CP. Nos.		pts:
72-5458	-	13
- 5459	-	14
- 5460	-	17
- 5461	-	19
- 5462	-	19
73-5627	+	20
- 5628	+	21



Reference to Corners

Cor	Bearing	From	Dist	No on Tree
+ A	138° 18'	Yel. box	65	17
B	91° 38'	Apple	73	17 - 18
C	136° 46'	D <sup>4</sup> Box	5	18 - 19
D	107° 23'	Apple	51	19
E	65° 45'	Yarren	34	19
+ F	278° 53'	Apple	87	20
G	287° 26'	do	39 1/2	20
H	214° 35'	Yel. box	39	20
J	96° 30'	do	58 1/2	21
K	348° 39'	D <sup>4</sup> Apple	73	21
L	44° 17'	Gum	35	21
+ M	34° 34'	Apple	40	20 - 21
N	11° 47'	Yel. box	155	18 - 19
O		Post at corner		
+ P	178° 40'	Yel. box	78	14 - 17
Q	285° 20'	Apple	46	14 - 17
R	31°	D <sup>4</sup> Apple	80	13 - 14
+ S	181° 08'	do	56	13 - 14
T		Post at corner		
U	196° 30'	D <sup>4</sup> Apple	132	13

E.F.

Figure 7.23 Final survey as set out by L.S. McCord

## Reserve Creation

Squatter influence on the process of reserve creation was identified as an important factor in the squatter/selector conflict in the Riverina. Reserves could allow the squatter to peacock the land, especially as the squatter could obtain an annual licence to graze reserves. Therefore the important question in terms of the de Salis strategy of defending the run is the extent to which reserves were used to peacock the land by the de Salises. There are two lines of evidence that can be used:

1. The extent and nature of de Salis involvement in creating the reserves,
2. The location of reserves in the landscape.

The first question can be answered by documentary research in the reserve files.<sup>166</sup> However finding the relevant file has proved difficult with about a 50% success rate. The difficulty is both finding a reference to a file and then following it's chain of custody (marked by file numbers related to Correspondence Registers) as it moved through the Lands Department. Often the chain is lost or the file is missing. Finding a reference to a file is difficult for abolished reserves as these are often obliterated from the Parish map and the only recourse if one had the time would be to systematically search the *Government Gazettes*. In short, evidence of de Salis involvement in creating reserves is limited by the inherent difficulty of the historical records.

**Table 7.3 Reserves on the Cuppacumbalong Run**

Reserve	Date proclaimed	Comments
<b>Parish of Tharwa</b>		
WR 10	29/7/1885	Later reduced in size and portions selected
Tharwa Village Reserve	1862	From 1862 and various re-sub-divisions
TSR-15	18/11/1885	Revoked 1895
W.R 590	7/3/1881	Revoked due to prior selection as Portion 60 by J. M. Wright 31/3/1884
<b>Parish of Cuppacumbalong</b>		
TSR-1063	24/9/1884	
WR 6	29/7/1885	Revoked 25/11/1893 no reason why it should be retained
WR -5	29/7/1885	Revoked 25/11/1893 no reason why it should be retained
WR67	9/6/1868	

<sup>166</sup> As might be expected the creation of a reserve resulted in the creation of a correspondence file in the Lands Department.

WR 66	8/3/1882	Replaced by WR 666A
WR 66A	9/6/1868	
R 592	7/3/1881	Later W & CR 10942
W & CR 10942	15/3/1890	
WR 266		
TSR 1065	25/9/1884	
CR 668	8/5/1882	
Fr 667	8/5/1882	

Some Reserves files have been located and read. These contain little but instructions to surveyors and their reports. From the dates of gazettal it is obvious that in the early to mid-1880s the District Surveyor Arthur Betts initiated the process of Reserve formulation as a result of selection in the area. There is no evidence in the files or in the de Salis diaries of the de Salises initiating reserve formation on Cuppacumbalong run. The location of reserves on Cuppacumbalong run is shown in Figure 7.27.

The reserves are sited in the landscape to gain access to stream frontage but do not exclusively control the stream frontage or other water sources. Nor are they sited in the landscape to control flats or other geographic features. WR 6 is the only reserve of potential strategic interest as it runs across the land linking the Murrumbidgee and Naas Rivers. However the reserve traverses the steepest part of the terrain rather than taking in flats to the north and south (see Figure 7.28).

WR 66A and WR 67, both gazetted on 9<sup>th</sup> June 1868, look suspiciously as if they favoured the de Salises as they adjoin Portion 1 on Reedy Creek near Binda Station (see Figure 7.29). Frustratingly the Reserve Files have not been found. However an analysis of the landscape suggests that reserving this land would have been of little benefit for the de Salises as they already controlled the key flat in the Reedy Catchment. The land in WR 66A comprises a complex slope rising 140m in 1.25km to the west, resting on the Clear Range. WR 67 takes in 4km of undulating hills running east with a steep decent of 130m in 1km to the Murrumbidgee. There is a small flat formed by a complex meeting of ridge lines but as this would have lacked water the flat would have been useless. This is all second class land which, elsewhere, the de Salises were allowing to be selected by others. In this case the reserves seem to be genuinely in the public interest.

In contrast, the creation of the reserves on the Coolemon run in 1882 is the clearest example of the de Salis involvement in reserve creation. When on the 22 January 1882, the de Salises learned that Frederick Campbell, with Timothy Kelleher, Mary McDonald and Archibald McDonald had each taken a selection of 640 acres on Coolemon, one of their reactions was to attempt to control selection by initiating reserves. Leopold wrote to the Lands Department requesting the areas be reserved from selection "on account of the many natural curiosities" (de Salis diaries 25<sup>th</sup> January 1882).



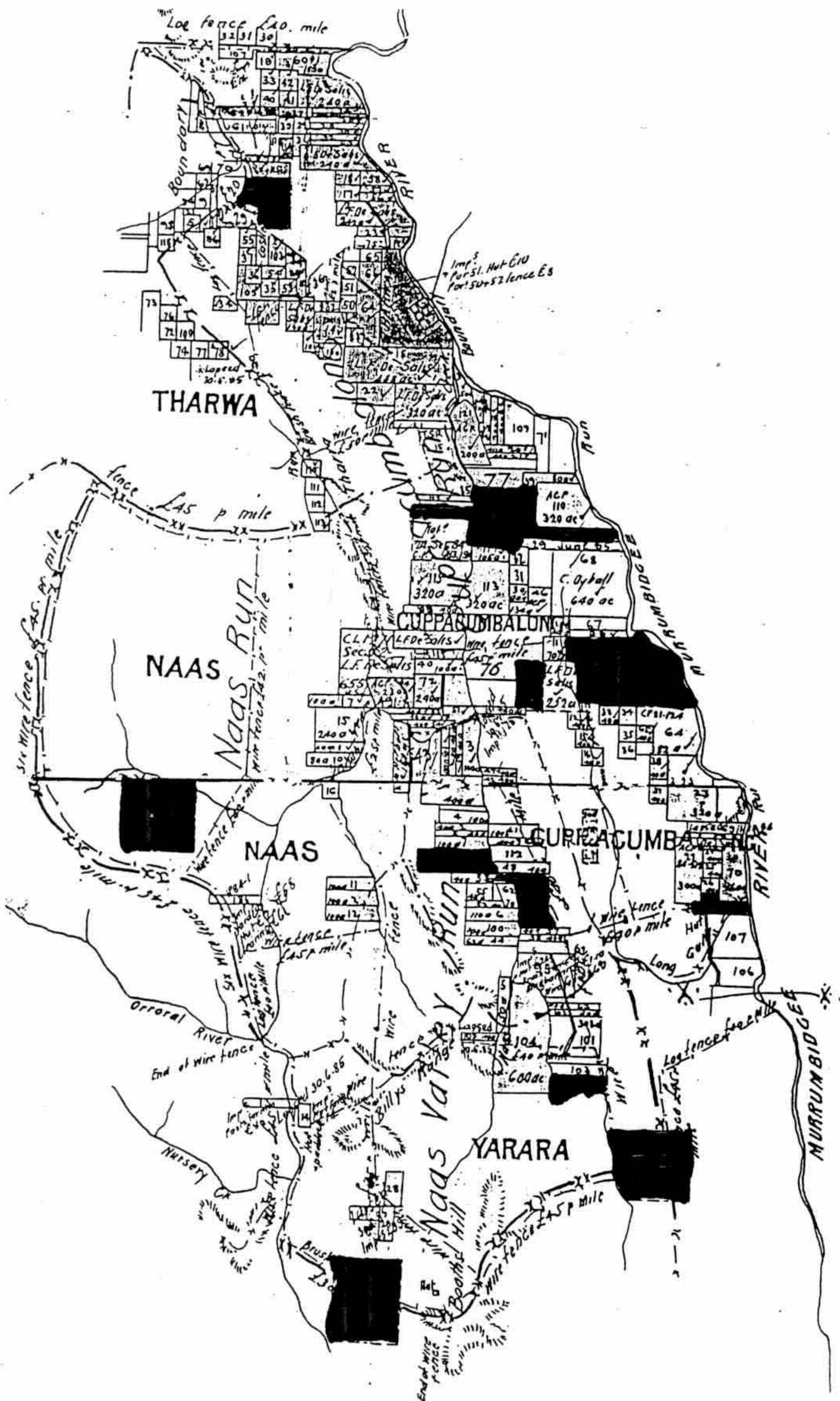


Figure 7:24 Reserves on Cuppacumbalong Run

Although it is not in the files it is likely that in mid-January 1882, Leopold de Salis spoke to Surveyor Smith at the Lands Department in Queanbeyan concerning the need to create reserves on the Coolemon Run. Surveyor Smith wrote to the Surveyor General on the 19<sup>th</sup> January 1882:

“Sir,

On good authority I am led to believe that in the limestone formation of the Coolemon plains there exist valuable and extensive caves. On the Cotter there has somewhat lately been discovered at the very fine waterfall.

As the proposed Cooma extension of the great southern railway will for tourists and sightseers place the locality within a comparatively easy distance of the metropolis I have thought it advisable to seek your permission to inspect the locality with the view of proposing suitable reserves.

Owing to the continued drought in the County of Murray a rush for land on the Coolemon Plains and in the locality of the caves started today, four, six hundred and forty acres having been taken up.

The Caves are I believe situated in well grassed and well watered country. I would therefore respectfully suggest that as little time be lost as is possible before the necessary reservations are made.

I have obtained an extract from one of the local papers giving a description of the caves and waterfall. This extract I beg to respectfully to enclose.”

The Surveyor General instructed that Smith be telegraphed that the reserve would be proclaimed and instructing Smith to visit the area to report (Folio 82/1143 Lands Department – Miscellaneous Branch Correspondence Files No 82/4259 SRNSW Ref 2/1292). Reserve R658 was proclaimed on 1<sup>st</sup> February 1882 (*NSW Government Gazette* 1/2/1882 ff 536). A second reserve of 1200 acres (R 659) was proclaimed due to the sudden illness of Surveyor Smith which meant he could not inspect the area at that time (Folio 82/2104 Lands Department – Miscellaneous Branch Correspondence Files No 82/4259 SRNSW Ref 2/1292). In none of the correspondence is Leopold de Salis mentioned nor is his letter filed.

Mr Smith reported on his inspection of the Coolemon Caves which he undertook with George de Salis on the 9<sup>th</sup> February 1882 (de Salis dairies 9/2/82 ) in a letter dated 18<sup>th</sup> February 1882:

“Sir,

In a compliance with your wired instructions of the 31<sup>st</sup> ultimo, and a subsequent Reserve Branch instruction No. 82/5. I have honour to report on an application by L. F. de Salis for the preservation of the Murray

Caves, together with an extended reserve half a mile each side of the Goodradigbee to the junction of the Mount Murray branch thence up that branch for a distance of one mile and a half.

On visiting the locality, I found the Murray Caves although somewhat mutilated by inconsiderate sightseers to be an interesting and extensive limestone cavern. I have therefore no hesitation in submitting that it be reserved for public use.

The extended reserve has been suggested as it was supposed to embrace different Caves, grand and attractive landscape views and other points of curiosity of valuable public interest.

None of these are reasons can fairly be applied to reserve suggested along the Mount Murray branch. I therefore cannot submit that so much of that suggestion be entertained.

With reference to the reserve on the Goodradigbee I would beg to inform you that the landscape views are undoubtedly grand and very attractive. One of the two known caves although not so extensive as the Murray Caves is fairly large and proportionately interesting. The Blue Waterholes - the pools where the icy river waters emerged in considerable volume from their previous two miles subterranean course may also be fairly be considered points of curiosity valuable to the public.

I am of the opinion that in future time the magnificent summer climate and the attractive landscape of the whole district will entice numerous visitors. A reserve embracing the above mentioned the points of interest, I therefore think is advisable. Mr de Salis suggests a width of half a mile on each side of the river - a Reserve for half and a mile up the right-hand side will I think be found ample.

I beg to enclose a tracing showing the scheme of reserves, which I now submit for your approval".

Folio 82/3363 Lands Department – Miscellaneous Branch  
Correspondence Files No 82/4259 (SRNSW Ref 2/1292).

This resulted in the replacement of R 658 with R 664 on the 13<sup>th</sup> March 1882 (NSW Government Gazette 13/3/1882 ff 1423-24).

The influence that Leopold de Salis had as a MLC can be seen by the reservation of part of the Caves. Nothing in the file suggests the de Salises as the beneficiaries of the reservation but their involvement is clear, though cloaked in the spirit of public good of reserving "natural curiosities". The de Salises were very interested in the Caves as scientific curiosities, as their many visits to the Caves recorded in George's diaries witness,<sup>167</sup> but the reservation was also very helpful in tying up land and it dissuaded the Wrights from selecting on Coolemon. In effect it was a means of controlling the

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<sup>167</sup> George proposed to Mary Smith on one visit.



land in the guise of a public good, initiated in the spirit of selflessness by the Honourable Leopold de Salis. However, it is also clear from Smith's letter that a much larger area had been suggested which he was not prepared to accept.

In landscape terms, the reserves did not in fact cover suitable flats but would have funnelled Campbell selections and leases into a smaller area of flat, which was effectively stoppered by de Salis' lapsed selections of Portions 1 and 2. So the creation of the reserves at Coolemon acted as part of the de Salis selection strategy in response to Campbell's action (see Figure 7.30 and the discussion in Chapter 8).

To conclude, on documentary and landscape evidence it seems unlikely that the creation of reserves was part of the de Salis strategy to protect their run. The exceptions being of course the Tharwa Village Reserve which was initiated by Cunningham to get at the de Salises (discussed earlier) and the Reserves at Coolemon which were initiated by Leopold de Salis to protect the run.

Looking at the reserves also requires us to momentarily move up in scale from looking at the run to looking at a broader region and its regional networks to explain the underlying pattern of reserves. The purpose of the reserves was to create space for "community services" such as villages, cemeteries and other "goods" such as forest preservation, recreation and so on. The travelling stock reserves and water and camping reserves, which are scattered through Cuppacumbalong and adjacent runs, were designed to support travellers along the road network. Naturally in such an undeveloped area there were no hotels at convenient locations so the system of reserves allowed for space for stock and their drovers, as well as itinerant travellers such as tinkers, to camp without trespassing on selections and squatting runs. The main series of these were created as TSR -15, which created four reserves. The Travelling Stock Reserves were linked by TSR -13 which was defined as 20 chains either side of the road from Kiandra to Yass via Tharwa and gazetted on 29th July 1885. The de Salises, with annual stock movements up and down to Coolemon, would have benefited by the reserves as they reduced potential trespass problems. It is not surprising that George de Salis recommended TSR-1603 as a suitable site for a reserve. It was in his interests to do so as it provided feed and a defined route for moving his stock to and from Coolemon.

There also seems to have been a great phase of reserve establishment in the 1880s. Presumably this was an administrative response to the increased selection pressure in the area, requiring that some reserves be created while the land was available. Some of these reserves were later abolished or reduced in size, the land being then offered as selections or, in the case of WR 67, the land was opened for selection as Homestead Selections. The reserve locations were limited by the quantity of already selected land, which reduced the potential for land to be reserved in the public good. Thus the reserves on Cuppacumbalong run were created as part of a natural process of responsible land management rather than at the instigation of the squatters, as seems to have been the case in the Riverina.

To summarise, the de Salis strategy for creating the estate out of their runs involved firstly exercising their pre-emptive right under the Orders in Council. They were forced to purchase lots in the village of Tharwa when their attitude to enclosing of roads created a dispute between them and the Cunninghams, which led to the

creation of a village reserve enclosing the head station of Cuppacumbalong. Using these rights the de Salises were able to secure land in each of their four out-stations on Cuppacumbalong. The de Salises do not seem to have used the strategy of creating reserves to safeguard their land except in the case of Coolemon.

The bulk of the land that made up the de Salis estate was obtained by conditional purchase. By the use of dummies and manipulation of the Land laws, the de Salises were able to purchase 7282 acres and lease 6680 acres enabling them to secure the first class land on the Cuppacumbalong run (including Naas and Naas Valley after 1869). It should also be remembered that under conditional purchase the land was bought on a form of time payment, which helped the de Salises, as they did not have to pay all the money up front. Thus Leopold de Salis, assisted by George de Salis, successfully husbanded the de Salis runs and created the de Salis freehold estate.

## THE SELECTORS

### “Bona fide” Selectors

Given the number of dummies it seems surprising that there were a few bona fide selectors. These were tolerated to some degree by the de Salises as the selector provided the squatter with labour, particularly for peak times such as shearing and mustering and with produce such as hay, chaff and vegetables. In a sense, by tolerating some selectors, the de Salises in fact outsourced many of the functions that were occurring on squatting runs such as Lanyon in the 1840s. For some selectors a good relationship with the squatter gave them access to a cash income and lines of credit.<sup>168</sup> As well, a relationship with the de Salises would have given the selector access to influence and knowledge of the system should they need it. There was a mutual relationship between the de Salis family and friendly selectors.

There were selectors whose relations with the de Salises took a decidedly independent turn. Joseph Oldfield senior and his family are the main example of the independent selector. Old Joe Oldfield was an ex-convict (arrived on the *Hive* in 1834) who had worked for Wright at Lanyon. In 1839 he was instrumental in capturing the convicts who had robbed Gray's store in Queanbeyan. Old Oldfield is presented in the de Salis diaries as a tough but irascible person, almost indomitable although limited by his lack of education and capital. Surprisingly he returned to England in 1880 and then not finding it to his liking returned to Naas on 30<sup>th</sup> April 1881. He died on the 8<sup>th</sup> August 1886 and was buried in the public cemetery at Tharwa. Old Oldfield had eight children with his second wife Mary Keeghan. Of these, Thomas and Henry Oldfield worked for the de Salises and were respected employees. Joseph junior was not highly regarded and mainly worked as a casual shearer. The conditional purchase records mention that he served a gaol sentence for theft.

The first act in the drama was the selection of a 40-acre conditional purchase by Joe Oldfield junior on 30<sup>th</sup> August 1866. This Portion (24) was next to the southern border of Portion 7, a de Salis conditional purchase which had lapsed through lack of survey within one year. Survey was completed in August 1864 and thereafter the portion was a measured portion available for selection or purchase. There was really no de Salis

<sup>168</sup> Both the de Salis family and the Cunninghams at Lanyon acted as bankers for “friendly” selectors.

response until the 31<sup>st</sup> October 1867 when the de Salises reselect Portions 7 and 25 followed by Portion 27 on the 7<sup>th</sup> November 1867. This seems to be a response to Oldfield plans to increase their holdings by selecting further portions along the river. The de Salis selection of Portion 25 blocked expansion to the south, Portion 7 blocked expansion to the north and Portion 27 blocked them to the west.

Assuming that the Oldfields could not select Portion 7 because, at 240 acres, they would have required a large deposit to do so, then expansion to the south was the best option as it took in both flats and frontage to the Murrumbidgee which offered rich well-watered soil. Thus the area of Portion 25 was a strategic area to acquire for both sides. Naturally there was a dispute (see Figure 7.25).

The facts of the matter seem to be that on the 24<sup>th</sup> October 1867, Lands Office Day, Joseph Oldfield (senior) arrived at the Lands Office intending to select what became Portion 25. The Lands Agent Obadiah Willans told him that it was Quarter Sessions day and a jury in fact occupied the Lands Office. Oldfield claimed he had tried to make an application and Willans refused him. However he was able to arrange to make an application the following Thursday. But on that day Rodolph de Salis also made application for the same land, a ballot was held and Rodolph won. Oldfield immediately selected Portion 26 in the name of Thomas Oldfield, his son.

When the facts of the case became known, Oldfield's cause was taken up by champions of free selection in Queanbeyan, the Free Selectors Protection League and the *Queanbeyan Age* in a series of public meetings and letters. Most of the anger was directed at Willans (who later sued the speakers and paper).<sup>169</sup> However Leopold de Salis was criticised by Dr. Morton as being "a man who instead of doing his duty as a representative of the people is the very first to break the law". Morton listed Robert Smithwick and Francis Skene as de Salis dummies (*Queanbeyan Age* 30/11/1867) as well as criticising de Salis' use of his children as dummies.<sup>170</sup> Morton commented, after praising de Salis' general character and intelligence "the conduct of an upright English gentleman would have lead him to see the poor man righted" (*Queanbeyan Age* 30/11/1867).

The result was an official inquiry into Willan's action, but eventually with the agreement of all parties, the inquiry was abandoned on 29<sup>th</sup> May 1868 (see File 70-1473 Lands Department Alienation Branch *Correspondence Files*). In effect de Salis was the victor. However Oldfield's troubles did not go away.

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<sup>169</sup> Willans later abandoned the action. Basically he consulted his solicitor who advised him that to pursue Oldfield and the *Queanbeyan Age* for libel would ensure costs which he could not afford. The two anonymous letter writers in the *Queanbeyan Age* turned out to be Morton and Wright who were JPs on the bench that Willans was Clerk for. In proceeding against them, apart from his lack of means, the difficulties of his official position and their influence would mitigate against further action. Therefore he was advised to ask the Minister for an inquiry.

<sup>170</sup> Smithwick was certainly a de Salis dummy. Skene was not as the land he selected was not even on Cuppacumbalong (Conditional Purchase Register).



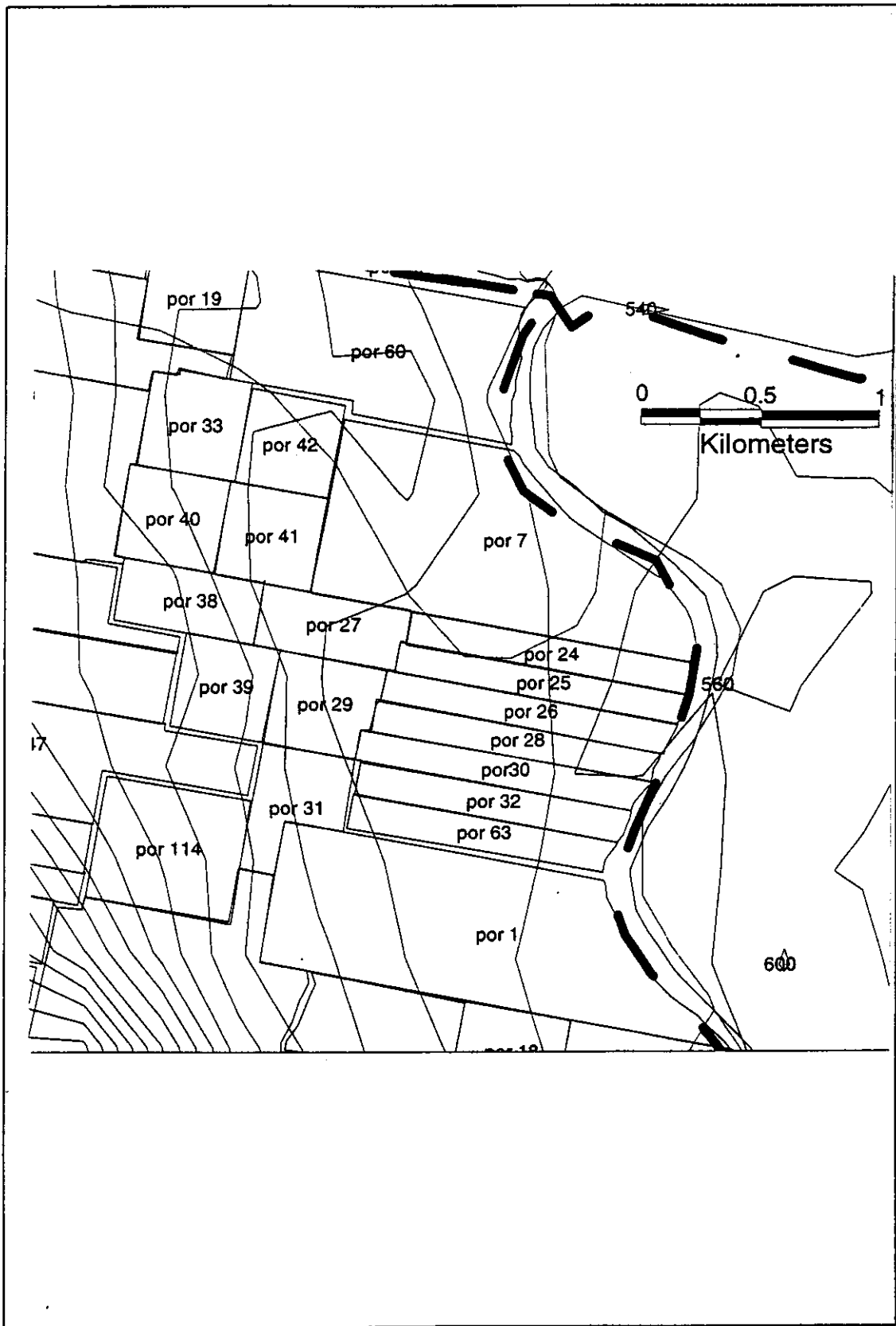


Figure 7.25 Portion 25 and related portions

On the 16th December 1867 John Rodolph Fane de Salis wrote to the Minister for Lands concerning his conditional purchase, Portion 7 Parish of Tharwa (now the site of Lambrigg):

“I have the honour to inform you that one Joseph Oldfield is in illegal occupation of those crown lands viz 240 acres which I conditionally purchased 30th October on the west bank of the Murrumbidgee river in the Queanbeyan district and request you will direct the proper officer to proceed against him in accordance with the provisions of the Lands Acts of 1861.

I have given no kind of consent to Oldfields continuing... on such land; and on complaining to our Land Agent of such persistent occupation on my conditional purchase have been referred to you.”

67/8246

It was noted on the folio that “Joseph Oldfield does not appear to have made any application” (31/12/67). It was later noted “In the event of the trespass having been committed subsequent to the date of the conditional purchase I conclude that the Govt cannot be called upon to interfere” (14/1/68). This was the gist of the reply sent to de Salis by the Lands Department.

The next action came on the 30<sup>th</sup> July 1868 when another 40-acre portion was selected by Thomas Oldfield (this became Portion 28). The de Salises responded a fortnight later by selecting Portion 30, a 40-acre portion, to the south of Oldfields selection and Portions 29 and 31 which blocked Oldfield to the west. This left the Oldfields with a very disjointed pattern of selections squeezed in between Portion 7 and de Salises freehold block Portion 1 and blocked to the west by a series of selections (see Figure 7.33). Effectively, by strategic selections and with the assistance of information about Oldfield’s planned selections, the de Salises were able to block the Oldfields from taking control of an important part of the northern end of Cuppacumbalong.

Joe Oldfield senior made five selections of 40 acres each on 20<sup>th</sup> November (Portions 38 to 41). These were to the west of the de Salis selections on undulating grassed country which, while of reasonable quality, was not as good as the land adjacent to the Murrumbidgee. The de Salises did not block in these selections and it is possible that some agreement was made to allow Oldfield to select this land. It seems clear that Oldfield made this his residence, leaving the land by the Murrumbidgee to his children to live on, as he was noted as resident by Surveyor Thompson in September 1874 and by Inspector Cropper in November 1877. Croppers inspection found improvements valued at £282 on the portions, far more than their required value. Cropper noted “I found shoemaking tools and leather there, as he still works at his old trade of shoemaker” (Folio 78/690 Lands Department - Conditional Sales Branch Correspondence Files No 02/10049 SRNSW Ref 10/19063).

The reason that the de Salises were not entirely hostile to the Oldfields was that they had come to a series of agreements with them. The de Salis diaries record an agreement to swap selections made in October 1869. In August 1873 George de Salis mentions going halves for boundary fencing of Oldfield’s selection and “told him I would not be particular about a few of his cattle running outside the fence, this

agreement is broken if he ever selects again" (de Salis diaries, 8 August 1873). However when Fishlock let the de Salis sheep stray into Oldfield's wheat field Oldfield sued for damages (de Salis diaries 6, 11 January 1874). Eventually on the 16<sup>th</sup> February 1874 the de Salises and the Oldfields agreed to a truce. The Oldfields were allowed use of the whole block of land between Portions 7 and 1 provided they gave up their other conditional purchases or allowed the de Salises to use them. This created a small farm for the Oldfields and allowed the de Salises to graze the land to the west. The agreement was voided with penalties if Oldfield or his sons and grandchildren ever selected again on the Cuppacumbalong estate (de Salis diaries 16 February 1874). Later Joe Oldfield junior met with George and threatened to make some hostile selections if not allowed to make a small selection on Cuppacumbalong, George dismissed him (de Salis diary 10/1/1881). Later Joe selected Portion 63 Parish of Cuppacumbalong and developed a small holding called "Top Naas" which he later sold to George de Salis.

Another potentially hostile selector was Michael Cotter, son of Garnett Cotter whose family held Demanding Run, the southern neighbour of Cuppacumbalong. The Cotters had made extensive selections in the area between the Clear Range and the western bank of the Murrumbidgee from the 1860s. Cotter's selection, along with that of Lenane's opposite, was seen as a hostile act by Leopold de Salis. There was talk of some retaliatory selections on Cotter's run but this seems not to have happened. Indeed Cotter's selection could have been a retaliation to Webber's selections on Demanding as Webber was a de Salis employee.

There were two other selectors close by Tharwa. Richard Harris selected land between de Salises freehold Portion 2 and the Tharwa Village Reserve on 27<sup>th</sup> September 1866. This became an 80-acre Portion, No. 23. The land was sold to John White who lived on the portion with his wife Mary until his death on 17<sup>th</sup> December 1870. Mary lived on, struggling to make ends meet. On the 9<sup>th</sup> September 1880 George de Salis selected the remaining 70 acres of land between Portion 23 and the Tharwa Village Reserve in the name of the late John White and in virtue of Portion 23. Needless to say this caused some fuss but was accepted. However Mary White failed to make the appropriate declaration and the portion was forfeited despite having £42 worth of improvements on it. Although George de Salis wrote in his capacity as the local MLA asking that the forfeiture be reversed, it could not be as 20 acres had been excised for a Police Paddock (Lands Department - Conditional Sales Branch Correspondence Files No 85/18822 SRNSW Ref 10/17321).

George White, son of John and Mary White, purchased the selections of James Robertson (which had been made in December 1874) on 20<sup>th</sup> December 1880. George White struggled to hold this property, eventually selling to George and Henry de Salis on the 17<sup>th</sup> March 1899 for £100. George White also held land as a de Salis dummy. The White family were selectors that the de Salises were able to accommodate on Cuppacumbalong.

Further to the south Charles Dyball and Thomas Tong were able to build up small holdings with the permission and support of the de Salises. Tong was a trusted employee. Dyball was a cartage contractor and boundary rider. Both were supported by the de Salises who agisted sheep on their property. As neither Tong or Dyball's



land was included in the Union Bank mortgage it seems clear the land was not held as dummy selections but by sympathetic selectors.

Thomas Warner senior, another former convict servant of Wright's, had built up a small holding of selections on the flat in Naas Valley from 1864. He was there when the de Salises purchased the run. He was not disturbed and sold much of his crop to the de Salises. On his death in 1886 the land was sold to the de Salises for £130.

More surprising is the selection of several portions of good quality flats at Naas by Thomas Gregory from 1881. From the de Salis diaries there is no evidence of Gregory being a dummy, although he was an employee. The de Salises never acted against him nor is there any sense that the selection was in any way hostile. Gregory must have been seen as "friendly" and, unlike all the other approved selectors, obtained a good piece of land.

There were two types of "bona fide" selectors, hostile and friendly. The de Salises rigorously opposed hostile selectors. Their strategy seems to have been, if not to secure the land for themselves then, by counter-selections, to fragment the selections as much as possible. Presumably the selector would end up with virtually unworkable farms and be forced to sell out. If carried out on a large scale this would have cost much money and the de Salises pursued a wise course in coming to terms with Joe Oldfield that gave him a useable farm and prevented further hostile selections by the Oldfield family.

In the case of the "friendly" selectors, they were able to establish small holdings on land that was mainly second class. The de Salises supported them by employing them or their family, purchasing goods and services and assisting them through the bureaucracy. I think Leopold de Salis may have even loaned them their deposits for the selections. Here we see the example of the English gentlemen, mentioned in the quotation from Dr. Morton, acting to help the willing but disadvantaged rise from their humble origins. Mind you, the land in question apart from the flats at Naas were not the first class land on the run and in most cases the de Salises had agistment rights on the land. Thus their support was not exactly disinterested. Nonetheless it was an important part of the de Salis strategy, as a noble estate always required the odd trusty yeoman to help the "lord".

In giving some selectors a fair go we see the shared domestic ideal and the essential problem of selection. Both the de Salises and the selectors had the aim of achieving the domestic ideal - the home, the hearth and family. The difference was in the scope of the establishment, the selectors looking for the small farm and the de Salises trying to maintain the landed estate. Selection pitted two groups with the same underlying aims against each other in competing for the same land. The de Salis family was ready to help the respectable servants achieve the ideal of a small farm and residence so long as it was in their own interest to do so. If it were not, well clearly Leopold's first loyalty was to his family. Thus the traditional Australian bush notions of egalitarianism and the "fair go" in this case are seen to be tempered by self interest.

## Land Sharks

On the 7<sup>th</sup> June 1880, George de Salis records that Oldfield's selections were up for sale.<sup>171</sup> John James Wright, who said he was interested in buying Oldfield's stock and wanted to know whether George would buy the land, later approached George. George offered £1 per acre but the next day heard that Oldfield wanted £600 for the 320 acres. On the 7<sup>th</sup> July George saw Oldfield and Oldfield wanted £450 for the land which was still too high for George. The land was sold to J. J. Wright for £346 who then offered it to the de Salises for £390. They declined the offer.

The Wrights,<sup>172</sup> though vocal in their support for free selectors, were not themselves free selectors but grocers and butchers based in Queanbeyan. However, following the de Salis refusal to purchase their land, they began selecting on Cuppacumbalong. Portion 60 was selected on 26<sup>th</sup> August and this was followed by Portions 61 and 62 on 2<sup>nd</sup> September 1880. This gave the Wrights a large part of the northern end of Cuppacumbalong. Wright's action prompted George to organise some selections around the Tharwa Village Reserve and a selection on Paddy's River to contain their activities.

Interestingly George recounts in his diary that on the 4<sup>th</sup> September "McLennan", J. J. M. Wright's brother-in-law, wanted to cross on the punt with the mailbag but Taylor (presumably an employee) referred the matter to George. George reported that he refused permission for McLennan to cross the Murrumbidgee on the de Salis punt as McLennan had been "blowing about what he will do in the way of impounding our sheep". Later that month, on the 20<sup>th</sup> George met with John Wright and after discussing fencing with Wright negotiated the purchase of the selections (some 760 acres) for £500. The land was formerly transferred on the 31<sup>st</sup> August 1881. George noted that Edward (?) Gregory moved into Oldfield's old place on the 7<sup>th</sup> October 1880, so the de Salises must have had effective control from about October 1880.

Later the Wrights were reported by George de Salis as intending to select on Coolemon, clearly in the hope of securing some vital land that either Campbell or the de Salises would have to pay premium prices for (see below). George was able to dissuade them by flashing an official letter about the reserves (de Salis diaries 2<sup>nd</sup> February 1882). The Wrights later selected on Peppercorn Creek.

The de Salises were fortunate that they were never in a position to be attacked by speculative selection, partly because they had secured strategic holdings very early on Cuppacumbalong and, apart from the Oldfields, there was no really conflict on the run. Their strategic position overlooking the crossing at Tharwa allowed them to keep an eye on who was passing over to their land, which allowed them to respond quickly to potentially hostile selectors.

The Coolemon situation was slightly different as Campbell's hostile selections were not land sharking as such but were motivated by the Campbell conflict with the de Salises. At Coolemon the de Salises deployed both their financial influence and their

<sup>171</sup> This was because Old Joe wanted to return to England.

<sup>172</sup> These were JJ Wright "father of Queanbeyan", and his son JJM Wright. They were not related to James Wright former owner of Cuppacumbalong and Lanyon.

links into the system (see the discussion on the Reserves) to bluff the Wrights into selecting elsewhere.

### IMPROVING CUPPACUMBALONG LANDSCAPES

The Land Acts placed emphasis on improvements on all selections and residence on the original conditional purchases. Given that much of the de Salis property was held as conditional purchases or improvement purchases, the process of taking up selections or making improvement purchases had a direct impact on the environment for there was a legal requirement for improvements to be made and this was reinforced by regular inspections. So, in defending the run, the de Salises were also required to undertake improvements. Improvements of course involve changes to the landscape so the pattern of selection and the de Salises responses resulted in the modification of the landscape to "improve" it. Thus the actual squatting landscape is a result of the patterns of land ownership and the associated improvements.

The Conditional Purchase files record the process of improvement. Firstly the initial application was supposed to record any existing improvement on the land (for which the owner was supposed to be paid compensation). Then the surveyor of the land was supposed to record improvements and their value. After one year the selector was supposed to make a declaration as to residence and improvement and then the selector was supposed to make a final declaration after three years. After each declaration the Inspector of Conditional Purchases was to make an independent assessment of Improvements. Inevitably there were cases of discrepancy in value. The de Salises were noted on a number of occasions to have made fairly large claims for the value of improvements which were challenged by the Inspectors, in particular Charles Cropper, a redoubtable foe of the de Salises.<sup>173</sup> These disputes ended in the Land Courts or in Commissions of Inquiry. Once all the improvements and residence had been verified then a final certificate of conformity was issued, leaving the selector with nothing to do except pay off the land.

All improvements were recorded and filed on the relevant file for each conditional purchase. It is possible for the impact on the landscape of the process of selection to be assessed using this information. A database of improvements has been established. The assessments of improvements in the applicant's declarations have been ignored as likely to be overstated. A greater emphasis has been placed on the surveyor's assessment and the records of the Inspectors. The analysis has also ignored dummies as there is no doubt from the de Salis diaries that the improvements were all made and paid for by the de Salises. Improvements made by dummies have been included in the assessment of the de Salis estate. Theoretically it should be possible to work out how much improvement occurred but there seems to have been no regular inspection until the 1870s and detailed and consistent records of inspection only exist from the 1880s.

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<sup>173</sup> George de Salis wrote of Cropper, "I do not know why he has a down on us unless it is that we do not bribe him for I feel he is a man to be bought" (de Salis diaries 6<sup>th</sup> August 1880). There is no evidence that the de Salises ever tried to bribe Cropper who later rose in the Lands Department bureaucracy to become Chief Inspector for NSW.



Table 7:4 has been prepared using the database and expenditure on improvements has been categorised into four categories, similar to those used by Butlin of looking at capital expenditure on pastoral stations in the Western Division of NSW.

**Table 7.4 Summary of de Salis Improvements on Cuppacumbalong Run**

<b>Buildings</b>	<b>Clearing</b>	<b>Fencing</b>	<b>Water conservation</b>
£644.7	£1582.22	£1123.26	£44.12
18.99%	46.61%	33.09%	1.3%

This table should be treated with extreme caution given the inconsistency of the records on which it is based. But it shows general tendencies over the period 1860 to 1892. These are that:

- The value of land clearing activities is almost half of the expenditure.
- The value of water conservation improvements is minimal.

The critical point being that land clearing, of all the improvements, has the most direct impact on the environment.

These proportions stand in contrast to those estimates in Butlin (1962) who noted the emphasis on fencing and water conservation in capital improvements. This is not at all surprising given that Butlin studied the Riverina and Western Plains where water is limited and the land is naturally savanna grassland or open woodland. In the Canberra region, where the environment has abundant water and trees are common, particularly on the margins of the flats, improvements emphasised clearing.

The nature of the types of improvement and their impact on the landscape are discussed below.

### **Buildings**

With every conditional purchase the selector was required to reside on the land for a year at least. So for every conditional purchase series a residence was required. This varied from the gunyah "a miserable affair & unfit to reside in even in fine weather" to a more substantial house with floors, ceilings, stone chimneys and verandahs. The difficulty for the de Salises was that they lived at either Cuppacumbalong or Naas homesteads, both of which were on freehold land, so there was no scope for extensive homestead construction. Furthermore, after a year's residence, it was often the case that a hut was no longer required on the land and could be moved.

George de Salis was shown a portable hut in Sydney and, although it is unclear whether he actually purchased portable huts from the Sydney merchant or merely had hut frames made locally, the huts on the de Salis property were regularly moved as required. All that was required to make a serviceable hut was a frame of stout timbers and some galvanised iron to make the walls, roof, and chimney. George de Salis records having frames of huts 20' by 12' made for £50 (de Salis diaries 25/4/1873).

Huts were moved onto selections and then removed once residence was established.<sup>174</sup> This no doubt explains the difficulty in locating archaeological remains of hut sites. Even when their location is marked on the portion plan and the location can be established with reasonable accuracy, little if anything remains. Hut sites were mostly transitory features in the landscape.

The other improvements were “salt sheds” and stockyards. These were more important to the working of the run than the portable houses (although I suspect salt sheds may also have been portable).

### Clearing

Clearing was an important improvement as the essence of selection was to create small agricultural holdings and to do this trees had to be cleared. It was in one sense domesticating the environment by removing the wild trees. The important point is that the process of clearing was occurring as a result of the Land Acts rather than being related to the environmental conditions on the run. There may have been no need for clearing although Leopold de Salis stated that he felt clearing improved the land by increasing run off, so it is likely that some clearing might have occurred regardless of the Lands Acts. In the debate on the *Ring-barking on Crown lands Regulation Act 1881* in the Legislative Council<sup>175</sup> Leopold de Salis loudly proclaimed the virtues of ring-barking as an improvement to the land (rather than, as other members argued, an environmental problem). De Salis argued that ring-barking was an improvement that ought to be valued. He cited a forest ranger that had inspected his run as commenting that, “instead of being punished for the ring-barking on it I ought to have been punished if I had not done it; so great was the improvement to the land, and so much needed the work.” De Salis continued “If there had been Scotch thistles or Bathurst burrs on the run which spoil the grass, ought I not cut them down? *Ordinary trees are but gigantic weeds, choking the land and thus detracting from its value by preventing the growth of grass*” (emphasis mine, de Salis, *NSW Parliament Debates Session 1881:1347*).

Clearing seems to have occurred in a variety of stages. First was ring-barking which involved cutting a deep groove around the sap wood of a tree with the aim of cutting the supply of sap to the branches from the roots and causing the tree to die. Associated with this was the picking up of dead wood and removing it, usually by burning. The ring-barked trees took some years to die and were left in situ creating a landscape dotted with dead trees. As Henry Lawson noted in his poem *Skeleton Flat*:

“And round all the trunks of the naked white trees  
The marks of the death-ring are seen.”

Later he refers to the “skeleton wraith of a wood” (Lawson *Skeleton Flat*, 1890).

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<sup>174</sup> This also means that huts were often counted twice or more in the valuing of improvements thus the figure in Table 7.4 is likely to over-estimate the value of buildings.

<sup>175</sup> The debate in the Legislative Assembly was more about political point-scoring than that in the Council, which took a decidedly “scientific” turn, reflecting the more gentlemanly nature of the chamber.

Ring-barking often caused the tree to react by putting out suckers which hopefully would regenerate the tree. Often you can see this on mature trees where two trunks grow out from a point of common origin. Thus it was important to "sucker" the land or remove these suckers and new growth to make sure ring-barking was effective in removing trees. The removal of trees often promoted rapid growth and colonisation of land by scrub species and scrub removal also became an important task. But if the land had already been inspected and a final certificate of conformity issued then there was no reason to expend money on scrubbing.

The dead wood was also often "packed" or picked up into piles and then burnt. Often the selection was also burnt to destroy new growth. Finally the roots of the tree were "grubbed," this involved cutting the roots of a tree at depth and removing the stump. Usually this was done for ploughing but is regularly mentioned as improvements on de Salis land used for grazing.

The de Salises seem to have ring-barked virtually every portion under their control, except those on Coolemon (see below). It is difficult to believe that some portions even required ring-barking, being basically grassy plains. However clearing was one of the few options for the squatter in making genuine improvements, given that there was no point in bringing land under cultivation on what was a sheep run miles from any reasonable market. For the de Salises there might well have been a sense of mission about ring-barking given Leopold de Salis' public comments on the subject quoted earlier.

The entries in George de Salis' diaries indicate that he employed small teams of two to three people, usually local residents on a contract basis, to ring-bark and improve portions. In addition there is mention of deliberately setting fire to some land. The de Salises seemed to exaggerate the value of ring-barking particularly in the early years of selection. Later, the Inspectors of conditional purchases seem to give ring-barking a much lower value. Whether what the de Salises called ring-barking involved more work than what the Inspectors called ring-barking is difficult to tell. I suspect the de Salises were over-claiming the value of improvements. When the regulations changed and the Local Lands Board began to specify improvements, it is notable that they only specified fencing of selections rather than insisting on clearing. This probably reflects the local situation in the County of Cowley where agriculture was not going to be viable in the mountainous terrain.

The impact of clearing on the landscape was probably not felt for some years until a threshold was reached and sudden gully erosion initiated. Following Prosser's work (1991; Prosser *et al.* 1994), it is likely that this threshold was different for each catchment depending on the configuration of the catchment. The amount of rainfall was also an important factor. As selection was not uniform over all the catchments or the Cuppacumbalong run, clearing would only occur in certain areas depending on whether they had been selected or not, again reinforcing the tendency for the impacts of clearing to occur differentially across the landscape rather than uniformly across a squatting run.

The burning of the landscape would have reinforced the effect of clearing by the squatters. George de Salis records several occasions where fires were deliberately set on Cuppacumbalong. With the increase of fencing on the land however the setting of



fires would have declined due to the possibility of expensive fences being burnt out. On Coolemon, there are frequent references to burning the plains especially in the spring. This would encourage new growth for the sheep to graze. Burning however was not seen as an improvement.

## **Fences**

Fencing of squatting runs as discussed in Chapter 3 began in the late 1840s and was progressively adopted across South-Eastern Australia. The principle advantage lay in the reduction of labour costs and increasing stocking rates. Various forms of fences were constructed, ranging from the dry stone walls of the Western District, chuck and log fences, post and rail fences and increasingly from the 1850s wire fences of varying types (see Pickard 1992, 1997). Generally fencing is not considered to be a major agent of environmental change however Pickard (1994), has drawn to our attention that fences required wooden fence posts. He estimated that for Myall station (in the Western division) some 20,000 trees would have been needed to provide the fences shown in the historical evidence (1994:70-71). Myall was a Western division run where timber sources were scarce and the impact of cutting the trees would have been more pronounced. However providing fences would clearly have impacted on timber stocks even in the Canberra region.

From the squatter's point of view, fencing, while important in managing stock, was inconvenient if running around every small portion. Thus many of the de Salis fences on portions were not fencing the portion boundaries but part of a larger scheme of fencing on the run creating paddocks suitable for stock. Thus the rectangular pattern of selection on the parish plans would not be matched by a similar pattern of fences on the ground.

Following the passing of the *Crown Lands Act* (1884) every conditional purchaser was required to fence the boundaries of the conditional purchase with a substantial fence of the "prescribed classes" and maintain the fence in good repair during the period of residence required by each conditional purchaser (*i.e.* five years under the 1884 Act). The LLB could extend the period for fencing and exempt the selector from fencing frontages or other natural boundaries (Section 33). This section was no doubt aimed at preventing disputes over straying stock and selections not being appropriately fenced along their boundaries. The requirement for fencing would have had the effect of increasing demand on timber resources and encouraging clearing.

Under the Crown Lands Regulations 1884 six types of fences were specified but this seems to have been insufficient and, through various amendments to the regulations, the classes of acceptable fencing was increased. In the late 1880s the Local Lands Board began to specify the type of fencing and the area it was to enclose. This was frequently the whole conditional purchase series rather than smaller portions. Often a conditional lease and its associated conditional purchase were required to be fenced. There was also a requirement for a selector to obtain official permission to enclose a watercourse and to enclose a road with fencing.

## **Water conservation**

There is no record of the de Salises ever constructing a dam, well or bore which reflects the success they had in controlling the flats with their good water supply. Other dams are recorded as being constructed by selectors on the ridge crests where water was short. Generally, water conservation was not an issue in the broader area due to the good and reliable rainfall in the region.

### **Draining of swamps**

Improvements on the Boroombah run by the McKeahnie family (neighbours of the de Salises) inevitably included the construction of drains to drain the swampy flats and this seems to be a common activity elsewhere in the district. It is, of course, of short-term benefit in improving animal health (as it reduces the risk of footrot) but as the swampy flats acted as de-facto dams, draining swamps has a long term effect of reducing water available for the stock.

In considering the overall pattern of husbanding the run, the de Salises having gone down the route of establishing the estate by conditional purchase were also locked into the requirement to "improve" each portion. This requirement existed irrespective of whether a portion actually needed to be "improved" or not. Fortunately by the 1880s, it was possible to count improvements across a conditional purchase series. This allowed improvements to be more closely related to the realities of grazing. However "improvement" was still being derived by legislation rather than by the realities of grazing and the environment. This explains why some areas once ring-barked were allowed to regenerate, the ring-barking was not a requirement for using the land.

The sequence of improvement (i.e. where and when it occurred) is tied into the way the de Salis freehold estate was established and which portions were selected rather than Leopold de Salis' plan for managing the run. Although, given Leopold's interest in ring-barking, no doubt a lot of the land would have been ring-barked in any case.

### **CONCLUSION**

The de Salises used a variety of strategies to fashion the de Salis freehold estate out of the leasehold run. Detailed study of the individual portions through the Lands Department files combined with the diaries of George de Salis, has allowed a unique insight into the process of husbanding a squatter's estate. This process was largely controlled by the patriarch of the family Leopold de Salis, assisted by his son George who was the manager of Cuppacumbalong and Coolemon. However Leopold did not have a free hand in the creation of the estate as he had to work through a system of legislation, regulation and bureaucracy which, while underpinned by commonly held notions of domesticity, had the aim of promoting the "yeoman" farmer rather than the squatter.

The importance of the evidence in the de Salis diaries, with their insider's look at husbanding the run and the Lands Department records, with their view of the process, is that for the first time the way the legislation and regulations were manipulated to create an estate is revealed. Nevertheless, it was not a simple process, for at this level

the personalities of the individuals involved, and their social roles can be seen. Thus, unlike the broad view of squatter versus selectors which sees them as being diametrically opposed, a more subtle understanding is achieved.

The first means used to create the estate was that of exercising their pre-emptive right under the Orders in Council. In this case, Leopold seems to have left matters a little too late and found his rights limited by modifications to the regulations introduced in 1860. He was able to obtain six portions that allowed him to secure his out-stations and key flats on Cuppacumbalong. By accident, he was able to secure Cuppacumbalong homestead through purchase without competition of village lots at Tharwa.

However Leopold de Salis secured most of the land through the process of conditional purchase under the various Land Acts. By using dummies and by family selections the de Salises were able to gain control of the most valuable land, the flats within Cuppacumbalong run (and Naas after 1869) and turn much of their leased run into freehold estate.

By the process of counter selection and some sharp work in the Lands Office they were able to "quarantine" hostile selections by the Oldfield family. Later they sought to reach an accommodation with them to allow the Oldfield's to create a small farm for themselves. The de Salises were ready to support "friendly" selectors by allowing them to select on non-essential land. A pattern of land ownership of a large estate with small farms on the margins was created. The actual shape of the land was created according to the surveyor's regulations of the time which aimed to prevent squatters from squeezing out selectors. Thus some selection patterns were suspected of "peacocking" the land and were rejected.

As all parties mainly used the selection provisions of the various Crown Land Acts the creation of an estate was linked with the need to make improvements to the land. On Cuppacumbalong these improvements were mainly clearing, followed by fencing, construction of buildings and some dam construction. On Coolemon there was minimal clearing recorded and the majority of improvements were fencing and buildings. These differences are due to the different environments on the two runs.

The link between selection and improvement is crucial in understanding how the landscape changed during this time. The de Salises and the selectors were forced to improve, irrespective of any need to for grazing purposes, although given the strong commitment of Leopold de Salis to ring-barking, it is likely that Cuppacumbalong would have been ring-barked as a demonstration of his ability to husband the run according to the latest principals of "scientific" farming.<sup>176</sup>

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<sup>176</sup> In this context, it should be mentioned that William Farrer, one of Australia's early "agricultural scientists", consulted with Leopold when producing his tract on sheep farming. Later Farrer married into the de Salis family.



The impact of the de Salis husbanding and the elements discussed above in creating the Cuppacumbalong landscape are outlined in the following chapter which focuses on the creation of the de Salis cultural landscape on a catchment by catchment basis.

**CHAPTER 8: CREATING THE DE SALIS  
CULTURAL LANDSCAPE**

## INTRODUCTION

The de Salis landscape was created by using the strategy of working through the Land Acts to control the first class land – the flats, by opposition and accommodation with selectors when appropriate. The use of the Lands Acts required that each portion be “improved,” typically by ring-barking. In this chapter, the transformation of the landscape due to these processes is outlined for each catchment within the de Salis landscape (broadly Cuppacumbalong and Coolemon Pastoral holdings) from the 1860s up until the 1890s. The description is narrative in form and supported with plans and photographs in order to try to give a vision of how the landscape was put together.

The data on the pattern of land acquisition is derived from the Conditional Purchase files, which were searched for all portions on Cuppacumbalong and Coolemon (as well as Boroombah and Orroral). The relevant aspects of the files were copied and filed according to portion numbers within each Parish. Data on land transfer and improvements was entered into a MS-Access database.<sup>177</sup> The Parish maps for Tharwa, Cuppacumbalong, Boroombah, Orroral, Naas, Murray, and Coolamon were geo-referenced and imported into MapInfo, a GIS program. I was able to overlay the parish maps onto a contour map derived from AUSLIG’s 1:250,000 series of digital mapping data. These produced the maps used for each catchment.<sup>178</sup>

Analysis of each catchment was made by a combination of detailed examination of the relevant 1:25,000 topographic maps and by field inspections of all catchments,<sup>179</sup> (except Coolemon which I was unable to get to due to snow). Descriptions of the landforms were made using *Australian Soil and Land Survey: Field Handbook* (McDonald *et al.* 1990) which is a valuable way of describing (and to some extent explaining) the physical environment. The process of combining this information into landscape descriptions was inspired by reading Beresford’s *History on the Ground*.

### CATCHMENT: 1 BARNES CREEK

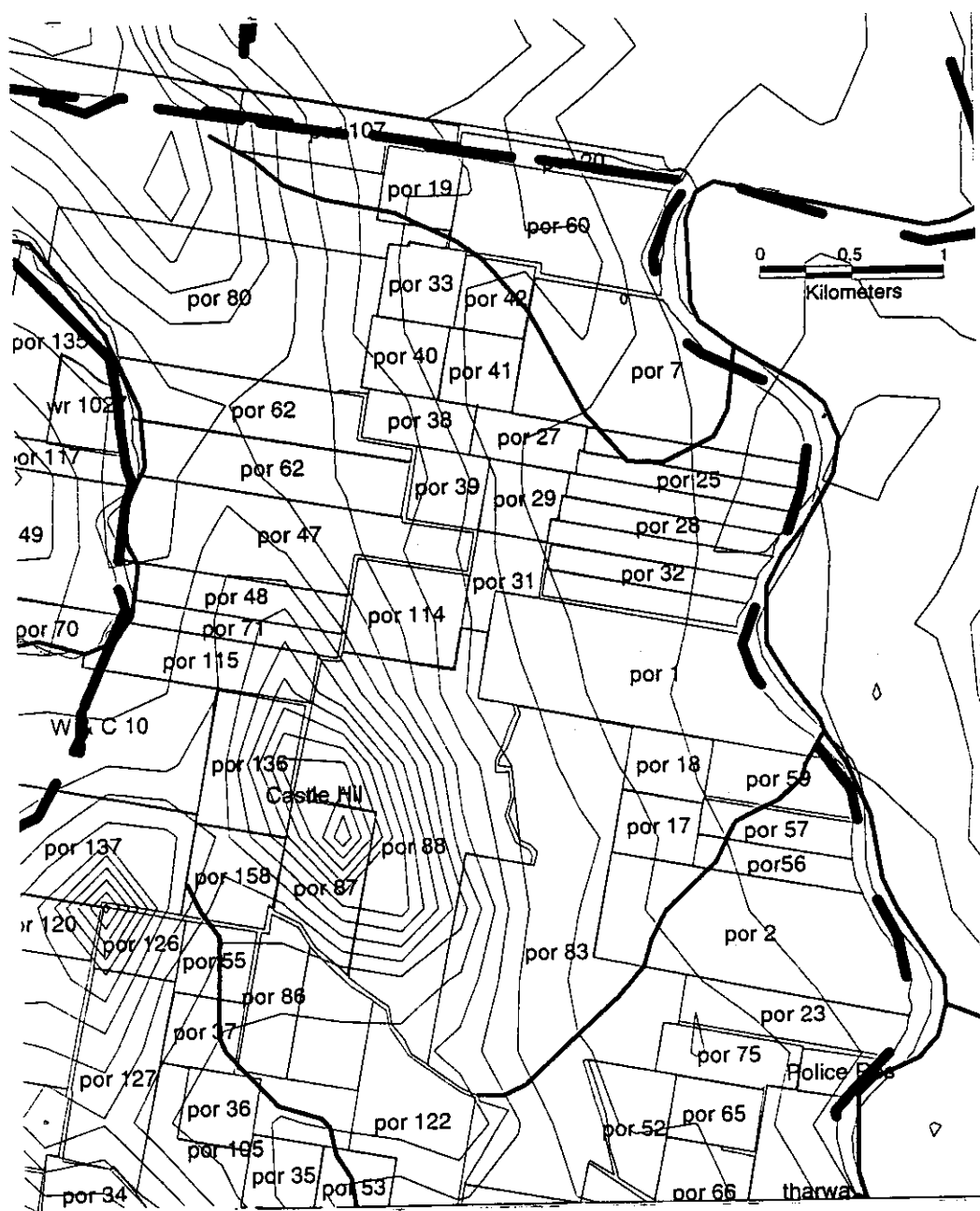
This is the most northerly catchment on Cuppacumbalong. The boundary in this area ran due west from Conlon’s Corner to Paddy’s River. This is mainly the catchment of Barnes Creek, which rises on the eastern side of a ridge running north south from Castle Hill to Barnes Trig Point. This is shown in Figure 7:2 where the photograph is taken on the ridge leading to Barnes Trig Point. The ridge to the east is a simple moderately inclined slope dropping some 120m to a flat. The flat is 600m wide and about 1.2km long. On the eastern side of the flat rises a ridge, 40m above the flat. The ridge lies between the flat and the Murrumbidgee. Barnes Creek runs to the south and then west to get around the ridge. Lambrigg Homestead is on the eastern side of the

<sup>177</sup> Here I gladly acknowledge the help of my sister Meg Stuart in establishing the database.

<sup>178</sup> The overlay of the different layers of data was not precise, no doubt due to the well-known difficulties of using the cadastral plans, which were not precisely tied into any form of geoid.

<sup>179</sup> I was assisted by Miss S. McKay on several field trips.





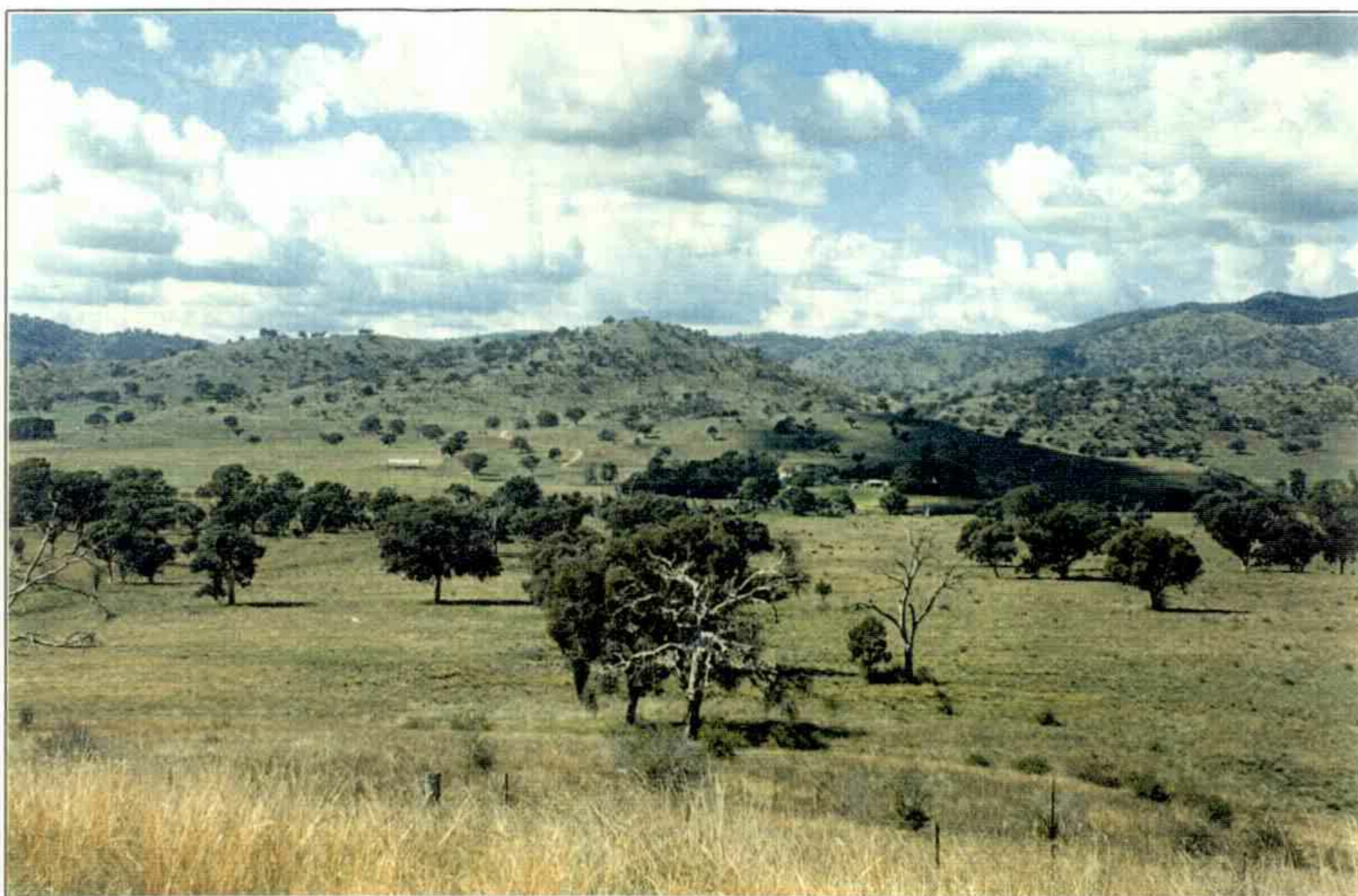
**Figure 8.1 Portions in Catchment 1**

ridge and a private graveyard (probably containing the remains of William Farrer) is located on its crest.

The initial selections of Portions 7, 19, & 20 in 1863 were protecting frontage to the Murrumbidgee. The garden and hut shown on the plan of 1864 were probably some form of out-station. Portion 20 took in an area known as Conlon's Corner although who Conlon was is a mystery. These selections lapsed and were later purchased at auction. Improvements are not recorded although the portion plan shows huts and cultivation on Portion 7.

The subsequent selections really relate to the Oldfield's conditional purchases and the de Salises attempts to control the extent of their selections. Thus Portions 24, 25, 26,





**Figure 8:2 Photo of Catchment 1 from the South-West showing flats and Lambrigg Hill**

27, 29, 33, 38, 40, 41 and 42 totalling 400 acres, created between 1867 and 1873, were all selected. Portion 60, which was selected by J. J. M. Wright in 1880, was improved by the de Salis family as the bulk of the improvements were done by April 1885, after the de Salises purchased the conditional purchase.

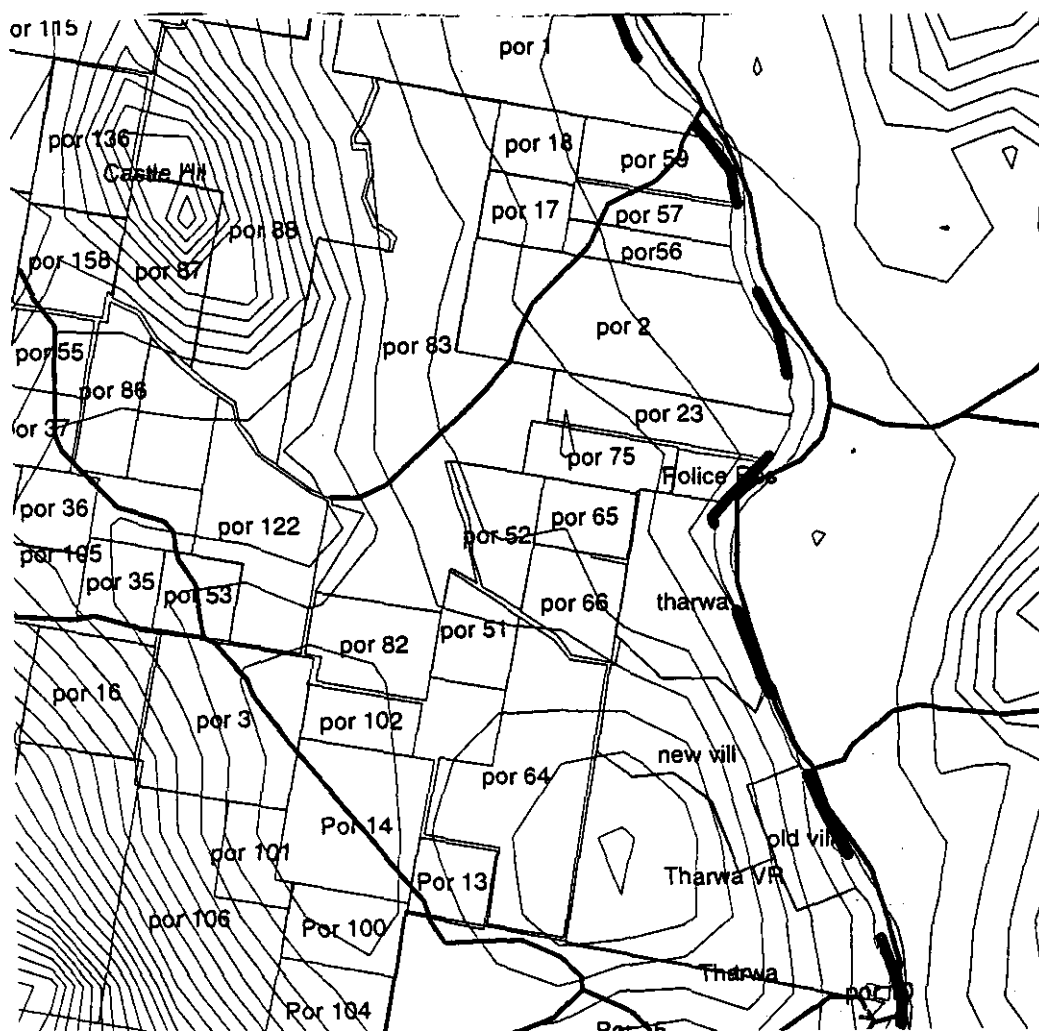
By November 1877, the date of Cropper's inspections, the majority of the land in the catchment seems to have been ring-barked and some boundary fences erected. The most intensive occupation seems to have been located on the Murrumbidgee river frontage where hut, gardens and cultivation was developed. Ultimately William Farrer, who married Nina de Salis in 1882, developed the area around Lambrigg and used it for his experimental wheat crops.<sup>180</sup> Much of this land lies in the flat and valley sides but no single portion takes in the flat, suggesting the aim of the selections was to block in the Oldfields.

The land to the west, Portions 80, 81 and 107, were not taken up by the de Salises and were effectively lost to the Cuppacumbalong run. Portions 80 and 107 were not selected until 1890 and 1882 respectively.

## **CATCHMENT 2: MURRUMBIDGEE NORTH OF THARWA**

<sup>180</sup> William Farrer is well known for his wheat breeding experiments at Lambrigg, which resulted in the famous "Federation" strain of wheat. The great irony is that the wheat was developed in sheep country!





**Figure 8.3 Catchment 2 Murrumbidgee North of Tharwa**

The area to the west of Tharwa consists of a ridge running north west from the Tharwa Trig point (overlooking Sawyers Creek) through to Castle Hill. The area to the east of this area and south of catchment 1 is in this catchment. Although the slope east from Castle Hill is steep, the slope east from the remaining ridgeline is moderately sloped, dropping some 100m to a flat which then gently slopes to the Murrumbidgee. The flat is roughly triangular with the base being the northern boundary of Catchment 1 and is 1.2km wide. The apex is the Tharwa Cemetery, some 3.4 km south. From this point south the terrain is moderately sloped right down to the Murrumbidgee. The catchment has a number of small watercourses running west from the ridge line (see Figures 8.3, 8.4).

The area was first taken up by the pre-emptive purchases of Leopold de Salis and described as good agricultural land. Portions 1 & 2 were linked by selections of Portion 17 & 18, which lapsed and were purchased at auction in 1869. These selections took up much of the flat. No record of improvements exist for any of these portions.





**Figure 8.4 Catchment 2 looking South from the flanks of Castle Hill ridge**

The northern border of this catchment was part of the land disputed by the Oldfield's and the de Salises and the selection and improvement pattern is a result of this action. There were also the small selections of both Harris and Robertson which eventually were taken over by the White family. Portion 23 (and 75 until they lost it) was used as their home and Portions 56, 57 & 59 as dummies for the de Salises. This was in an area of moderately sloping land which could not be considered to be as good a quality land as the flat to the north.

The De Salis family made selections further inland in the hills west of Tharwa during 1880-1881. Selectors John Sheedy and Daniel White made later selections and conditional leases of land around the margins of Castle Hill in the early 1890s.

Improvements generally consisted of ring-barking and clearing, with more intense cultivation and houses built on the selection blocks. Initial improvements of clearing, fencing, and a house were recorded on Portion 23 as part of Harris's selection in the period 1867-69. Improvements on the Oldfield selections were complete by 1877. Improvements on Robertson's selection were made between 1878 and 1880. Improvements on the de Salis selections west of Tharwa were made between 1885 and 1888. Finally, a fairly substantial set of improvements were made by Sheedy on Portion 88 (386 acres) including two dams and numerous farm buildings from 1890 to 1894.



### CATCHMENT 3: SAWYERS GULLY

Sawyer's Gully, otherwise known as Spring Gully lies between the ridge leading to Clear Hill and the main ridgeline from Mount Tennent. Both ridges run roughly parallel to each other to the north-west creating a 6km long valley some 600m wide. The valley is actually slightly wider at the head and entrance than in the middle. It is very gently inclined along its long axis. A cross section from the Mount Tennent ridge line to the Clear Hill ridge line shows a steep complex slope dropping some 400m in 1.4km from Mount Tennent until Sawyers Gully flat is reached. The flat is about 600m wide and bounded on the north west by Sawyers Creek. The terrain across the flat is very gently inclined. Sawyers Creek is moderately deep with steep eroding cliffs and evident gully erosion. On the north western side of the creek there is a moderately inclined slope rising some 50m in 300m to the crest of the Clear Hills ridge. Sawyers Gully is mostly cleared and grassed with a few areas of weed infestation.

Two of de Salises pre-emptive selections, Portions 3 and 15, were located in this valley. Portion 15 protected a large cultivation paddock while Portion 3 higher up in the valley protected an out-station. These were followed by conditional purchases (by George de Salis) of Portions 13 & 14, which linked the two previous portions along Sawyers Creek in 1863. Portion 8, which borders Portion 15, was also selected in 1863. These selections secured the catchment for the de Salises.

The de Salises established Fishlock as a dummy in the north-western corner of the catchment by a series of conditional purchases (Series 14) in 1873 and 1874. This secured the creek and then was used as a base to expand outwards to the valley sides in 1883. At the same time, the series based on Portion 13 (Series 13) was expanded to the north into Catchment 2 and to the south to take in land along the valley sides. Portion 16 and Portion 22 were taken as improvement purchases in 1884. This seems to have secured the land the de Salises wanted for there was no further selection until 1890 when selectors began picking at the land around Castle Hill. The McKeahnies took up some of the hills along the boundary between Boroombah and Cuppacumbalong (*i.e.* the western edge of the catchment) mainly as conditional leases. Leopold de Salis took up some land along this edge at the same time (1891).



**Figure 8.5 Catchment 3 Sawyers (Spring) gully**

The improvements by 1863 were areas of fencing and cultivation on Portion 15 and a hut on Portion 3. Portion 8 had no improvements on it when surveyed in 1864. Portions 13 & 14 similarly had no improvements when surveyed in 1864 but by 1866 improvements of cottage, farm buildings, milking, stock & pig yards, fencing, clearing and draining of lands to the value of £170 were claimed for both portions. How accurate this was is unclear as this was a declaration statement and not verified by inspection. The buildings and yards were certainly not evident when the area was surveyed in 1999 but equally there were no trees!

The records on the Series 13 Conditional Purchases are patchy but generally it can be assumed that all the portions would have been ring-barked and partly cleared by 1877. An iron house was established on Portion 35 and this would have been Fishlock's residence (and probably was the out-station called "Spring Station" by George de Salis, as the de Salises called this area Spring Gully).





**Figure 8.6 Sawyers gully looking North West**

Selection on the sides of the flat resulted in intensive clearing. Not only was each Portion ring-barked but the land was scrubbed, packed, suckered and burnt, creating a grassland or, more precisely, expanding the grassy flats to the valley sides. This occurred between 1883 and 1888. The improvements on Portions 16 and 22 were fencing, clearing and ring-barking, a salt shed and stock yards on Portion 16 and a house on Portion 22. The clearing was undertaken in 1884. No doubt, one effect of this was increased erosion. There is severe gully erosion along Sawyers Creek and in eroded sections of the creek evidence of recent deposition of sediment.

The final phases of improvement occurred in the 1890s when small selections were established around Castle Hill, on the flanks of Mount Tennent and on the border of Boroombah and Cuppacumbalong. By this time, emphasis in the regulations was placed on fencing of boundaries rather than clearing, and so the improvements were mainly fencing. The land taken up must be seen as second class on account of its steep slopes, poor quality of vegetation and lack of water.



#### **CATCHMENT 4: GUDGENBY RIVER –WEST BANK**

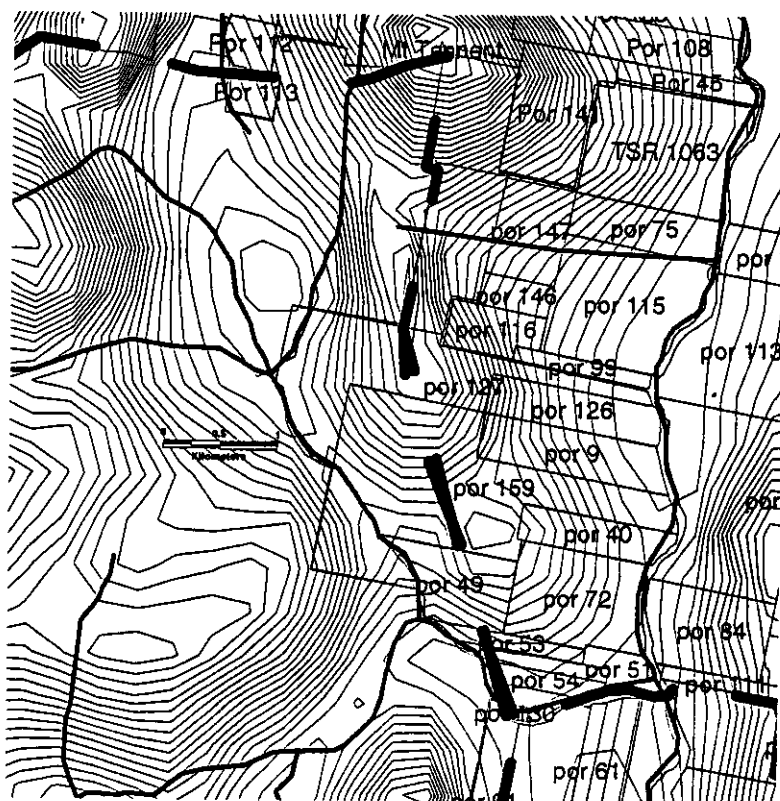
The southern boundary of Sawyers Gully is a poorly defined ridge running east from Mount Tennent and meeting high ground which forms an extension of the Clear Range. Here the Gudgenby River flows through a gorge. Travelling from Tharwa to Naas this area is marked by a complex but gently inclined slope to the crest of the eastern ridge, which is followed by a more gently inclined slope. This area is 1.7km long and marked by numerous granite boulders. The boulders and scrubby nature of the country meant it was not good quality and it was not intensely settled until the turn of the century. This was also the site of TSR 1063 and Water Reserve '6. The catchment is bounded on the east and south by the Gudgenby River and on the west by the boundary of Cuppacumbalong Run, which runs along a ridge from Mount Tennent. The shape of the flats in the catchment is rather like a J.

The flats start about 2km south of the northern border and gradually widens to the south. A typical cross section is a moderately inclined simple slope from the Mount Tennent ridge leading to a flat bounded by the Gudgenby River. In the north, the flat is about 200m wide but in the south near the junction of the Naas River, it is some 800m wide. As the Gudgenby River curves around the hills, the flats narrow to about 100m.

This catchment was the location of an out-station since Wright held Lanyon (one of Wright's shepherds was charged with letting the sheep mix with Herbert's at Naas). Portion 9, a de Salis pre-emptive purchase, contained a hut and gardens and presumably was the location of the out-station.

No selections occurred in this area until December 1874 when the series of conditional purchases (Series 6) was established in the south of the catchment on a bend of the Gudgenby River. Henry Oldfield held these as a dummy for Leopold de Salis. As residence had to be established, by 1880 a hut and sheep yard were established on Portion 50 and the remaining portions were cleared.

Portion 72 was taken up as an additional conditional purchase in July 1881 followed by Portion 159 as a conditional lease (of some 647 acres). Finally Portion 40 was selected as an additional conditional purchase in May 1883. In effect, this put the southern part of the catchment into de Salis hands. By 1885 Portion 72 had been fenced and partly cleared and totally ring-barked. By 1887 Portion 40 was ring-barked and partly fenced. Portion 159 being a conditional lease was merely fenced. The final selection in series 6, Portion 49, was made in December 1884 and this land seems to have been cleared and ring-barked, with log and wire fences constructed by 1890.



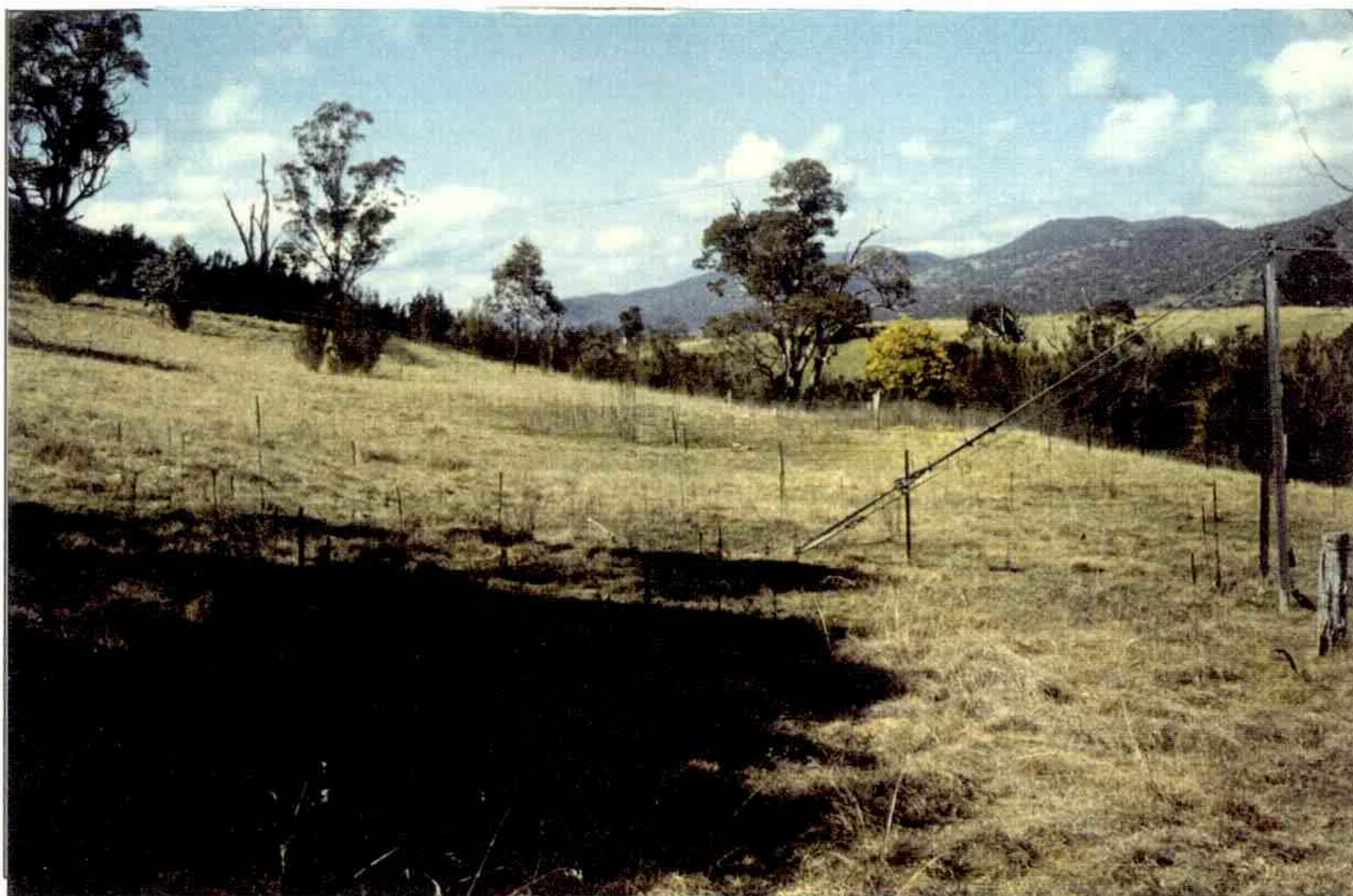
**Figure 8.7 Gudgenby River West Bank**

In the northern part of the catchment Portion 99 was selected in September 1881 by George White. He followed this by selecting Portion 115 in May 1883 and Portion 75 in August 1883. This is Series 7 of conditional purchases, which White was holding for George de Salis. The establishment of this series required a hut (2 rooms) for White to reside in, fencing, and clearing. By 1889 Portions 99, 115 and 75 were cleared and ring-barked.

Portion 116 was taken up in July 1890 as an additional conditional purchase and was reported to be fenced by May 1894. George de Salis took up Portion 117 as a conditional lease in July 1890. This was located to the west of the Series 7 selections up on the flanks of Mount Tennent. When surveyed in 1891 the boundaries were fenced but the lease lapsed around that time.

Andrew McMahon selected the land on the flanks of Mount Tennent in 1892. McMahon was building up a holding of selections on Mount Tennent and he took up some of the original conditional leased land (Portion 117) as selections. The improvements consisted of fencing.





**Figure 8.8 Portion 115 looking west across the Gudgenby river**

#### **CATCHMENT 5: THE LONG GULLY, SOUTH OF MURRUMBIDGEE**

This land consists of a steep ridge rising about 130m from the junction of the Gudgenby and Murrumbidgee River. There is a relatively steeper drop off to the west on the Gudgenby River side. To the east, it is slightly flatter but still undulating with a steep drop to the Murrumbidgee. There is an unnamed creek running about 2km into the Murrumbidgee. George de Salis called this area “the Long Gully” when he recorded the selection of the land in his diary (29<sup>th</sup> August 1872).

This Catchment was selected as part of conditional purchase Series 10, which as discussed above was originally set out to follow the course of the gully. This was deemed unacceptable and the selections resurveyed to their present configuration, fronting the road up the ridge, in 1875. The first selection in this catchment was made in August 1872 when Portions 13, 14 17, 18, and 19 were taken up. Portions 20 and 21 were taken up in 1873. By 1875 an Iron house and a potato paddock were on Portion 13 along with yards on Portion 21 and a salt shed and yard on Portion 20. By 1878, Cropper reported some 80 acres of the series as being ring-barked and also was complaining that the value of improvements were insufficient.



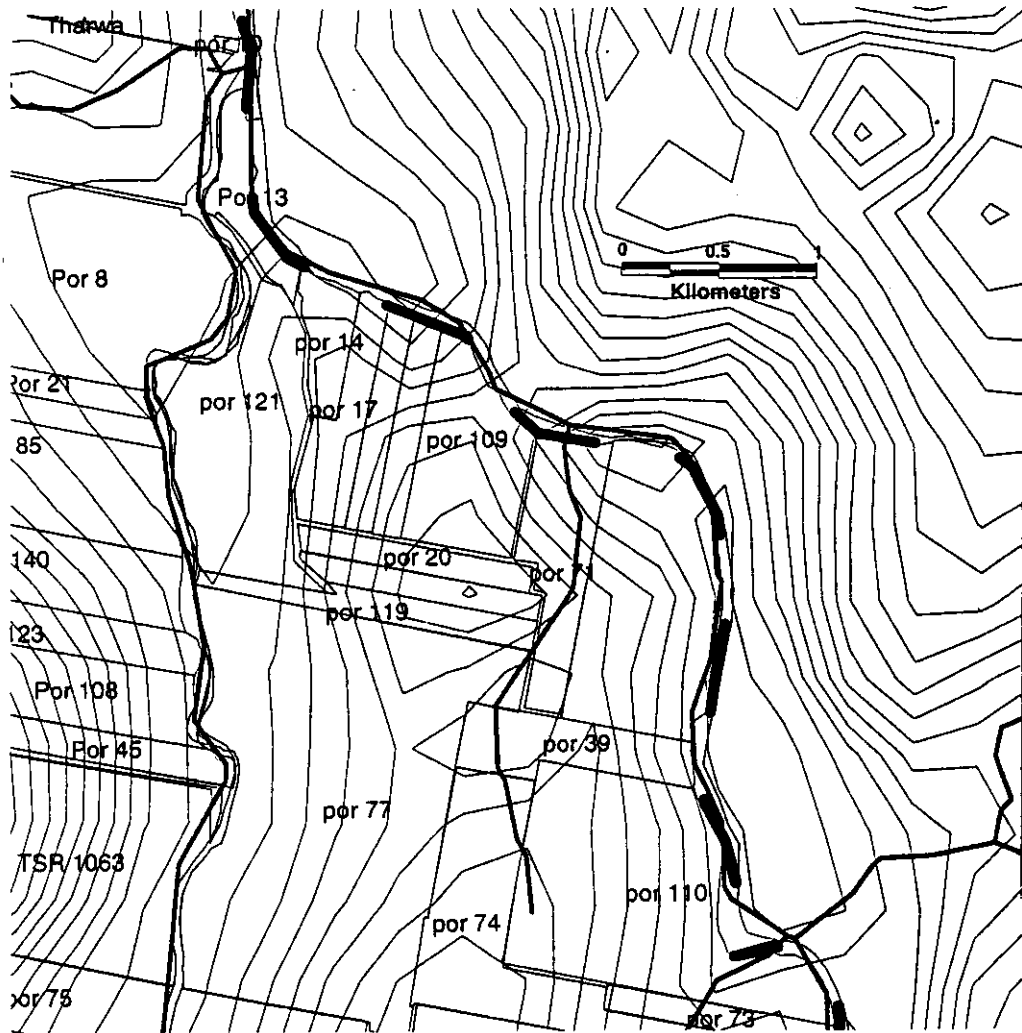


Figure 8.9 Long Gully Catchment 5

Portion 121, which was a portion of some 200 acres to the west of the catchment between the ridge and the Gudgenby River, was taken up in May 1882 as an additional conditional purchase. On survey in July 1884 a small amount of fencing was recorded. On inspection in April 1886 the whole portion had been "sapped" (removing new saplings?) and partly cleared. Twenty acres were scrubbed.

Portion 109 was taken up as a conditional purchase on July 1890 along with portions 71, 122 and 119 as conditional leases. A minor amount of ring-barking was recorded on survey of Portion 109.

The upper reaches of the catchment were contained within parts of Portions 39, 74, 75 and 110 but the files have not been located.<sup>181</sup> Portion 77 was a conditional lease of George de Salis and took in the former Water Reserve WR 6. There is no record of improvements.

### CATCHMENT 6: REEDY CREEK

Reedy Creek catchment is a surprisingly long (approx 9.5 km) and thin catchment (0.6km where it joins the Murrumbidgee and about 1.6 km at its widest) running south, roughly parallel to the Gudgenby and Murrumbidgee Rivers. It rises in the Clear Range near Mount de Salis and for the first 1.5km descends through a flat, then through a short drop of about 100m in 1km, then through a much larger flat about 4.2 km long until it descends through a winding course to join the Murrumbidgee.

The first land taken up was Portion 1, one of de Salises pre-emptive purchases. This was to secure the area known as Binda station and shown on the plan as a hut and a fenced area. Portions 10 and 11 selected in 1862, extended this area to the north while Portions 12, 15, and 16 extended the land to the south. These secured Binda Flat for the de Salis family. The conditional purchases were all allowed to lapse and then were purchased at auction by Leopold de Salis. This in effect deprives us of any information on the improvements. As noted in Chapter 7, Water Reserve 66A and 67 were proclaimed on either side of Portion 1 on 6<sup>th</sup> June 1868. These prevented selection on the sides of the flat.

To the north, Portion 68 was a conditional purchase of 640 acres (the minimum allowed) by Charles Dyball and now is known as Ingledene. Dyball took up the land in April 1881 and held it until 1900. He also held Portion 76 as a conditional lease of 634 acres. Dyball was a carter who worked for the de Salises. Although not a dummy he was clearly seen as non-threatening.<sup>182</sup> The land that Dyball selected was not particularly good, being mainly steeply undulating terrain running down to the rivers. Dyball leased the land to the de Salises for grazing.

Dyball's first inspection in March 1883 listed a 15' x 8' one-room hut made from old iron fencing and a salt shed, total value of around £7. His second inspection in May

<sup>181</sup> This is the only series where the files were not found.

<sup>182</sup> Dyball had two brothers in the district, one was a farmer at Yass the other a grazier at Cooma, both respectable occupations so he may have been seen as a cut above the normal farmer worker.



1885 listed the same hut as well as a three-room hut, 40' by 114', a fenced flower garden, a fenced garden (presumably a vegetable garden), 10 acres cleared and ploughed, a sty, a stock yard and cow bail as well as 640 acres ring-barked, 20 acres packed and 2.5 miles of 7-wire fencing. The total value was £357. The final inspection in April 1886 listed improvements to the value of £375. The extra improvements were in extending the cleared and ploughed area.

Dyball's improvements impacted mainly in the area around his house where, quite clearly, he had established a domestic establishment. Dyball had married in 1868 and had eight or nine children when he took up his selection. What he did not do was to clear much of his 640 acres. Apart from ring-barking and some packing the portions were left relatively untouched. This is in line with his main occupation as a cartage contractor.

Adjacent to Dyball were two selections: Portion 66 which was made by William Smith acting as a dummy for the de Salises in January 1881 and a vacant measured portion made in April 1881. The land was not selected until May 1900 when Elizabeth Clowes, a school teacher, selected the portion. Clowes was not a dummy and seems to have resided on the portion. She was married to John Morrison who later took up Portions 132 and 133 as homestead selections and Portion 95 as a special lease. On the western side of Reedy Creek, running over the Clear Range, the land was held as part of the Cuppacumbalong run and not selected until the 1890s when Portions 80, 82, 83, 123, 128 and 129 were taken up. Similarly, Portion 108 in the south which covers a small flat high up in the catchment was not selected until 1909.

On the eastern side of the catchment, WR 67 was subdivided as Homestead leases in 1899 (see the select committee into the Cuppacumbalong Land Exchange). Again much of the land was held as part of the Cuppacumbalong run and selection did not occur until the 1890s. The selections in the 1890s occurred when the de Salises economic power was waning or after they had lost Cuppacumbalong.

In the Reedy Creek catchment, the impact of improvement was not as great as elsewhere because of the pattern of selection. Once the core area of the flats were secure, which had occurred by 1863, the de Salises maintained the remaining area in the catchment as leased pastoral run, apart from the "friendly" selections of Dyball. Presumably, this reflects the poor quality of the remaining land although the flat selected as Portion 108 would have been of a higher quality. Strategically it would have been also difficult for a selector to enter this area without the de Salises knowing, which may have been a deterrent.

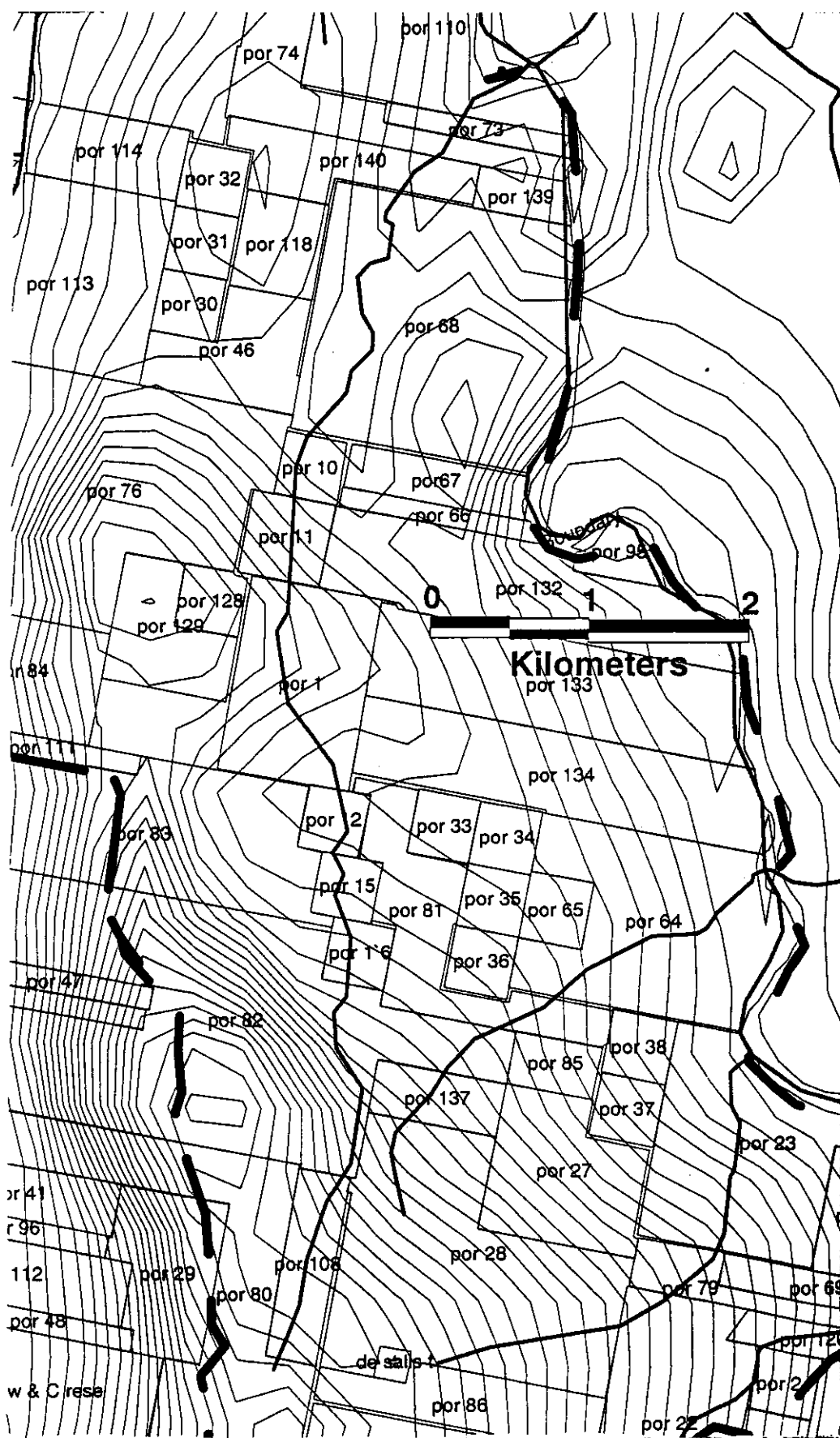
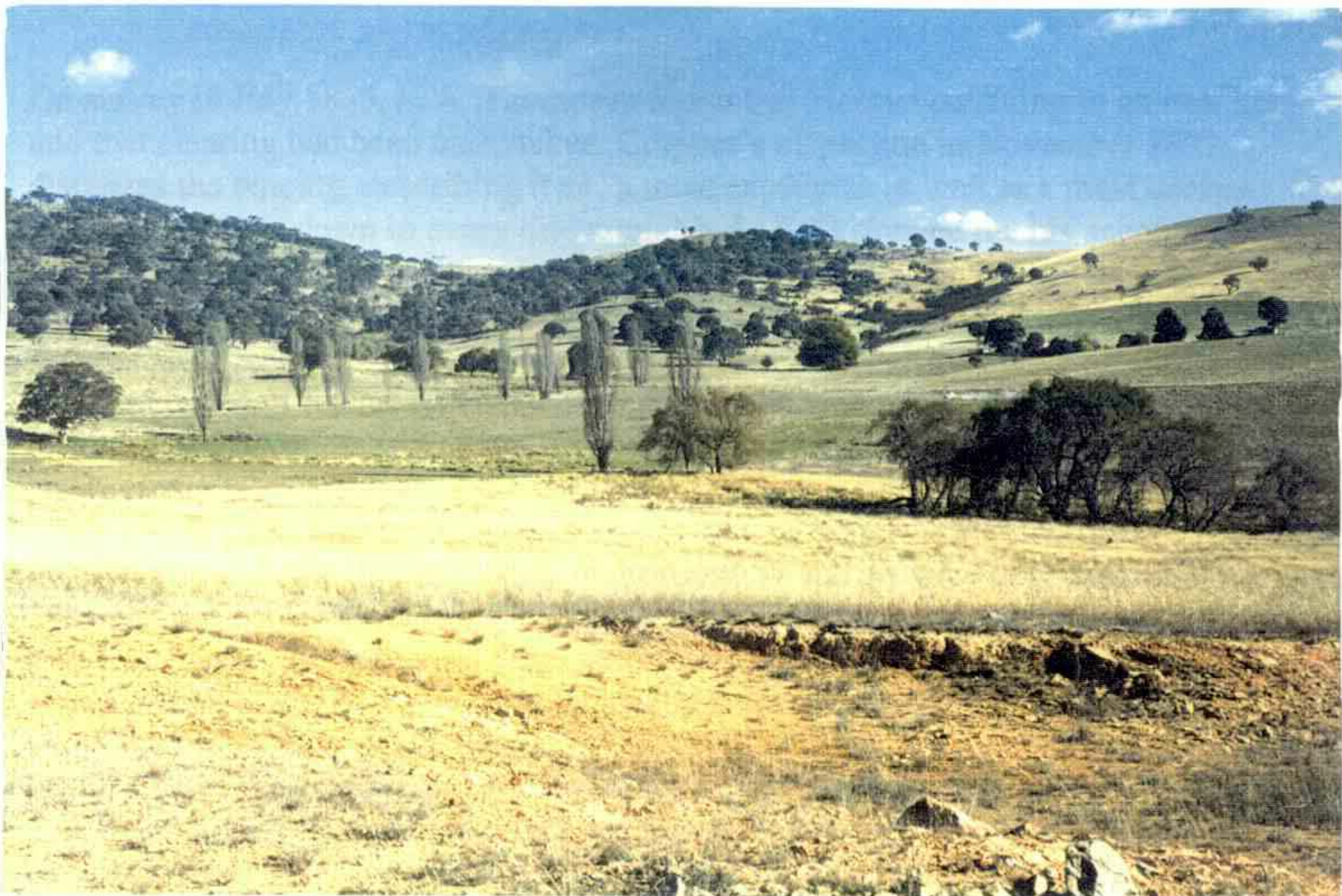


Figure 8.10 Catchment 6 Reedy Creek





**Figure 8.11 Binda Flat, Reedy Creek in foreground, looking south-west**

#### **CATCHMENT 7: CATCHMENTS WEST OF THE MURRUMBIDGEE**

There are a series of small catchments running up to 1km west of the Murrumbidgee and bounded by a ridge forming the boundary between these catchments and Reedy Creek catchments. The characteristic of these catchments is a moderately inclined simple slope rising from the Murrumbidgee of about 100m in 600m followed by a gently inclined complex slope, almost a flat. To the west of this typically is a moderately inclined simple slope to the western boundary of the catchment. The catchments have been aggregated in order to make recording the improvements easier.

The first selection in the catchment was of Portion 23, a conditional purchase of Henry de Salis in May 1873. This was the first conditional purchase in Series 4. This took in rather undulating terrain adjacent to the Murrumbidgee but was shaped to enclose a creek, while the two additional purchases of Portions 37 and 38 in September 1875 took in gently inclined land to the west of Portion 23. Portion 69 was selected in March 1881 but subsequently lapsed. The series was completed by the selection of Portions 69, 78, and 79 as an additional conditional purchase of 240 acres along with a conditional lease (later disallowed) in November 1886.



On survey in July 1875, L. S. Thompson found that Henry was living in an iron hut and that clearing had been undertaken. Cropper's inspection in November 1877 discusses the fencing, describing it as "a most expensive as well as a most useless fence & it is now down in every direction. Mr de Salis shewed me his account from Lassiters & that is what it has cost him" (Folio 78/374 Lands Department - Conditional Sales Branch Correspondence Files No 16/11968 (SRNSW Ref 19/4676)).

The iron house, it seems, had been moved from the land once Henry's period of residence was over, so apart from the fence the only other improvement was 30 acres partly cleared.

For some reason, the improvements on Portions 37 and 38 were only inspected in 1887 and the portions were ring-barked, scrubbed, and partly cleared. Portion 69 was also ring-barked (done several years before) on survey in August 1887. The whole series was reported to be fenced in by a good 6-wire fence in October 1890.

Edward Tandy selected a series of four 40-acre conditional purchases in 1875. These took in an area of flattish land on the western boundary of the catchment. These all lapsed between 1880 and 1882 and it seems that the selections were made to forestall other selectors. Tandy was a dummy for the de Salises. George de Salis took up the land between Tandy's selections and the Murrumbidgee (Series 3) in April 1880. This land comprised gently inclined areas on the west with a steep drop to the Murrumbidgee. The land was transferred to James Gray who completed the residence requirements. Improvements on Portions 64 and 65 were ring-barking, partial clearing, fencing, a dam, a salt shed, and a hut. These were inspected in 1887.

By 1881, the de Salises therefore controlled all the flattish land in this catchment, saving the land around the margins, and the lapsed conditional purchases to be selected by Patrick Kelly and Patrick Smith in the 1890s. The improvements seem to be generally ring-barking with more intense clearing around Portions 37, 38 and 65.

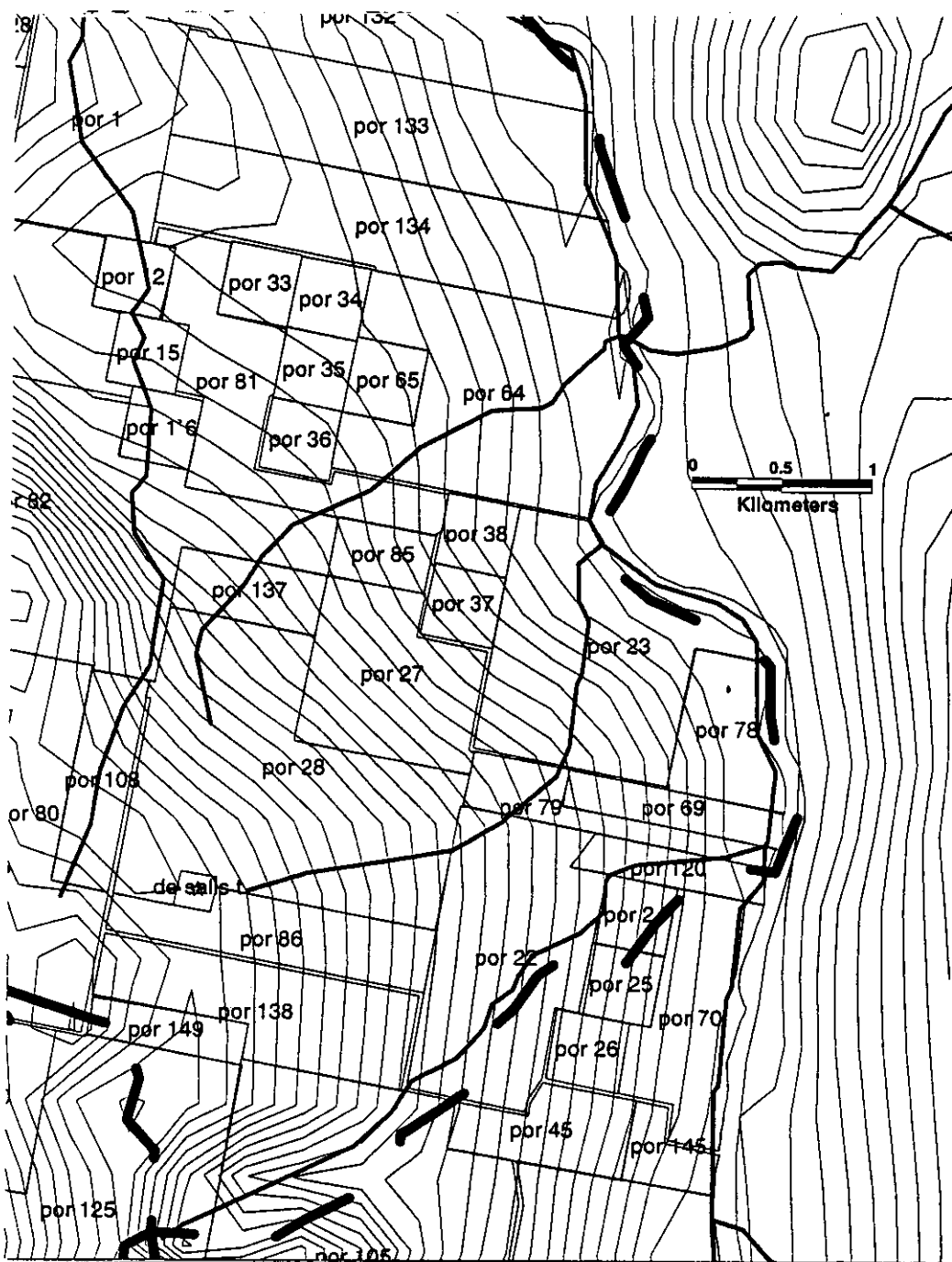


Figure 8.12 Catchments 7 & 8 west of the Murrumbidgee





**Figure 8.13 Land in Catchment 7 looking north-east descending to the Murrumbidgee River**

#### **CATCHMENT 8**

This catchment is similar to the preceding one having a steep gradient of about 100m in 500m on the frontage to the Murrumbidgee with a flatter area to the west and then a steeper rise to the Clear Range. This is the last catchment in this area of Cuppacumbalong Run that was selected by the de Salises.

Selection in the catchment began with the establishment of Portion 26 as a conditional purchase of Martin Nugent, a dummy for the de Salises, in May 1872. Portions 24 and 25 were taken the same day (establishing Series 5). Nugent held the land for two years before transferring it to George de Salis in 1874. The surveyor's report noted an iron house and fencing valued at £7. Cropper's report on all three selections in November 1877 noted the iron house as being 22' x 14' and "now removed". Other improvements were fencing and 20 acres partly cleared and grubbed.

Portion 70, filling the area between the initial selections and the Murrumbidgee, was selected in April 1881. In May 1885 Inspector Manton recorded 160 acres ring-barked and 20 acres packed along with 40 chains of wire fencing. George de Salis then selected Portion 120 in July 1883. This selection linked this series of selections with those of Henry de Salis in Catchment 7, at this stage Portion 69, which had not yet lapsed. However, George de Salis' selection was not allowed as it exceeded the maximum permissible frontage to the Murrumbidgee (80 chains) and thus the area of Portion 120 was reduced to 51 acres. The selection of Portion 79 in November 1886





**Figure 8.14 Land in Catchment 7 & 8 looking to the north-west showing the gentle slopes outcrops, and vegetation.**

by Henry de Salis circumvented this. There were no improvements at the time of survey in February 1884.

The final de Salis selection was made in December 1884 when a 309 acre block was taken to the west of Portions 24 to 26. Again, this was a problematic selection as it encroached onto Portion 45, formerly Reserve 5, which had been surveyed for auction but not approved at the time of selection. As well, it enclosed the road from Tharwa to Michelago. The boundary of Portion 22 was adjusted to the west to avoid these encroachments.

Improvements on the original series of conditional purchases were inspected in January 1888. All the selections had been ring-barked and some fencing erected. Portion 22 was inspected in September 1888 and the land had been ring-barked and partly cleared and fenced. Portion 120 was inspected in January 1889 and had been ring-barked, partly cleared, suckered and scrubbed. The whole series were considered fully improved in May 1889. It is notable that clearing in this area seems to have been more intensive than in other catchments.

Selections to the south and west occurred in the 1890s, again this was marginal land. Later the de Salis brothers purchased some selections in this area in 1898 and 1900, after the sale of Cuppacumbalong. Possibly, George de Salis ran this land from Soglio, the run he purchased after the sale of Cuppacumbalong.



**CATCHMENT 9: EAST SIDE OF THE GUDGENBY RIVER AND NAAS RIVER.**

This catchment takes in all the land between the Gudgenby River and east to the crest of the Clear Range. This is moderately inclined land rising about 200m in about 1km to the crest of the Clear Range. The creeks accordingly run fairly straight and there are few areas of flat ground. These tend to lie on the crest of the ridge or between the river and the commencement of the upward slope. But there is not a consistent area of flat along the river. As a way of understanding settlement and improvement, the catchment will be examined from its northern most end running south.





Leopold de Salis selected Portion 121 in 1882 as part of his previous selections in Long Gully catchment. Adjacent to this land was WR 66, which George de Salis held as a conditional lease 85/43 once the reserve was revoked (Portion 77). Neither portion was improved to any great extent, but merely fenced.

### **Gray's series**

Leopold de Salis selected Portions 30 to 32 in April 1873. These selections were in a gently inclined area near the crest of the ridge but they must not have been important as they were allowed to lapse in April 1882. Improvements were ring-barking.

James Gray, a de Salis dummy, selected Portions 113 and 114, which were between these portions and the Gudgenby River. Gray resided on Portion 113 by the river (no trace of his house remains). Lester in surveying the portions in September 1883 found that no road could be made along the eastern bank of the Gudgenby "owing to the roughness of country and the precipitous nature of the bank". Lester noted improvements of a garden and was forced to reduce the size of Portion 114 to bring it into the 80-chain limit. Inspector Manton visited the portions in March 1884 and noted a one-room slab iron hut, a fenced-in garden and 60 acres ring-barked. He noted Gray was an old man and "should imagine never left the selection". Gray was then 71 years old.

The landform consisted of a moderately inclined rise to the crest of the ridge taking in most of Portions 113 and 114. The area on the river was gently inclined rather than flat.

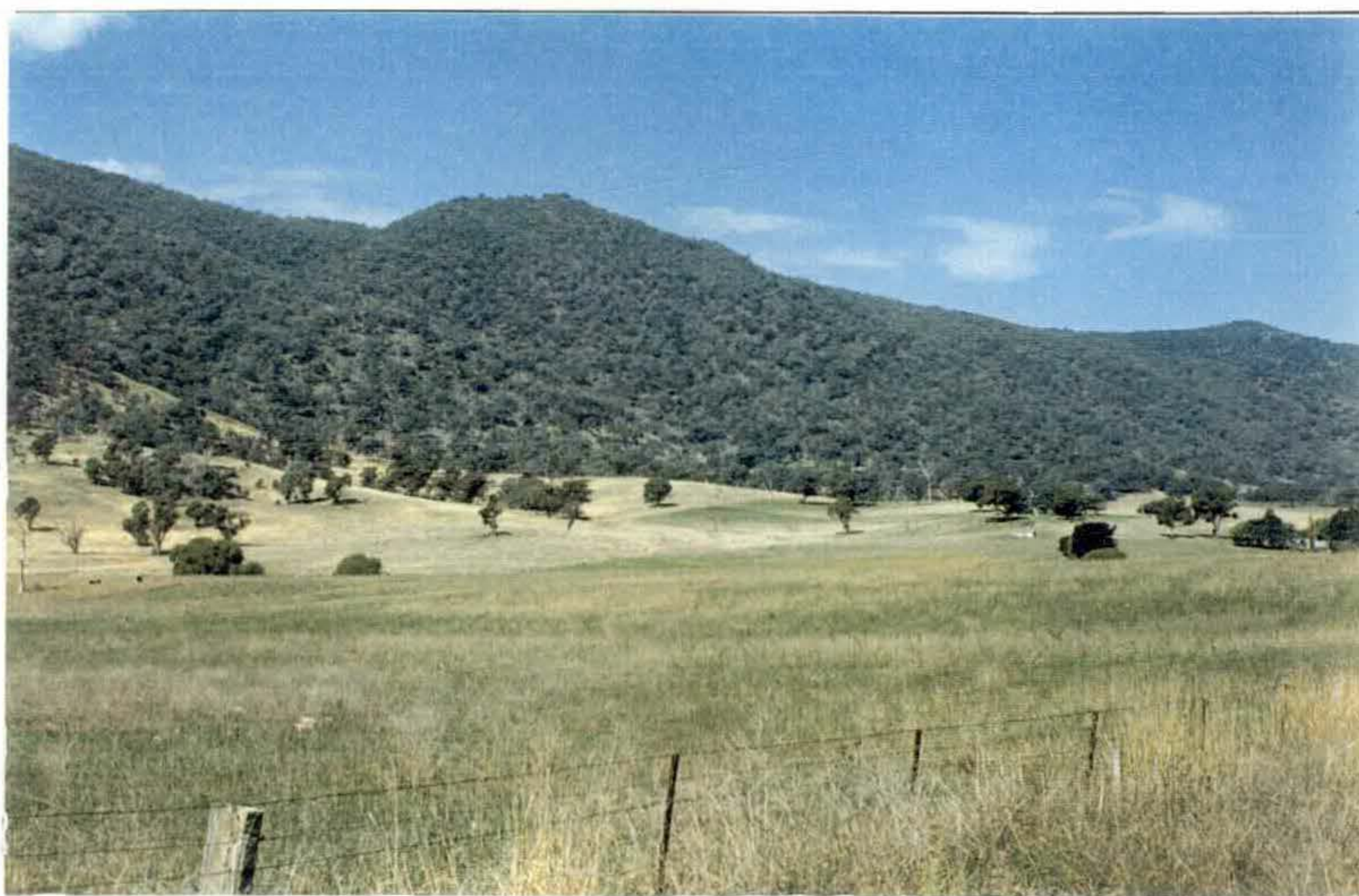
Further inspections ensued. By February 1887 Gray's hut had been expanded into a two room hut, more land had been fenced and 320 acres were ring-barked and 80 acres packed. All of Portion 114 had been ring-barked. A further inspection in June 1888 increased the area packed to 160 acres. Inspector Manton also visited Portions 30 and 46 selected by Gray in July 1884. He noted that 100 acres was partially cleared and packed and 134 acres had been ring-barked. Gray selected Portion 32 in July 1890 and conditionally leased what became Portion 118, taking the land east to the border of Dyball's selection. The LLB required that the land be fenced.

Reporting on his inspection of 10<sup>th</sup> March 1893, Inspector Spicer questioned Gray's bona fides due to his age and was concerned about the state of the fences. No wonder, as Gray had been dead for seven months by then and was resting in the outer circle of the de Salis burial plot! D. S. Betts however had no doubt that Gray had been bona fide. It seems that James Gray had died leaving his land to Leopold de Salis and appointing George de Salis as administrator. George put the fences to right but the property ultimately was transferred to the Union Bank in 1899.

### **Dyball's lease**

Immediately south of Grays series was Dyball's conditional lease of 634 acres, Portion 76 taken up in July 1881 and held until 1900. Improvements, if any, were not recorded.





**Figure 8.16 Catchment 9 showing the steep rising land to the west of the Naas River**

### **Tong's 1890s land**

Immediately south of Portion 76 are Portions 84, 111 and 83. Portion 84 was a conditional purchase of Thomas Tong in July 1890. Portions 84 and 111 were conditional leases held in virtue of the former selection. This land was an extension of Tong's farming activities further south.

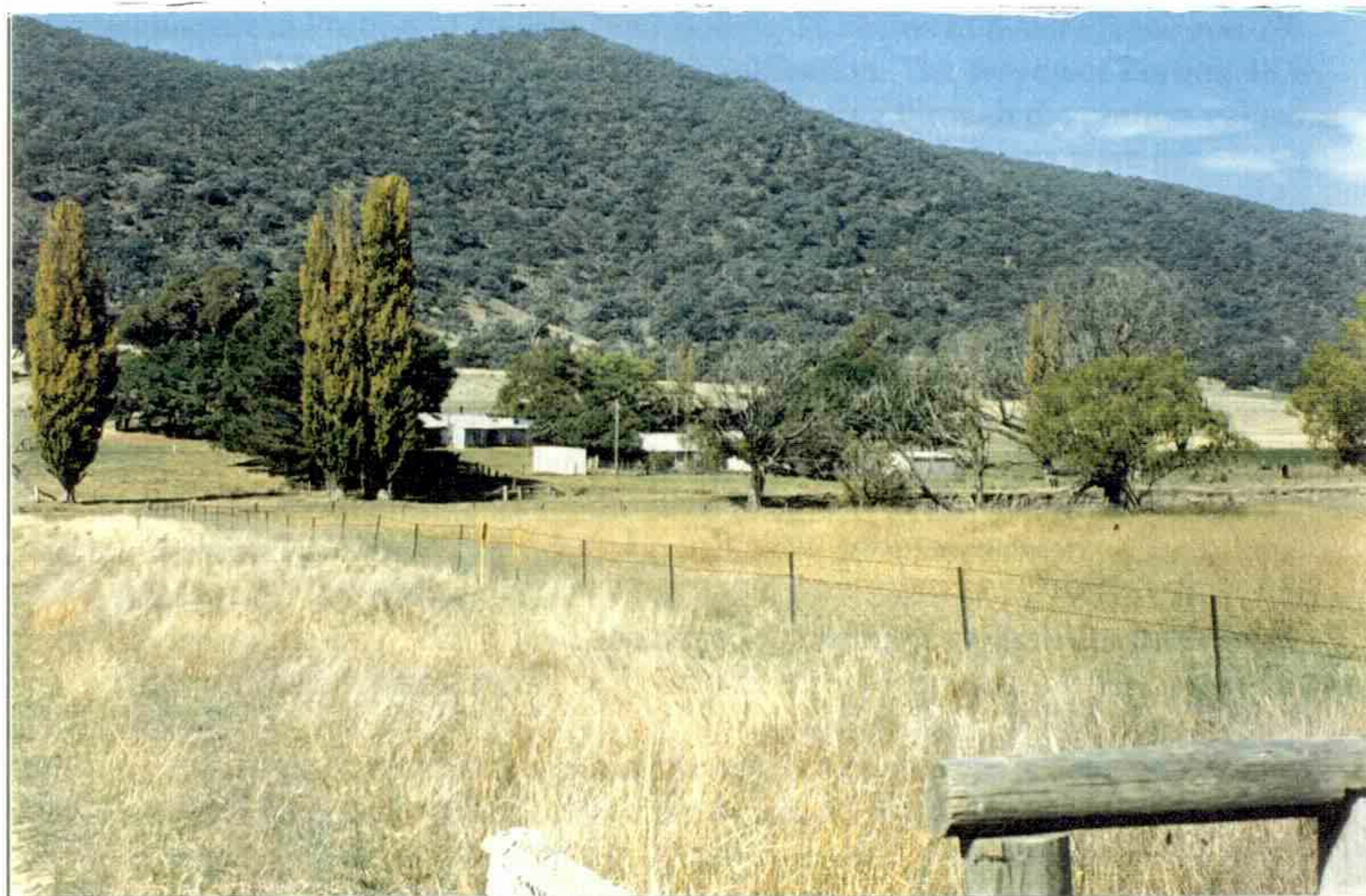
### **Kelly's land**

William Gray selected Portion 42 as a 40 acres selection in December 1884 and selected another 40-acre lot Portion 47 in September 1884. When surveyed the only improvements were a gunyah and an unfinished hut. Inspector Manton reported on his inspection in May 1885 "the residence half hut half gunyah does not reflect credit upon the selector but has the appearance of being constantly used as a home, it contains bunk bed and bedding also provisions, I believe it is the selectors bona fide home". The land was ring-barked and some 20 acres was packed.

The land consisted of about 500m of gently inclined land of about a 12% gradient followed by about 1km of land rising steeply (gradient 38%) to the crest of the range. It is clear from later evidence that this steep land was not economic to use except for light grazing.

Gray sold the land to Leopold de Salis in April 1890 and in turn it came into the hands of the Union Bank in October 1892. They sold it to Patrick Kelly in August 1895.





**Figure 8.17 Tong's Naas Valley farm**

Surrounding these portions were two conditional leases of Portion 82 (some 960 acres) of July 1890. Patrick Kelly held a large amount of marginal land from 1890 onwards. It seems from evidence given in 1901 that the land had not been ring-barked or otherwise improved and it was too steep and stony to justify the expense (Folio Lands Department - Conditional Sales Branch Correspondence Files No 03/27829 (SRNSW Ref 10/)).

### **Tong's selections**

Thomas Tong was a well-regarded de Salis employee and was allowed to select Portion 96 of 40 acres in June 1881. This was the start of the farm "Naas Valley". Portion 112 of 120 acres was selected in July 1883. Portion 41 of 100 acres was added in December 1883 and Portion 48 of 40 acres in October 1884. These portions fronted the Naas river. Here the gently inclined land runs 940m to the west, the gradient slightly increasing. From there the land steeply rises for about 1km when the Clear Range is reached some 460m above the Naas River. Portion 29 was added in June 1890 creating a block running from Naas Creek east to the top of the Clear Range.

On survey of Portions 96 and 112 in August 1883 improvements of a brush fence, hut and garden worth £38 were recorded. Manton inspected Portion 96 where Tong lived in April 1885 and found a two roomed slab hut with thatched roof, a garden, 2 acres cleared and fenced, a shed, a wc, a pig sty and a cow yard and bail as well as 20 acres ring-barked with a total value £38-10. On Portion 112 Manton found fencing valued at £24-2. A second series of inspections found the same improvements but that more clearing and fencing had occurred, bringing the value of improvements to £141 on both portions at which point they were considered fully improved.



Manton inspected Portion 41 in July 1887 finding 32 chains of 6-wire fence and 20 chains of log and brush fences and 6 acres in cultivation. The survey of Portion 48 in February 1885 showed improvements of a fence running through the portion valued at £5-10, which was the property of the de Salises. Further inspections were not correctly undertaken by Manton (I think he reinspected Portion 96 when he should have looked at Portions 41 & 48. See folio 88/42002).

A later inspection (in 1901) in connection with Tong's application for the yearly instalments of interest on the land to be reduced noted that he had three areas under cultivation fronting Naas Creek and that the rest of the land was grazed. It seems most of the improvements were on the land fronting Naas Creek. In evidence Tong stated that he did not consider ring-barking the steep hilly area to the east as he felt the cost was too great and it "wouldn't pay" (Folio 01/8281 Lands Department - Conditional Sales Branch Correspondence Files No 06/27177, SRNSW Ref 10/19868). It is clear from the deposition that Tong's land comprised a small area suitable for cultivation and a large area of not particularly good sheep country to the east.

The unoccupied land between Tongs and the next selections was proclaimed as a Water and Camping Reserve No 10944 from March 1890.

### **Portions 57 and 58 - Glencoe**

These were two 40-acres conditional purchases by Thomas Warner, a de Salis dummy, in March 1875 and forfeited in October 1878. This land took in about 800m of gently inclined land and the balance steep rising land. Arthur Herbert Graham McDonald, a cousin of the De Salises, purchased both lots at auction. No improvements were recorded. The land was transferred to Leopold de Salis in September 1890 and then to the Union Bank and the Campbells (LTO Vol 557 Folio 135). This seems to be the site of the farm known naturally enough as "Glencoe" although whether it was named by a McDonald or a Campbell is unknown but it is well worth reflecting on the different memories the name Glencoe might invoke.

### **De Salis**

In January 1881 Joe Oldfield (junior) selected a 40 acres portion of land on Naas Creek (Portion 63). This land was flat along the creek but rose steeply to the east. Joe Oldfield was resident in a hut when the land was surveyed in April 1881. Manton inspected the land in March 1883 and found there the Oldfield family, two huts, a vegetable garden and fencing. A second inspection in May 1884 noted that Joe Oldfield was "undergoing a three year sentence for sheep stealing".<sup>183</sup> The final inspection in January 1887 noted Oldfield's residence in jail was for 18 months but the area of cultivation was doubled in value to £20. It was considered that as Oldfield's family had continued to reside on the land and Oldfield had returned to the selection after release that residence had been complied with. Oldfield sold the land to George de Salis in March 1886 but must have remained on the land for Manton to visit him in 1887 (Folio 87/8752d Lands Department - Conditional Sales Branch Correspondence Files No 87/8752d SRNSW Ref 10/ ).

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<sup>183</sup> From Bob Booth who George de Salis considered one of the poorest squatters.

The portion had about 540m of gently inclined land then rose steeply in a complex slope for 1.3km to the Clear Range some 470m above the Naas River.

George de Salis took up Portion 87 as an additional conditional purchase and 88 as a conditional lease (Series 8) in September 1890. On survey it was noted that the land had been ring-barked. The improvements requested however were fencing. The land was taken over by the Union Bank and transferred to Campbell and Circuit in 1905. Later (sometime in 1910) Portions 94 and 93 were taken up as part of this series. Apart from Portion 63 the whole series seems to have only been ring-barked.

### **Lenane**

Portion 101 was a conditional purchase of 40 acres in August 1881 and Portion 102 of 300 acres was an additional conditional purchase June 1882. All were taken up by William Lenane. This land is still known as Lenane's. The land formed a small farm.

### **Oldfields**

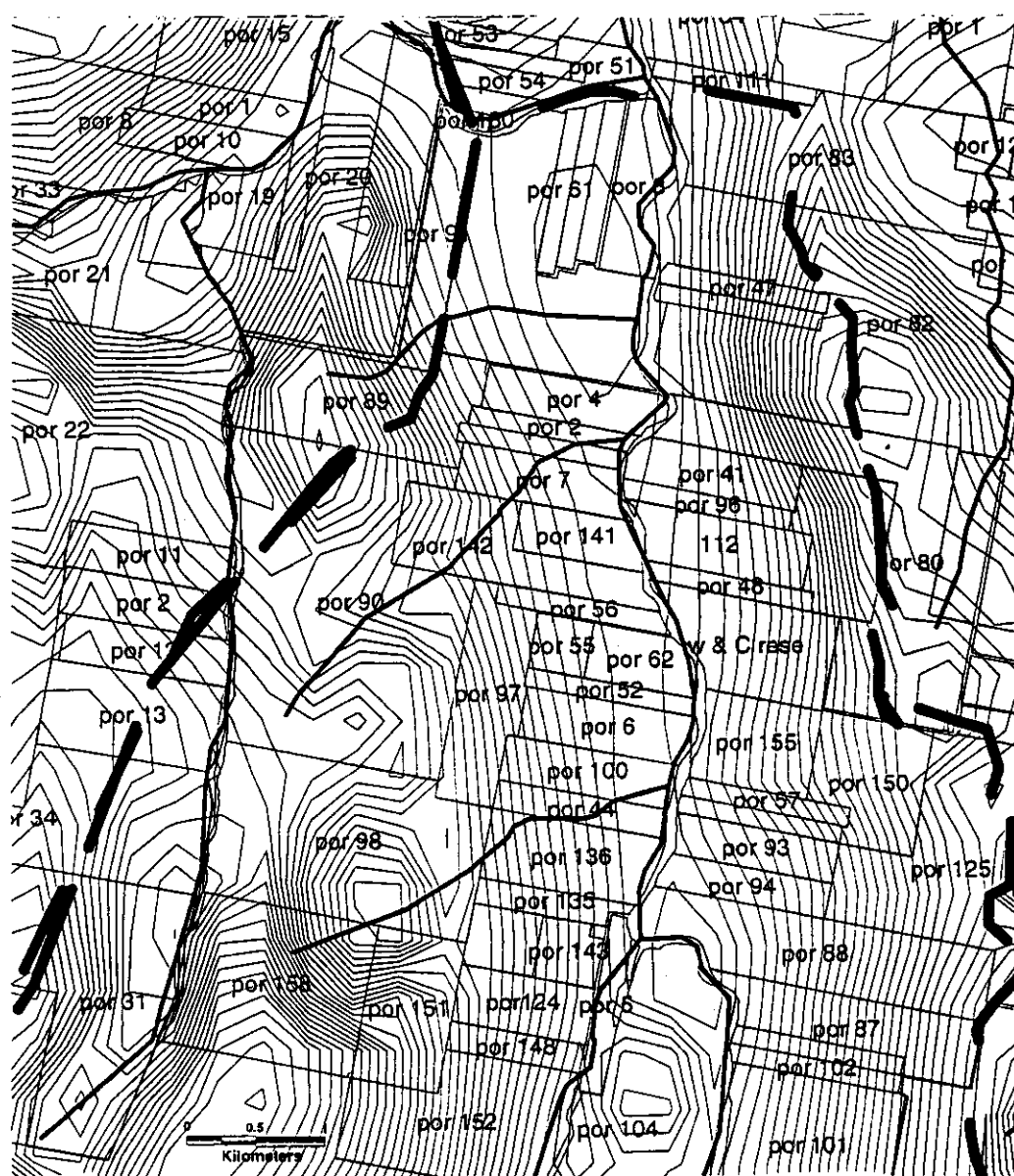
Finally Portion 92 was taken up as another conditional purchase of Joe Oldfield (junior) in August 1893 along with Portion 103 as a conditional lease. The Oldfield family later built these into a holding, extending into the Parish of Yarara.

## **CATCHMENT 10: NAAS VALLEY (WEST SIDE NAAS RIVER)**

The Naas Valley catchment runs from the junction of the Naas and Gudgenby Creek south. For the purposes of this study the catchment is confined to the main flat which is terminated by the southern boundary of the Parish of Cuppacumbalong. To the east it is bounded by the Naas River. To the west it is bounded by the Billy Range. The main flat is on the western side of the Naas River and extends for about 1km westwards before rising 400m in about 1.5 km to the crest of the Billy Range. In contrast with the eastern side of the Naas River the western side flats are flatter, wider and the gradient to the crest of the Billy Ranges is more moderate. Therefore the land is much more useful for sheep farming and cultivation than that on the opposite side of the river.

Naas Valley was probably occupied by 1834 as part of Herbert's Naas run. Later it was occupied as Naas Valley by Thomas Chippendale, Herbert's son in law. The first selection in the catchment was that of Thomas Warner who took a 40 acres selection, Portion 2 in January 1863. This prompted selections by the Herbert family and dummies of Portion 4 of 100 acres, Portion 5 of 50 acres, Portion 6 of 110 acres and Portion 7 of 100 acres. These were all made on the 5<sup>th</sup> March 1863. Warner made an additional purchase of another 40 acres, Portion 8, in September 1864.

The selections were described in relation to existing improvements on the land. Warner's selection was described as being the site of "an old stockyard, now abandoned of Mr. Chippendale". The plan of Portion 3 shows a cultivation paddock on Gudgenby River probably on Portion 91. Portion 4 was described as



**Figure 8.18 Catchment 10 Naas Valley (west side Naas river)**

“about  $\frac{1}{4}$  of a mile up the creek from an old garden fence formerly in occupance of Mr. Chippendale”. Portion 6 was “near an old station, formerly Mr. Chippendales” this is shown on the portion plan of September 1864. So clearly Chippendale had improved Naas Valley by construction of yards, fenced areas off for cultivation and established a station about 3 miles into the valley.

The Herberts’ selections were allowed to lapse due to the lack of survey, L. S. Thompson being blamed for this. However, as the Herberts had sold their land to Mendleson and Joseph in 1866 and moved to Bolero, it may be that the lapsing was convenient for the Herbert family who had no further interest in the land. The allotments were sent for auction at various times in the late 1860s but were not sold.

Mendleson and Joseph made no selections on Naas or in the Naas Valley. Thomas Warner however developed his selection. His first declaration on Portion 2 in March





**Figure 8.19 Naas Valley looking south**

1866 lists house, stockyards, fencing and clearing to the value of £75. The plan of the portions made in September 1864 shows a fenced area marked cultivation between the creek and the bridle track between Tharwa and Kiandra. Curiously, although Warner was resident no residence was shown on the plan. Warner was a genuine small farmer selling his produce to the surrounding graziers (eg. de Salis diaries 17<sup>th</sup> June 1872). His son Thomas worked for the de Salises when they purchased the run in 1869. Unfortunately the conditional purchase files for Portions 2 and 8 are virtually empty and no further details of improvements can be ascertained.

George de Salis selected Portion 6 in 1869 but allowed the selection to lapse in May 1872. While there is no information on the selection in the conditional purchase files George does record Tom Oldfield and his wife Rebecca (nee Oxley) shifting up “to my selection on Naas Flat where Tom is to live while looking after the sheep” (de Salis diary 10/3/1871). Presumably they lived in the hut shown on the portion plan.

The next action was the purchase of measured Portions 3, 5 and 7 (*i.e.* lapsed conditional purchase’s of the Herbert family), a total of 250 acres by Leopold de Salis in March 1871. This seems to be a strategic purchase to secure the Naas Valley, the purchases being at either end and in the middle. Portion 3 may be where the Naas shearing shed and wash pond was located. This was a key spot where all the sheep on the run were shorn.

George de Salis reselected Portion 6 in June 1872, forming the basis for further selections (Series 1). Tom Oldfield moved out in June 1872 to the mud hut (presumably the pisé hut near Naas Station). This allowed George to live on his



selection but he seems to have used "Old Dan" as a hut keeper. L. S. Thompson inspected the selection in 1874. Although the files say this occurred on 19<sup>th</sup> June 1874 George de Salis was in Queensland at the time. George describes the inspection of his selection as occurring on the 1<sup>st</sup> December 1874. On this occasion George was sleeping at Naas and was woken at 6am by Henry de Salis to be told that that Thompson was on his way to inspect the selection. George then rode to his hut and lit a fire, tidied the place up a bit, had a bath and "lay down and read Longfellow" until his horse broke his bridle and ran away. While chasing the horse, George ran into Thompson who helped catch the horse, visited the selection for a few minutes and then they both returned to Naas for breakfast! (de Salis diaries 1/12/1874).

George transferred the selection to Arthur le Patonel on the 24<sup>th</sup> December 1874. Le Patonel then selected Portions 52, 54 and 56 as additional conditional purchases the same day. These were the selections that were thought to peacock the land. On survey in May 1878 the improvements were listed as ring-barking on the three portions valued at £12. The land was transferred back to George de Salis in March 1876. Later George de Salis selected Portion 62 just prior to its auction in May 1881. By May 1885 the whole portion had been ring-barked and partly cleared with the timber burnt off.

In addition on the 24<sup>th</sup> December 1874 George de Salis "took 100 acres for Warner". This was the lapsed Portion 4 of 100 acres which Warner selected on 24<sup>th</sup> December 1874 and later transferred to George de Salis in March 1878. This portion was adjacent to Thomas Warner (senior)'s farm and may have been taken to prevent any thoughts of expansion. The conditional purchase file only has one folio in it so no improvements are recorded.

This series of conditional purchases, built on Portion 6, secured the middle of Naas Valley for the de Salis family by 1874, leaving little room for other selectors to create viable farms. The key point is that there was only a strip of flat land along Naas River, which would have been useful for intensive farming. By the end of 1874 the de Salis had control of most of this land (around 1.5 miles) with Thomas Warner holding about ½ a mile. It would have been difficult for a selector to squeeze in, especially knowing that they would face hostile counter selections from the de Salises whose holding would make a good base for additional selections.

The next series of selections were those of Series 2 based on a conditional purchase of 40 acres by Thomas Oldfield acting on behalf of George de Salis. Oldfield took Portions 59, 60 and 61, all 40 acre selections in July 1875. These were located at the head of Naas Valley to the west of Portion 3. This area was a wide flat of about 1.4 km west of the Naas river and bounded on the north by the Gudgenby river. These selections secured most of the land for the de Salises. Improvements on survey in May 1878 were a hut and ring-barking valued at £16 but Oldfield was not resident (he was probably at Coolemon).

Cropper's inspection in October 1878 revealed improvements of a very poor hut and ring-barking on all three selections. The land was described as now used by "Leopold de Salis as grazing land". Cropper recommended forfeiture (Folio 78/44273 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422). There was a subsequent inquiry in 1881 and 1882 where Oldfield

stated that his improvements were 120 acres ring-barked and 60 acres dead wood picked up (Folio 82/9779 Lands Department - Conditional Sales Branch *Correspondence Files* No 87/13483 SRNSW Ref 10/17422).

Oldfield then took Portion 43 and an additional conditional purchase in September 1881. This was a 400-acre purchase that encompassed the land to the west and south of the original purchase. In the south it filled the gap between Portion 3 and Portion 4 which had been transferred to George de Salis in March 1878. The surveyor's report in August 1884 lists ring barking and partial clearing as well as various fencing and a sheep yard. Manton's report in February 1887 shows that 400 acres had been ring-barked, 200 acres burnt off, 200 acres partly cleared and 200 acres had been scrubbed as well as a sheep yard and a tank. The land was considered fully improved.

George de Salis also expanded his own holdings in the middle of the catchment by additional conditional purchase of Portion 100, some 100 acres south of Portion 6 in July 1881. To this he added Portion 44 of 62 acres in July 1883. George originally wanted this portion to be 80 acres but ran up against the 80 chain rule and so it was reduced to 62 acres. Both portions were improved between 1884 and 1888 by ring-barking, scrubbing and partial clearing.

These last two selections marked the end of de Salis' selections until 1890 (although Leopold bought out Warner's selections after his death in 1887). The de Salis had at that stage two large holdings, one at the head of the valley and the other in the middle with a small gap of about 40 chains between them. This gap was filled by WR 592 gazetted in March 1881 and regazetted as W&CR 10942 in March 1890. The gap between the middle selection and the one at the head (known as Coffey's flat) was also filled by C&TSR 3006 gazetted in January 1887. The de Salises occupied the majority of the wide flat beside the Naas River. The remaining land was held under lease. All the land had been ring-barked and partially cleared so it would have looked quite grassy on the western hills.

A large selection was made at the head of the valley by Michael Cotter in August 1881. This was between the Naas River and a small creek known as Gudgenby Creek. The land between rises some 90m to a prominent hill and ridge. There is a small area of flat basically running some 300m away from the bank of the Naas River as it curves around this hill.

Selections by the de Salises began again in 1890. Portion 91 was selected by George de Salis in July 1890 followed by a series of selections and conditional leases taking in Portions 89, 90, 97 and 98 in September 1890. These extended the de Salis freehold up to the crest (and over) of the Billy Range. I suspect these selections were made in order to provide more security for the loan from the Union Bank.

Later small selections were made at the southern end of the valley by the Oldfield (*circa* 1900) and Kirchner families (*circa* 1903). F. O'Conner took the tempting gap in the middle of the De Salis selections in 1900. These selections followed the abolition of the reserves. Nothing really remains from these selections.



## CATCHMENT 11: HALF MOON CREEK

Half Moon Creek is a small creek running for a distance of some 6km north and lying west of the main crest of the Billy Range. For the first 5km it runs through undulating country before dropping steeply, some 200m in a kilometre, to join the Gudgenby river. The main flats here are between 900 and 1000m elevation, about 2-300 m above Naas. The track from Gudgenby station to Naas ran through this valley. The valley itself consists of a moderately inclined slope from the ridge on the eastern boundary to Half Moon Creek. Then a flat runs about 600m to the west before rising steeply to reaching the crest of the western boundary of the catchment.

The first selection in this catchment was a conditional purchase of 100 acres by James Oldfield who selected Portion 2. This was followed by selections of Portions 12 and Portion 11, each of 100 acres in May and June 1881. The selections fronted Half Moon Creek and extended to the hills rising to the west. The flat was undulating and slowly rising to the west for about 750m before steeply rising to a ridge crest 150m above Half Moon creek.

On survey of Portion 2 in April 1881 the only improvement was a hut worth £15 and James Oldfield was resident with his wife Mary and his family. Cropper inspected the portion in March 1883. He recorded two separate huts and gardens as well as fencing. I think this suggests that the original hut was abandoned and a new one erected in a more suitable place. The fencing seems to have been done by the de Salis'. Manton inspected the portion in April 1886, listing a two-room slab hut, a shed, 4 acres of cultivation, an old hut, garden and stockyard and bail as well as fencing and 80 acres partially cleared. The other two portions were partly cleared and also fenced. The improvements were deemed satisfactory. The land was then transferred to Leopold de Salis in November 1887.

In July 1890 Leopold de Salis selected Portion 13, a 200-acre portion and obtained Portion 14 as a 600-acre conditional lease. Portion 14 was intended to take more land along Half Moon Creek to the south but it was determined that Half Moon Creek was frontage and so the total holding exceeded the 80-chain limit and Portion 14 had to be taken to the west. Again these selections seem to relate to the mortgage to the Union Bank.

Later selection in the catchment occurred in 1890 when John Fitzgerald took Portion 22 as a conditional lease in virtue of his selection of Portion 21 (which was in the Gudgenby River Catchment). This lapsed and was later taken up by Campbell and Circuit. Selection in the south of the catchment took place *circa* 1903-05.

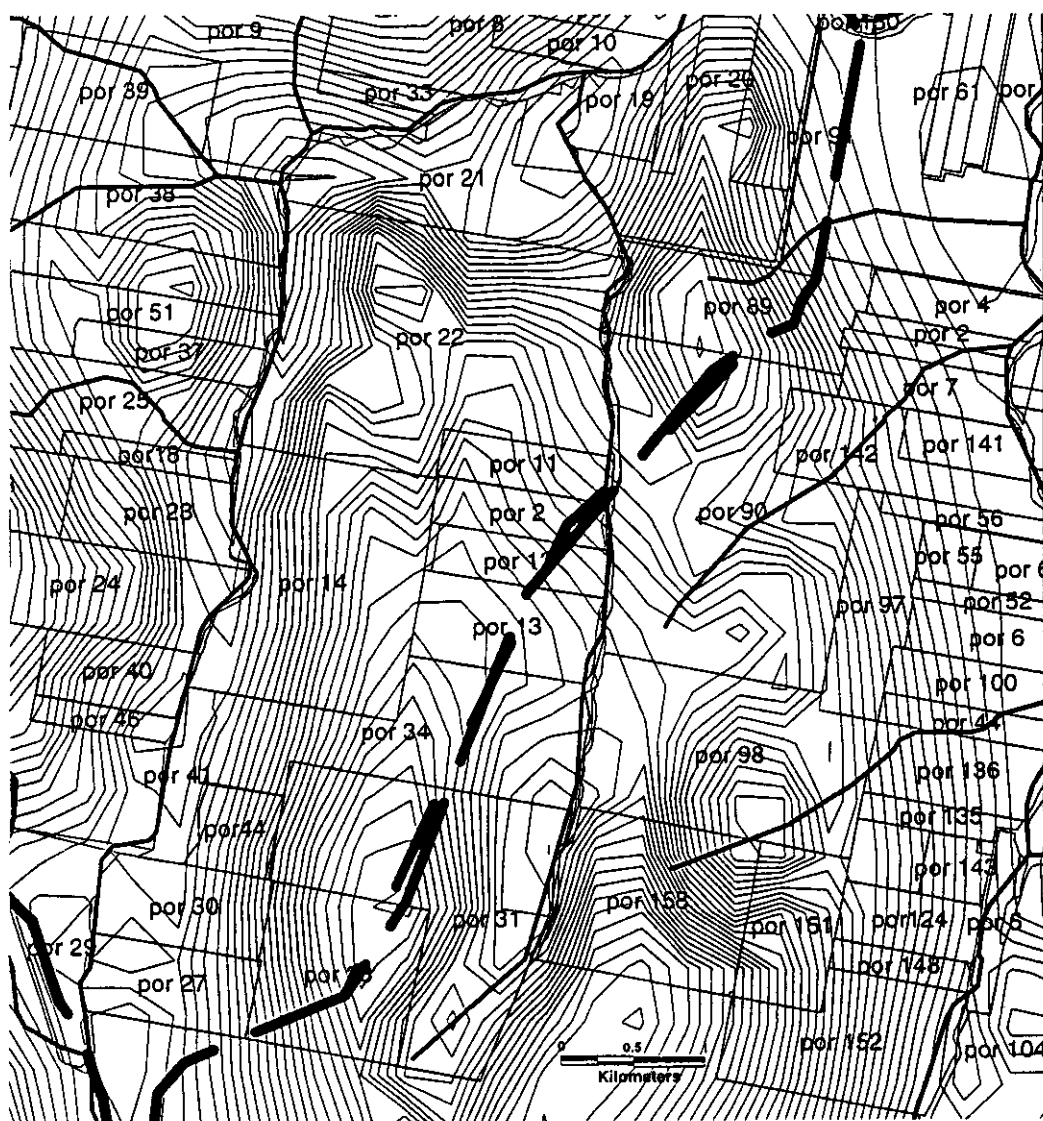


Figure 8.20 Catchment 11 Half Moon Creek

#### CATCHMENT 12: NAAS FLAT

Naas flat is an area of extensive flats adjacent to the Gudgenby River about 1 km upstream from its junction with the Naas River (and the Naas Valley catchment). The flats are shaped roughly like an inverted "Y" with the two arms running along the Gudgenby River and the stem running into Borroombah Creek.

The catchment was the home station of the Naas run of William Herbert who established himself here in the early 1830s. His run included the Orroral Valley and Naas Valley. Although it is not clear when this happened I assume it was on his daughter's marriage to Thomas Chippendale that Naas Valley was separated out as a run in its own right. This had occurred by 1847 as the listing in the Gazette shows the runs as being separate. There is no evidence of a separate residence for the



Chippendales so presumably they all lived at the Naas homestead. William Herbert was buried there in 1857.

The official boundary between Cuppacumbalong and Naas is slightly counter-intuitive as it runs half way down a ridge running south from Mount Tennent. Looking at the terrain the most obvious boundary would be to take a line directly south from Mount Tennent along the main line to the Gudgenby river and, if any sense can be made of the 1848 boundary description, this seems to be its intent. By the time the run boundary was inscribed on the Parish plan (*circa* 1880) the run was incorporated as part of Cuppacumbalong Holding and accuracy of internal boundaries between the incorporated runs was less important.

Naas and Naas Valley were sold to the partnership of Emmanuel Mandelson and Moses Joseph in October 1866.<sup>184</sup> Mandelson and Joseph are of interest due to their being a rare example of Jewish squatters. The purchase included the two stations, 8268 sheep, 100 cattle, 15 horses and any stray cattle and sheep on runs. It was mortgaged for £7505-6 (Land Titles Office Old System Title Book 701 folio 101). It seems that they intended to use Naas as a station to supply meat to Nathan Mandelson who ran a hotel and was a licensed viticulturist in Goulburn. However they soon ran into financial trouble as well as being accused of stealing one of the McKeahnie's bullocks. The Australian Joint Stock Bank Corporation foreclosed and the property was sold to Leopold de Salis for £4160 in October 1869 (Land titles Office, Old System, Book 118 Folio 135).

Michael and Thomas Herbert applied for a pre-emptive purchase of a portion of their run and accordingly the land was surveyed in early 1859. The Portion No.32, Parish of Naas<sup>185</sup> took in some 160 acres with a 27-link frontage on the Gudgenby river. The plan of the portions shows farms buildings, yards, a garden and cultivation paddocks.

The first series of conditional purchases occurred with the series of conditional purchases on the northern bank of the Gudgenby river (partly in Catchment 4) in 1874. These secured the area bounded by the Gudgenby River and Borroombah Creek and ran back into the steeply rising flanks of Mount Tennent.

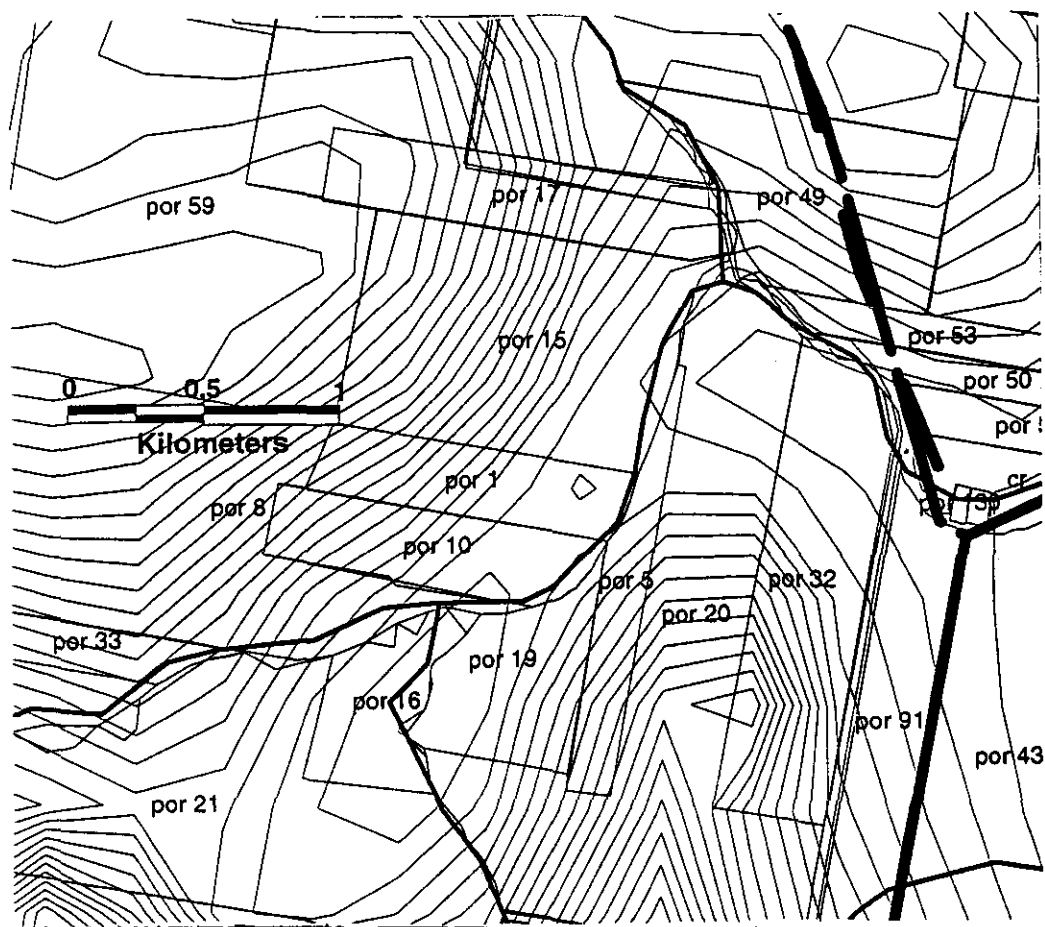
The next selections were a series of conditional purchases made by Thomas Gregory. Starting in 1881 he took Portion 10 of 80 acres, Portion 1 of 80 acres in 1882,<sup>186</sup> Portion 15 of 240 acres in 1883 and Portion 17 of 100 acres in 1884. These took in the flats on the west side of the Gudgenby River and were bounded to the north by Borroombah Creek. Later, in 1890 John Gregory took up the land to the west of these portions as a conditional lease and a conditional purchase. Gregory does not seem to be a de Salis dummy and the land was later transferred to a George Read (perhaps a brother-in-law). Curiously, the de Salises did not act to prevent these selections or

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<sup>184</sup> Orroral had been sold to the McKeahnies at the same time.

<sup>185</sup> Why the portion, which was by some 30 years the oldest portion in the parish, was not numbered 1 is strange. I think the surveyors forgot it or thought it was in Parish of Cuppacumbalong when Portion 1 was being surveyed. It was 1A for some time until it was renumbered Portion 32.

<sup>186</sup> Portion 1 may have been a previous selection as the portion plan was drawn in 1878 by L.S. McCord but I have not been able to trace this selection.



**Figure 8.21 Catchment 12 Naas Flat**

counter them.<sup>187</sup> This is despite Gregory's holding the largest area of flat. However the de Salis diaries report Tom Gregory taking 80 acres at "the Lambing Flat" in October 1881 (de Salis diaries 6<sup>th</sup> October 1881). In the context of the diaries, this would seem to be a friendly selection if not a dummy selection.

Portion 10 was surveyed by L.S. Lester in August 1882, the improvement being a hut valued at £30. Inspector Manton visited in March 1884 and noted Gregory was living in a comfortable two-room, iron roofed slab hut with his family. Half an acre had been cleared and ploughed and 8 acres had been grubbed and burnt off. Total value of improvements was £39.

A second inspection in July 1887 reported that an additional three-room slab hut with an iron roof and flooring had been constructed, in addition 18 acres were cultivated and fencing and ring-barking had been undertaken. Improvements were now valued at £201.

Portion 1, inspected in July 1887, had 26 chains of 6-wire fencing and 20 acres cleared and grubbed while Portion 15 and 50 chains of fencing and 80 acres ring-barked. Portion 17 was the last to be inspected in June 1888, 20 acres had been ring-barked and 100 acres scrubbed and there were 30 chains of 6-wire fencing.

<sup>187</sup> There is no mention of them in the de Salis diaries.





**Figure 8.21 Naas Flat looking south-west down the Gudgenby River valley**

The aggregate of Gregory's land was 500 acres, which was improved to the value of £314-50 (Lands Department - Conditional Sales Branch Correspondence Files No 89/3766cor, SRNSW Ref 10/20829). It seems that Gregory concentrated his cultivation and clearing on the flat, leaving the hills in the rear for grazing. In July 1890 conditional purchase and leases were taken out by his sons to cover the hills to the west.

The remaining land was left as part of the Cuppacumbalong pastoral holding except for Portion 16 which was taken up as an improvement purchase in 1882. This was located on 51 acres of land at the junction of Half Moon Creek and the Gudgenby River. Leopold de Salis claimed improvements worth £62: a house, six-wire fencing and 6 acres cleared. On survey the value of improvements was found to be £51, the house being downgraded to a hut worth £10 less. Nevertheless the purchase was approved and the deed issued in 1885.

George de Salis took Portion 20 immediately to the west of the Naas pre-emptive right as a 360-acres conditional lease. This was part of the Series 2 conditional purchases in the Naas Valley catchment.

Finally, in August 1890, a small selection of 80 acres was taken up as Portion 19 by a Hugh Jones. It was squeezed in between Portion 22, the Gudgenby River and Half Moon Creek.

Later selections on Naas Run were taken up further south along the Gudgenby near the entrance to the Orroral valley. These were all taken in the period 1899-1904.



Settlement also occurred up Boroombah Creek where a series of selections were taken in the ranges to the west of Mount Tennent (*circa* 1909).

In comparison with other areas of the Cuppacumbalong run the de Salises seem to have left the Naas Catchment alone, perhaps relying on its position at the western edge (and thus farthest from Queanbeyan) of their holdings to prevent hostile selection. Also, of all the runs, Naas had the least amount of flat and securing that may have been of less importance than say the Naas Valley.

### CATCHMENT 13: COOLEMON

The 1848 description of Coolemon as “bounded on the north by lofty mountains; on the south, lofty mountains; on the east by lofty mountains; on the west lofty mountains” serves as a reasonably accurate description. On the west the Coolemon Mountains are about 100m from the plain and separate Coolemon from the catchment of Peppercorn creek. To the south the plain is bounded by the Gurrangorambla Range, which is about 1500m at its maximum height. The range runs south east for some 6 km before coming to Blue Water Holes Saddle and then continues to Howell’s Peak and turning to the north and north west. Immediately to the north of Howell’s Peak is a saddle that separates “the Pockets” from the main Cooleman plain.

The ranges to the north are about 120m higher than the plain and are irregular in shape. Caves Creek winds its way through this country in a small gorge. The plains are roughly 4 miles square with a long rectangular area to the south. Cave Creek and Seventeen Flat Creek drain the plain.

T. A. Murray established an out-station at Coolemon in early 1839.<sup>188</sup> It is not clear how long Murray held the run for, probably three or four years. Coolemon was listed in the 1848 Gazette as being owned by William Atkinson. There is some confusion in the records however for there were two Coolemon runs in the same Pastoral District. The “Return on Crown Lands held under pastoral occupation...” which dates from 1865, lists D. O’Rourke holding the run under lease from October 1863. Leopold de Salis purchased Coolemon in January 1872 from O’Rourke for £275.

The official boundary of Coolemon run seems to be the boundaries of the Parishes of Coolemon and Murray. This includes land on Peppercorn Creek but clearly from the description in the 1848 Gazette the boundary was along the ridge of the Coolemon Range not on the creek. The answer, I think, is that the boundary of the run and of the parish was not surveyed until the 1880s when the run needed to be divided into resumed and leased areas and a plan needed to be produced. It was probably seen as more economical to make the boundaries the same rather than spend time cutting a line across the Coolemon Range.

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<sup>188</sup> Thomas Fishlock, one of de Salis’ employees had lived on Coolemon in the 1840s.





Fortunately the de Salis diaries describe activities on Coolemon, as George seems to have been supervising on Coolemon over a number of seasons.

George's initial trip to Coolemon was made in September 1874 when he went with Thomas Fishlock. Fishlock had lived on Coolemon plains in the early 1830s when he was assigned to Palmer and was looking after his cattle. Fishlock was there during the snap blizzard, which killed all the cattle on the plains.<sup>190</sup> Later he was on the plain with "Mr. Murray". George and "Fishy" took a route through Orroral and up the Cotter River. This was the direct route either through Orroral or Gudgenby and it took about a day. When they got there the party of men set fire to the plains to promote fresh growth.

The sheep, however, went through Gudgenby and round to the Yaouk Plains and then followed the Murrumbidgee River along Long Plain and onto Coolemon. It took about six days to get the sheep up to Coolemon. In 1875 they took their first flock of 10,670 sheep up. At Coolemon the flock was split into three mobs each with two shepherds. Eventually huts and sheep yards were erected at each location. There were no internal fences but in 1876 the de Salises began fencing the boundaries of the run. This required negotiation with adjoining squatters, particularly McDonald of the Peppercorn run. Typically there was disagreement about some aspects of where the fence would run but as gentleman they resolved the dispute by each giving a little and, no doubt, each party felt how generous they had been.

Typically sheep were brought up to Coolemon after shearing in December and stayed on the plain until winter began sometime in May. From 1878 the de Salises kept a small herd of cattle up on Coolemon which seems to have been looked after by Tom Oldfield, another trusted employee and dummy selector.

But life at Coolemon was not all sheep and cattle, least for the owners and others of equivalent status. George records shooting and various sport being played. The Coolemon Caves were a frequent visiting spot where fossils could be found and limestone formations admired. In March 1878 George lead a party of visitors including his sister Nina and Emily and Mary Smith, daughters of the Rev Pierce Gulliard Smith, the Anglican vicar of Canberra. They visited Murray's Cave and a day later the Blue Waterholes Caves. In both caves they wrote their names. They also visited "the Falls" where George proposed to Mary Smith. This seems to have come as something of a surprise to Mary who thought about it for five days until she agreed while walking down Mount Tennent.

There was an "old Coolemon" homestead but in early 1876 the de Salises constructed a "new homestead" nearby. The house was made from bush timber with a thatched roof. It had a post and rail fence about it. George de Salis, taking up a selection of 320 acres on Coolemon on the 16th November 1876, safeguarded this investment. An additional conditional purchase was taken on the 6<sup>th</sup> September 1877 making the total area selected 640 acres – the maximum allowable. McCord surveyed the portions in February 1879 showing the hut and yards and valuing them at £70. These were Portions 1 & 2 in the Parish of Murray.

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<sup>190</sup> We know Fishlock was with the cattle when the blizzard hit but the location is vague. George in a letter to the Minister of Lands mentions that men and cattle have been killed in this location during winter. He would have known this from Fishlock.

Inspector Cropper visited the selections on the 12<sup>th</sup> March 1880 and he reported the following improvements:

Thatched Hut 36x12, 3 rooms 1 boarded, 2 stone chimneys	£55
15 rods 2 rail split fence	£ 2-12
84 rods rough-paled sheep yard	£10-10
Total	£68-2-6

Unfortunately Cropper ran into Tom Oldfield who was the overseer at Coolemon for the de Salises. According to evidence in the subsequent inquiry over residence Oldfield did not recognise Cropper and effectively told Cropper that George had not been resident. George claimed that Oldfield imagined that Cropper "was some traveller asking impertinent questions" (Folio 83/2503) but the de Salis diaries show Tom to have told the truth to Cropper who reported:

"Selector resided for 5 or 6 months after selection managing his fathers sheep. Was twice there during the following winter after that at intervals of two or three months occasionally staying there a week for muster. From the time of his marriage in March 1878 he never remained a single night there and his own residence is at Cuppacumbalong 40 miles away."

(Folio 80/18430 Lands Department - Conditional Sales Branch  
Correspondence Files No 83/8156 SRNSW Ref 10/17220 ).

Despite George de Salises appeals both selections were forfeited on 4<sup>th</sup> July 1882. Richard Harris, a dummy, selected the land again in October 1882 but as there was over £40 worth of improvements on the land the Lands Department, following Supreme Court precedent, held that Harris' conditional purchase be voided in its current form but suggested excising 70 acres containing the improvements. The improvements also prevented auction. Why George de Salis didn't use a dummy selector such as Tom Oldfield from the start is a mystery. The whole problem would have been avoided.

Another inspection occurred while Harris' selection was awaiting its fate. Inspector Cropper visited in March 1883 and reported improvements additional to those previously recorded:

Stable and store 34 x 12	£ 22
12 rods 4 rails 2 wire fence	£ 2-8
calf pen and bail	£ 1-10
5 rods 2 rail sap fence	£ 0-10
120 rods sap fence	£ 3
38 rods 3 rail fence (round cultivation)	£ 7-12
1 acre grubbed and cultivated	£ 2-10
Total	£107-12

Cropper does not report improvements such as ring-barking, suckering or grubbing. Such improvements were common on de Salis conditional purchases on



Cuppacumbalong. The improvements recorded are all improvements with a minimal effect on the environment and related to the establishment of a homestead.

Tom Oldfield selected a 40-acre conditional purchase at "the Pockets," a flat formed by a saddle between creeks, one running south and the other north. The Pockets were east of the Cooleman Plains but within the run boundaries. They were the first flat on a series of flats and plains west of the Bimberi range. Oldfield's selection made in December 1881 was followed by an additional conditional purchase of 600 acres in February 1882.

Surveyor Lester found Oldfield non-resident on survey in December 1882 with no improvements. A gonyah was shown on the survey plan. Surprisingly, no action was taken and Oldfield made his first declaration in March 1885.

Inspector Manton visited the portion on 8<sup>th</sup> April 1885 and recorded the following improvements:

Slab hut, shingle roof, verandah, floored, 4 rooms	£70
garden paling fence	£ 6
Stable	£20
Kitchen slab and shingle	£25
WC	£ 2
Stock yards	£10
20 chains top rail 4 wire fence	£15
Total	£148

Manton wrote "residing on the land, wife and family with him, hut very comfortable, well furnished...etc. Living in a bona fide manner upon the land".

As further inspection valued roughly the same improvements at £160 approval of the series was given in October 1887. Again the improvements are to facilities not to the landscape.

### **The Treachery of the Campbells**

On the 22<sup>nd</sup> January 1882 while returning from Coolemon, George de Salis learned that Frederick Campbell had taken a selection of 640 acres on Coolemon (de Salis diaries). This was indeed true. Frederick Campbell together with Timothy Kelleher, Mary McDonald and Archibald McDonald had taken four selections of 640 acres together on the 19<sup>th</sup> January 1887 on the Coolemon run. It seems likely that these other individuals were acting as dummies for Campbell as the land was transferred back to him in May 1887. All the land was selected at the same time (around 3pm) and all paid deposits of £160 as the selections were so large. McDonald and Kelleher were described as labourers and Mary was a daughter so the sums involved seem unlikely to be theirs (Conditional Purchase files).

This caused an immediate crisis for the de Salis family. Although they had been relatively successful in accommodating selection on Cuppacumbalong, this was a challenge from a wealthy squatter who could afford a "selecting war" if required.

Moreover, Campbell broke the gentlemen's agreement for squatters not to select on each others runs. When a squatter wanted to select on another's run he sought permission (for example as Andrew Cunningham did when selecting on Cuppacumbalong). George de Salis wrote "Everyone abuses Frederick Campbell for selecting on another squatters run- he has been told by several of the towns people that his action was mean and beneath a gentlemen. Beattie says if that is the way gentlemen behave he is glad he is not one" (de Salis diaries 25/01/1882).<sup>191</sup>

The de Salis response was to act to secure the key portions of the runs. The next Lands Day was the 2<sup>nd</sup> February so George and William rode back to Coolemon to work out where to select. Leopold wrote to the Lands Department requesting the areas be reserved from selection "on account of the many natural curiosities" (de Salis diaries 25<sup>th</sup> January 1882).

The second of February was obviously going to be a day of great tension for the de Salises. It started with the news that a 640-acre section had been reserved the previous day (R 658 County of Cowley, Parish of Coolemon Gazetted on the 1<sup>st</sup> February 1882). George met J. J. Wright and his son John who admitted to intending to select land around Blue Waterholes but George showed them "Papa's letter" (presumably notice of the Reserve in that area) so they abandoned the idea and gave George the notices and descriptions of the blocks they intended selecting (de Salis diaries 2nd February 1882).

George evidently had organised four applications for each block so that in the event of a dispute they would have a better chance in a ballot. In the event they were unopposed.<sup>192</sup> The selections were:

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191 Although the reputations of the Campbells as gentlemen had been suspect since at least Glencoe there was an underlying motivation in this act of aggressive selection. After Frederick Campbell acquired Yarralumla station from Augustus Gibbes in 1881, he began to fence in the estate and that of his father at Belconnen. The fencing cut the road from the Tharwa/Lanyon area to Queanbeyan.

On the 21st May 1881 George records going to Canberra (where the Smiths lived) and having to break the locks on the Woden gates. Later in July Frederick Campbell and George had words about this, Campbell claiming that George had acted in an unneighbourly way.

Later on the 19th September George decided to go to Woden and sent Frederick Campbell a note saying he wanted to go to Woden via the "Old Monaro" road. The next day he proceeded and had cut two fences before Campbell's overseers came by and they opened the gates. This action prompted Frederick Campbell to initiate legal action against George de Salis for trespass and damages of £1000.

This was similar to the better known actions of Campbell and Guise against John Southwell and William Young, who were selectors, for cutting fences blocking the road. Southwell and Young like George de Salis lost the case and both were bankrupted. This incident was seen as a selectors versus squatters action although George de Salis' involvement makes the issue much less black and white. The issue also caused a rupture in the relations between the Cunninghams at Lanyon and the de Salises as Jimmy Cunningham took Campbell's side.

This is the second time when the de Salis family view on roads caused a neighbouring squatter to act towards them in an unneighbourly way (the first being the "gum tree war" resulting in the declaration of the Tharwa Reserve).

<sup>192</sup> Oldfield selected at 10:00 am. He was the first person in the door and the others soon followed.

Thomas Oldfield	600 acres	Parish of Coolemon	Portion 8	the Pocket
John Flanagan	320 acres	Parish of Murray	Portion 6	17 Flat
William Harris	320 acres	Parish of Murray	Portion 1	The Plain

Later Edward Gregory took 320 acres<sup>193</sup> at the Blue Waterhole, Parish of Murray, Portion 9 ((de Salis dairies 2<sup>nd</sup> February 1882; Lands Department Conditional Purchase Registers – Queanbeyan 2<sup>nd</sup> February 1882). It is not clear whether Gregory was a de Salis dummy however Oldfield, Harris and Flanagan were.

George de Salis wrote “Everyone in town seems glad that we have been able to save the best part of Coolemon” (de Salis dairies 2<sup>nd</sup> February 1882). In fact the de Salises had successfully preserved their rights on the Coolemon run as no further selection was to occur on their run which, in a nice ironic touch, preserved it for later sale to Frederick Campbell by the Union Bank. As well the de Salises had achieved the reservation of the Coolemon Caves - now part of the Kosciusko National Park.

The land selected by Frederick Campbell and his dummies were Portions 11, 12, 13 and 14 of the Parish of Murray. Frederick Campbell’s portion was voided in 1883 but the relevant file was missing and the reasons for this are therefore unclear. This however allowed William de Salis to select an 80-acres conditional purchase on Cave Creek in the middle of Portion 13 on 2<sup>nd</sup> March 1882. This selection was no more than of nuisance value. No improvements were made and no residence attempted (William was actually in Queensland). The selection was forfeit on 31<sup>st</sup> December 1885.

The four portions were organised so as to allow a single house to be erected in the corner mutually held. This was a common trick and allowed the selector to claim residence without having to construct four huts. However L. S. Lester surveyed a road between the portions in January 1883, forcing Timothy Kelleher and Mary McDonald to erect huts on their portions. Cropper noted this when he inspected all three portions in March 1883.

On Portion 12 Alexander McDonald had erected a substantial six-room thatched house with two stone chimneys and a verandah on two sides valued at £130 as well as some fencing. Cropper noted that McDonald was absent during the winter. Later inspections indicated an increase in value of improvements to £228-again mainly fixtures such as buildings and fences. The house was burnt down by April 1885 but a new one had been erected by Manton’s inspection in May 1887. Although McDonalds listed “ringing” on his declaration, neither inspection report mentions this. The portion was transferred to Frederick Campbell in May 1887.

Mary McDonald’s residence on Portion 14 was inquired into following Cropper’s inspection but was upheld. Manton inspected in April 1885 and recorded a slab hut of two rooms with an iron roof valued at £30, 3 miles of 6-wire fence £180 sheep yards and stock yard. In May 1887 Manton revisited the portions finding that the hut was now valued at £60, the sheep yard and stock yard were more valuable and a slab shed with iron roof had been erected. Interestingly 200 acres had been ring-barked. The

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<sup>193</sup> At 11:50 am.



total value of improvements was £360. The land was transferred to Frederick Campbell in May 1887.

Kelleher's residence on Portion 11 was not inquired into. In April 1885 Manton inspected, recording a slab hut with iron roof valued at £20 and some 4 miles of wire fencing valued at £222. The hut was located on a track to Blue Water Holes and now goes by the name of Coolamine Homestead.

Manton's inspection on the 31<sup>st</sup> May 1887 lists the following improvements:

Slab hut iron roof, two rooms	£ 20
4 miles 6 wire fence	£221
cottage 2 rooms, floored, ceiling, verandah	£ 70
garden with 7 wire fence	£ 10
hut (bark)	£ 2
200 acres ring-barked	£ 10
4 acres cultivated and fenced	£ 27
sheep yard brush	£ 1
10 chains 1 rail and wire fence	£ 3
yard and bale	£ 2
water race to house and garden	£ 20
Total	£386

Manton wrote "selector is a married man, his wife was living upon the land with him, I believe the selector to continued to reside upon the cp for three months after the expiration of the term required by the Act. The place has all the appearance of having been used as a bona fide home".

Folio 87/286634 Lands Department - Conditional Sales Branch  
Correspondence Files No 96/1117 (SRNSW Ref 10/18230 ).

The selection was transferred back to Campbell in April 1887.

Archibald McDonald's brother, John William McDonald, attempted to re-select Portion 13 in October 1882 but William de Salis had selected before him.<sup>194</sup> He therefore got a portion of 365 acres. When Manton inspected the portion in April 1885 he found a very comfortable slab hut with an iron roof, 5 acres of cultivation and 2.5 miles of 6-wire fence. Later on his second inspection in July 1888 Manton found that sheep yards and a hay shed had been added. The portion was transferred to Campbell in December 1888.

Portion 16 was selected by John McDonald as an additional conditional purchase in February 1883 and took in the balance of the original Portion 13 less Portion 10. The land was improved by fencing and transferred to Campbell in December 1888. McDonald also reselected Portion 10 in 1887.

<sup>194</sup> There is a sketch plan that shows that William de Salis' selection was thought to be immediately south of the 640 acres of Portion 13.

These four selections created a run of four square miles on the northern part of the Coolamon Plains. The improvements were mainly fencing with two substantial houses being established. Of McDonald's on Portion 12 nothing remains but Coolamine on Portion 11 remained in use and is now part of Kosciusko National Park.<sup>195</sup> In comparison with the Cuppacumbalong Run there was little attempt at clearing, merely some ring-barking.

As discussed above, Harris's application for Portion 1 was rejected on the grounds that the improvements were too valuable and presumably this would have also prevented Campbell from moving on this area which runs across the plain, effectively stopping selection.

Flanagan's 320 acres at Seventeen Flat effectively peacocked the flat. The portion was surveyed by L. S. Lester on 6<sup>th</sup> December 1882 who noted improvements of hut £18 and yard £2. Flanagan was not there "but from the general appearance and information received he appears to have been residing thereon" Folio 83/2429 Lands Department - Conditional Sales Branch Correspondence Files No 85/23866 (SRNSW Ref 10/17328).

Inspector Cropper visited the portion on the 14<sup>th</sup> March 1883 and found Flanagan non resident and noted the following improvements:

Hut 18 x 10, 2 rooms, slabbed floors, verandah	£20
Log yards & ??? bail	£ 2
Total	£22

Cropper noted "although the selector was not at his selection when I inspected it (at Mr de Salis) I am informed he resided here with his wife and children through the snow of last winter, and when it melted he took her away to a station of Mr de Salis's (Naas) one of his children being ill – after that he went reaping and shearing for a length of time and is now engaged in splitting timber to fence, being only away just now temporarily."

Folio 83/8154 Lands Department - Conditional Sales Branch  
Correspondence Files No 85/23866 (SRNSW Ref 10/17328).

Inspector Manton visited the portion on the 4<sup>th</sup> April 1885 and noted the following improvements:

Slab hut, bark roof, 24' x 12'	£20
sheep yard	£ 2
total	£21

Manton noted "the hut looks as if it had been resided in, but now it has the appearance of being deserted, selector not upon the land".

<sup>195</sup> Coolamine Homestead still exists and two conservation plans have been prepared for the site. The history in these plans was written without access to the de Salis diaries and the conditional purchase records and thus is inaccurate in many respects.

Folio 85/23866 Lands Department - Conditional Sales Branch  
Correspondence Files No 85/23866 (SRNSW Ref 10/17328).

An inquiry into the improvements and residence on the conditional purchase was instituted and held on 19<sup>th</sup> August 1885. Only Manton and the Crown Lands Agent at Queanbeyan attended. The result was that the land was forfeited on 31<sup>st</sup> December 1885, Folio 85/23866 Lands Department - Conditional Sales Branch Correspondence Files No 85/23866 (SRNSW Ref 10/17328).

The portion was selected on 13<sup>th</sup> January 1887, as measured Portion 6, by Joseph Fall who had selected Portion 5, Parish of Murray and Portion 1, Parish of Cooleman but was forfeited on the 3<sup>rd</sup> June 1891 for non-residence along with the rest of Fall's land. It was reserved from conditional purchase by R 14058 of 4/7/1891.

It is not clear whether Edward Gregory was a de Salis dummy or not. Like his brother John at Naas I think Edward was more of a "friendly selector" rather than a dummy. The description of the land was somewhat convoluted and vague, the Crown Land agent noting on the folio "it is impossible to locate accurately the lands applied for" (Folio 82/2428 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294)). The land does not seem to be a flat, rather it is cut by two large gullies and fronts the steep side of Cave Creek.

The land as selected was in fact part of Reserve R658 of 1<sup>st</sup> February 1882 that was later cancelled on the 13<sup>th</sup> March 1882 to be replaced by R 664 of 13<sup>th</sup> March 1882. An area of 40 acres was excised and then later made available for selection once R658 was replaced by R664.

L. S. Lester surveyed the portion on 14<sup>th</sup> December 1882 and noted no improvements or residence, Folio 83/2428 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

Inspector Cropper visited the portion on the 14<sup>th</sup> March 1883 and found only a gonyah valued at 10/-. Cropper saw "bedding, billy & pint in the gonyah which was a miserable affair & unfit to reside in even in fine weather in that Climate". Gregory was reported to have visited a few times" Folio 83/8153 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294). Gregory wrote to the LLB on the 1<sup>st</sup> May 1885 claiming that through illness he had been unable to make the necessary improvements and requesting an extension of time. He was advised to await Manton's inspection and subsequent case at the LLB where he could make a case, Folio 85/2502 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294). Gregory wrote to the LLB again on the 13<sup>th</sup> June 1887 claiming that through illness he had been unable to make the necessary improvements and requesting an extension of time. He had apparently submitted his final declaration in May. The LLB replied that he should write to the secretary for Lands, Folio 87/2222 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

Gregory made his declaration under the 18<sup>th</sup> Section on 14<sup>th</sup> May 1887, listing improvements of house, fencing and clearing valued at £140, Folio 87/16706 Lands



Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

Inspector Manton inspected the portion on the 28<sup>th</sup> May 1887 and recorded the following improvements:

80 chains top rail five wire fence	£66
slab hut, bark roof	£20
total	£86

Manton wrote "(the) selector is a married man and was not residing upon the land at date of visit, the hut has the appearance of having occasionally used - Two bunks in the hut (one with mattress, but no blankets) also rough furniture- fire place very little used. By the general appearance of hut and surroundings I am led to believe that the place has not been used as a bona fide home".

Folio 87/37139 Lands Department - Conditional Sales Branch  
Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

On the 19<sup>th</sup> August 1887 the LLB held an inquiry into the conditions of residence and improvements on Gregory's conditional purchase. Evidence was heard about Gregory's illness and improvements. Apparently he lived mostly with his brother at Naas (this is his brother John). The LLB found that the conditions of residence had not been satisfactorily carried out owing to Gregory's ill health and that the improvements were not sufficient. The LLB recommended forfeiture, Folio 87/37139 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

Appeals were then made to the Minister for Lands who reversed the forfeiture on the 21<sup>st</sup> November 1887, Folio 87/58146 Lands Department - Conditional Sales Branch Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

Inspector Manton inspected the portion on the 24<sup>th</sup> May 1889 and recorded the following improvements:

Slab hut, bark roof, 21' x 12', stone fire place	£25
stock yard 3 rail split fence	£ 3
155 chains top rail, 5 wire	£117
2 acres cleared	£2
packed yard	£1-10
20 acres ring-barked	£1
total	£149-10

Manton wrote "Met selector in Queanbeyan, he accompanied me to the land. Selector has discovered silver ore upon this land and is sinking a shaft, the hut upon the selection has the appearance of being used as a home."

Folio 89/18322 Lands Department - Conditional Sales Branch  
Correspondence Files No 96/9230 (SRNSW Ref 10/ 18294).

The portion was transferred to George de Salis on 7<sup>th</sup> March 1890 but from the evidence I think this was a purchase not a dummy transaction, as the de Salises seem not to have been involved in the portion until then. George de Salis applied for Portion 6, Parish of Murray as an additional conditional purchase and Portion 7 as a 750-acre Conditional Lease on the 28<sup>th</sup> August 1890. These applications seem to relate to the mortgage to the Union Bank. Inspection in March 1894 indicated that the only improvements were fencing.

The settlement of Coolemon run was really a result of the dispute between the de Salises and the Campbells. This resulted in more huts and yards being erected than was warranted and some fencing. Clearing does not feature prominently in the improvements recorded. To some extent this was because it was a grassy plain to begin with and seasonally covered with snow.<sup>196</sup> The de Salis diaries do record the stockmen firing the plains when they brought the sheep up.<sup>197</sup> Presumably this encouraged fresh growth for the newly shorn sheep to graze on. Most of the huts were abandoned or possibly moved to a central location. Certainly the run, once it was wholly in Campbell's hands after 1898, was administered from Coolamine Homestead with a stockman at Oldfield's Hut.

#### CONCLUSION: HUSBANDING THE DE SALIS ESTATE

This study has focused on the squatter Leopold de Salis and how he husbanded the de Salis estate with assistance of his son George de Salis. The overall trend was for the de Salises to expand the Cuppacumbalong run, taking in the Naas and Naas Valley runs in 1869 and the Coolemon run in 1872. This created an estate in two separate locations, one by the Murrumbidgee River the other in the alpine area. Coolemon provided important summer grazing for the de Salis flock and year long grazing for a small mob of cattle. The Naas runs were a logical expansion of the Cuppacumbalong Run and fitted into the existing patterns of movement through the landscape and the existing patterns of grazing. However the addition of Naas changed the geographically central part of the run from Cuppacumbalong homestead to the area around Naas homestead. The de Salis diaries show that Naas in many ways was the focus of pastoral activity, with the homestead acting as a "southern office" and the woolshed being located at Naas. The internal movement pattern was focused on Naas but the de Salis family continued to reside at Cuppacumbalong (despite plans for George to move to Naas after his marriage). Cuppacumbalong was still the social centre of the run, convenient to the Cunninghams at Lanyon and after 1878, the area contained the de Salis family graves which would have made George and his wife Mary reluctant to reside far away from their loved ones.

Creating the de Salis estate out of the runs necessarily involved working through the various Crown Lands Acts that controlled the alienation of Crown Land. I say through because, as shown, the de Salises did not exactly comply with the letter or spirit of the law, but the legislation did set the framework of domesticity that the de Salises had to

<sup>196</sup> All the selectors seem to have difficulty residing there in winter.

<sup>197</sup> This was a common practice in the Alps as the "Man from Snowy River" was something of a pyromaniac (Hancock 1972:143-147).

work to. This was immediately apparent when Leopold applied for the pre-emptive purchases and found he was limited by the regulations and later found his homestead under threat by the Tharwa Village reserve.

Initial selections were in the north of the run in Catchments 1 to 3 and in Catchment 6. These selections built on the pre-emptive purchases and seem to have secured improvements and flats where out-stations were located. In contrast with the case elsewhere it seems that the de Salises did not initiate the proclamation of water and other reserves to secure elements of the run from selection. By selected conditional purchases the de Salises built on their initial pre-emptive purchases to at least secure Spring Gully and Binda (Reedy Creek) and to establish portions along the west bank of the Murrumbidgee to the north of Tharwa. Here they had to fend off the Oldfields which they did by selecting around them until a mutual peace was negotiated.

The Oldfield selections were the first (and only) hostile bona fide selectors who challenged the de Salises. Leopold reacted to this challenge by counter selections and when matters reached a point where a key piece of land was to be selected, it seems the de Salises were at the least tipped off and were able to prevent Joe Oldfield from selecting the land. This act pales into insignificance with the reports of squatter hostility to selectors and wholesale corruption from the western Riverina (discussed in Chapter 4). It seems that the de Salises employed a strategy of trying to come to terms with Joe Oldfield and were prepared to allow the northern parts of Cuppacumbalong to be used by him.

From 1872 a series of selections were established mainly to secure land on the Naas Runs and the flats and hills to the west of the Murrumbidgee to the south of Tharwa. These series seem to have secured the important areas of the run and by 1880 the de Salises were allowing friendly selection on marginal land by Dyball, Tong, and Gray. Gregory was allowed to select some first class land at Naas as well.

On Coolemon the de Salises were surprised by the hostile selection of Frederick Campbell and his dummies that cut 4 square miles of flat from Coolemon. This was their biggest loss although they secured the remaining flats on Coolemon. Campbell was by far the most hostile selector the de Salises faced and ironically he was a squatter. Campbell had assets most selectors did not have, money and influence. His selections on Coolemon were a real threat to the de Salis' pastoral interests and Leopold's strategy was to use selection and reserve creation to block Campbell. This was a successful defence in the short term.<sup>198</sup> Still the major failure of the de Salises was to leave Coolemon unsecured. Perhaps if the de Salises were less fanatical about fenced roads they would not have annoyed Campbell.

The de Salis strategy to deal with selectors was a mixture of attempting to accommodate them or even assist them, which they did in most cases, or trying to minimise the size of land selected by counter selections of key land or, in the case of Coolemon, using reserve creation to limit the possibilities for expansion of selected land. Accommodation seems to have been a good strategy for the de Salises were not involved in ruinous selection wars. No doubt the assistance of selectors was seen by

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<sup>198</sup> Of course in the long term Campbell got Cuppacumbalong and Coolemon which must have been a personal as well as financial blow to the de Salises.



Leopold de Salis (and others) as being virtuous in his role as a member of the squattocracy and a gentleman, assisting the industrious worker. However the de Salis' could afford to be generous as they had secured many of the flats within their run, leaving selectors only small areas of first class land and allowing them to select larger areas of steeply sloping, poorly watered, second class land. For example in Catchment 9 on the east side of the Gudgenby and Naas Rivers selection by friendly selectors was encouraged. This took in small areas of flat and large areas of slopes. On the other side of these rivers where there were larger areas of flat to be selected the de Salises took up all the land themselves.

The de Salises also showed no scruples in pushing things to their limit, if not quite breaking the law. The use of dummies, false declarations of residence and general overclaiming of the value of improvements certainly raise questions about honesty, which would have been embarrassing for a gentleman to discuss. There is no doubt that these sins were rife in the conditional purchase system and committed by both squatter and selector alike. Leopold de Salis also showed no restraint in writing to or calling on the Lands Department to make his point although the evidence in the conditional purchase files shows that his complaints were as often ignored as they were acted upon. There is no evidence to show that Leopold de Salis, because of his position, had any greater influence in the Lands Department or with the relevant Minister than others.

With each selection series there was the requirement to improve the land. The de Salises used portable huts that were moved from series to series as the demands of residence required. Most of the improvement was in the area of clearing; virtually all the portions were ring-barked, packed, grubbed and were partly cleared. Fencing initially was tied in with the pattern of fencing over the whole run so a fence might run diagonally through a portion rather than along its boundaries. As the Lands Department began to tighten up on fencing requirements, particularly after the passing of the 1884 Crown Lands Act, fencing began to follow the boundaries of selections or series of selections.

The impact of the de Salises on the landscape was driven by the requirements of the Crown Land Acts as well as good management of their runs. The first selections made in the catchments were the pre-emptive portions in the 1860s. Although records are sketchy it is likely that these areas would have been ring-barked and cleared to increase the extent of grass for the sheep. In the early 1870s selections were made around Naas, the western side of the Murrumbidgee (particularly in the hilly land to the west of the earlier selections) and in Spring Gully. In the early 1880s selections took up more of the hilly country particularly around Tharwa and west of the Murrumbidgee and west of the Gudgenby River. Although these areas are recorded as being ring-barked it seems that in some areas there has been some regrowth and possibly not all the trees were ring-barked. Finally, as their financial situation deteriorated, the de Salises undertook a burst of selection and obtained conditional leases on a lot of hilly country, presumably to add to the assets they could mortgage.

Overall the key aspects of the de Salis husbandry is the interaction of the Crown Land Acts and their administration with the environment. The concern of the Lands Department and the Crown Land regulations was with frontage and water resources,

which were not an issue in the Cuppacumbalong landscape. Flats were, but they were not covered by the regulations. So while the surveyors worried about the de Salis frontage to the Murrumbidgee, useless due to the steep approach to the river, the de Salises grabbed the flats and thus the best land. Then in the late 1870s and 1880s they secured some of the hilly land as selections, as well as allowing trusted selectors to establish themselves on hilly land.

The landscape that resulted was not all that different from what is currently visible. Certainly there would have been many more skeletons of ring-barked trees (these were noted as a common feature in the ACT by Griffith Taylor in 1910 (Taylor 1910). The area of grassland along the margins of the flats was created as the land was taken up and improved and in some areas such as the Naas Valley subsequently cultivated, although in others areas around Lambrigg there is evidently more regeneration. There is no evidence of the early fences of the 1860s as all the fences encountered were orientated to the cardinal points. There has been an increase in the density of settlement with the Cuppacumbalong run being split into smaller farms and accordingly there are more fences. However the broad picture of grassy flats with grassy hills rolling into denser trees on the valley slopes remains the same.

To see the ultimate loss of Cuppacumbalong and Coolemon and the bankruptcy of the de Salises in the context of the tough economic conditions of the 1890s is important for the overall assessment of their success in husbanding the run. Like Wright at Lanyon, Leopold de Salis was hit by insurmountable economic circumstances and should be judged accordingly. Undoubtedly he made some bad judgements but the bankruptcy came at the end of his long and fruitful life when his children were married and were well established, capable of making their own way in life. Leopold de Salis had successfully husbanded Cuppacumbalong for almost 40 years- not an inconsiderable achievement.

The husbanding of the de Salis estate from 1855 to 1892 demonstrates the complex factors that ultimately contribute to the creation of a squatting landscape. Underpinning the process was the notion of respectability as expressed through domesticity. At a national level this was expressed as the Yeoman myth that Australia would be advantaged by the development of a class of respectable yeoman farmers. This led to both the de Salis's and selectors such as the Oldfields or Thomas Tong seeking to establish and maintain a house and farm which supported their families. Although the scale varied between the de Salises as squatters and the selectors such as Tong, they shared the ideal and each made a home for their families in the landscape.



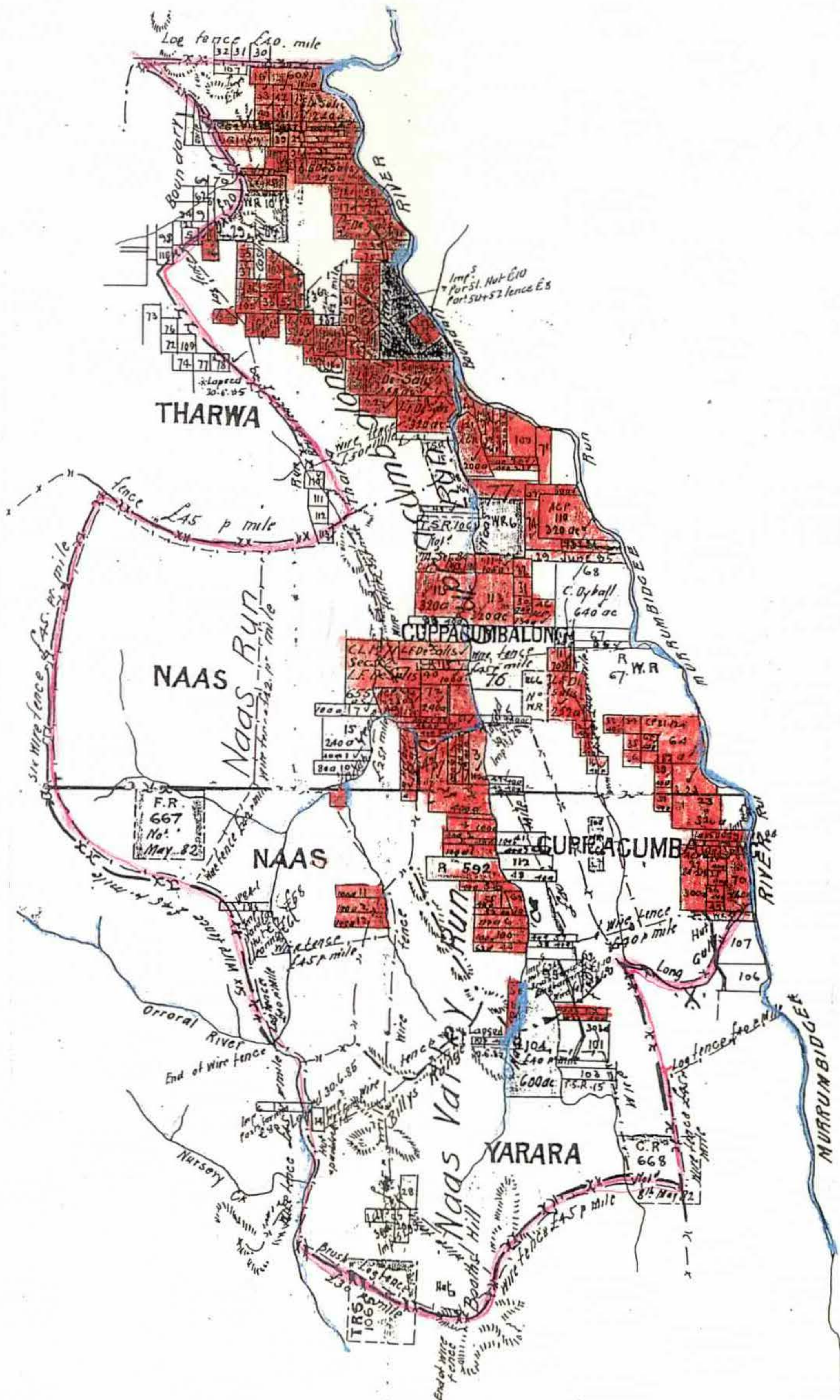
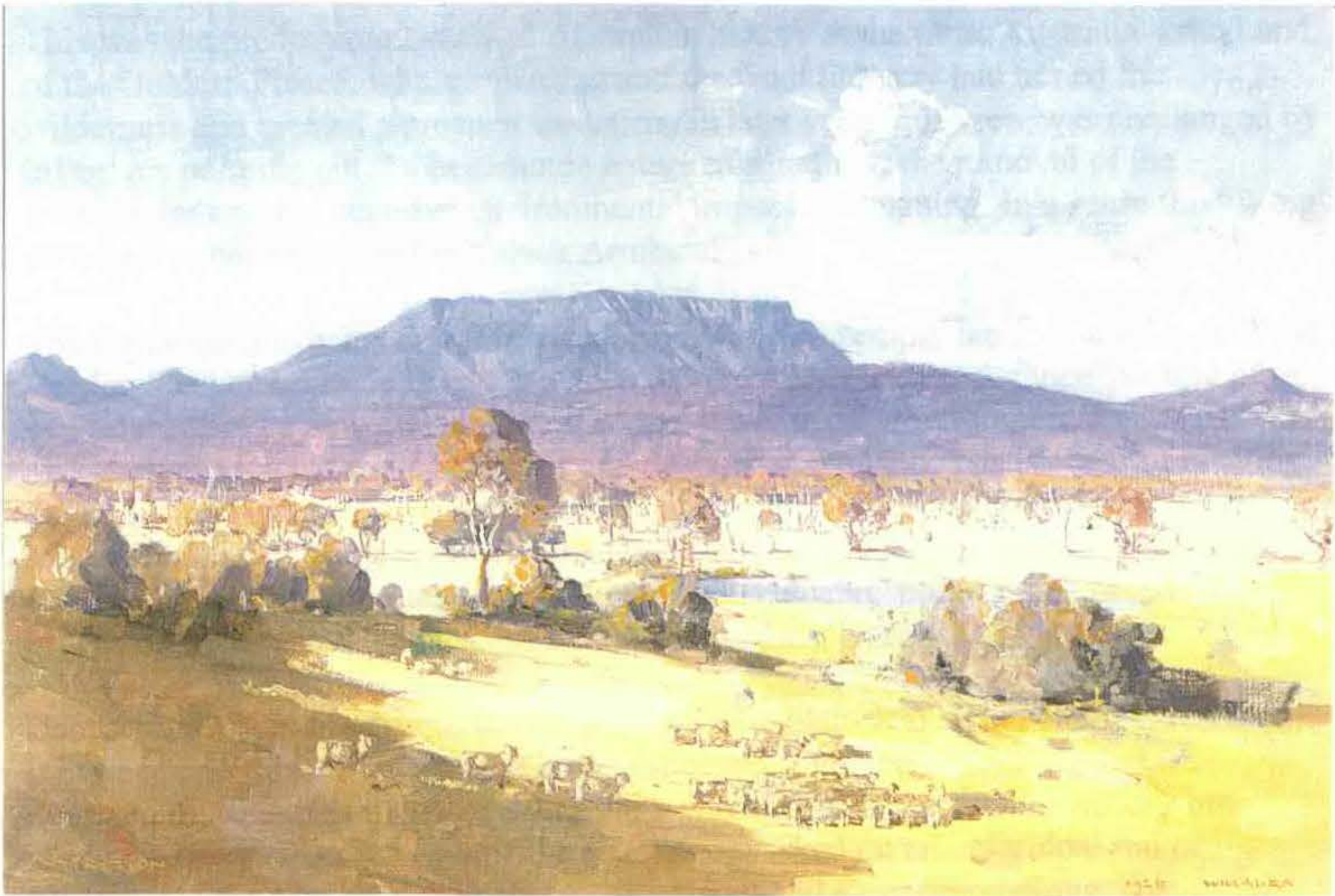


Figure 8.22 Land taken up



**CHAPTER 9: CONCLUSION -THE LAND OF THE  
GOLDEN FLEECE**





*Land of the Golden Fleece* (1926) Arthur Streeton

## INTRODUCTION

In 1826, James Atkinson could consider the interior of New South Wales (South-Eastern Australia) as empty and silent, a wasteland that required “improving” and filling with people and industry. By the 1890s, the South-Eastern Australian landscape was filled; by sheep and cattle, by the squatter, by the selector, by the drover, by the shearer and other national icons celebrated in prose, verse and in paint and supported by Government. As a consequence of this process, the landscape was irreversibly changed to an ordered and “owned” place with the accoutrements of settlement; fences, houses, woolsheds, yards, dams and so on. The land itself was changed by grazing, the hard hoof, clearing, ring-barking and the ubiquitous rabbit. *Land of the Golden Fleece* (1926), one of the last of Arthur Streeton’s paintings, celebrates this change.<sup>199</sup> The painting shows Willaura Run in Western Victoria against the backdrop of the Grampian Ranges. This marvellous image of the “natural” landscape shows sheep, a dam and ringbarked trees but in such a way that they are naturally part of the landscape, their position unquestioned and celebrated. The humans that created this landscape are absent. It is as if this transformation occurred by magic. The sheep are in harmony with the massive of Mount William and the Grampians behind them.

<sup>199</sup> Streeton was the most prominent of the Heidelberg school of plain air painters the first school of Australian painters (excluding Aboriginal painters). They produced a number of paintings that have become national icons dealing with the historical themes of pioneering, sheep farming and selecting.



This was the predominant view of Australian history at the time. Australia – the Land of the Golden Fleece, where squatting and the wool industry had tamed the wilderness and created a prosperous nation. In later years this view was challenged by historians pointing out the hegemonic nature of squatting, the removal of the Aborigines and the negative environmental impact of squatting. In a sense the “Whig view” was challenged by the “Black Armband” view.

The thesis demonstrates that this transformation from “empty land” to the Land of the Golden Fleece was more than a few men of “great force and endurance” setting out and establishing a new country. Neither was it a case of “environmental vandals” recklessly displacing the Aborigines and despoiling the land. The process of creating the squatting landscape was more complex and subtle with broad processes operating at a national level being applied at the level of the individual squatter and squatting run to produce a cultural landscape. It is the individual response to the broad processes written in the landscape that challenged the established views.

Using the concept of cultural landscape applied to historical archaeological research, it has been possible to anchor the broad processes involved in creating and maintaining squatting in the landscape in a way that does not totalise history but allows the understanding of how the processes worked on an individual run or landscape. Using specific case studies of Lanyon and Cuppacumbalong, the interaction of the broad scale processes with local environments and individual squatters, the production of individual squatting landscapes has been examined. Three research themes were used to organise the discussion of squatting landscapes and these are addressed below.

### **Pioneering**

The broad process for initiating squatting was the development of the wool industry and the need for large areas of cheap land on which to graze sheep. Squatting was created by the refusal of the Colonial government to allow expansion beyond the limits of location. The squatters ignored such a prohibition and set off to try to make their fortune.

The pioneering phase of squatting, that is the taking up and establishing of new squatting runs occurred over a long period of time, from the early 1820s when squatters moved beyond the limits of location, to the 1860s when the last squatting runs west of the Darling River were established. In that period of some 40 years, the method of pioneering seems unchanged. Small parties of explorers, either official parties or unofficial parties of squatters scouted the country looking for suitable areas for runs. Settlement followed by a process of leap-frogging beyond existing runs and then in-filling the gaps. By the 1840s when the process of squatting was formalised in legislation the period following the process of taking up runs was often followed by Government Surveyors surveying the “back country” into runs which were put up for tender.

Two phases of squatting pioneering have been identified. The first was from the 1820s until the mid 1830s when squatters reached the edge of the arid country which formed much of Western NSW. Prior to reaching this country squatting was a comparatively easy matter as the grasslands and open forests that the squatters moved



into (and which were probably partially the result of Aboriginal burning practices) were readily adaptable to grazing. However, in the west where there was less grass, less water and lots of saltbush squatting settlement had to take account of these limitations. From the mid-1830s squatters gradually moved into the west taking up runs on frontages of water courses and other water bodies but leaving gaps of unsettled or lightly occupied land on the treeless plains. Gradually a method of holding these lands was developed where dams, tanks and wells were constructed and secured by selection as improvement purchases. This allowed settlement of the Western Plains of NSW which occurred from the late 1830s until the 1860s when the lands along creeks running into the Darling were taken up.

The actual settlement pattern was for each run to have established a head station consisting of crude huts or tents and for the sheep flocks (of 500 to 1000 sheep) to be located in outstations across the landscape area. The boundaries of runs were established on natural features or marked by plough lines or blazed trees. Initially the runs were lightly held with little attempt to clear or improve the runs this was largely because the environment was readily adapted to grazing. Small areas of cultivation were established adjacent to the head station to provide some vegetables to add to the relentless diet of meat.

While the process of pioneering settlement across South-Eastern Australia took place over a period of some 40 years, the period of pioneering on each run seems to have been comparatively short especially for the squatting runs where the squatter was resident on the run. The historical evidence suggests that squatters who saw themselves as respectable moved quickly to move from the original tents and huts to developing comfortable houses which allowed them to pursue activities such as reading and writing as well as the more sporting activities of squatting such as chasing stock and shooting things. This period of construction marks the end of the pioneering phases on a squatting run. Typically this occurs much earlier than the usually given date of 1848 when squatters were given security of tenure.

Lanyon presents an interesting case study in squatting, being a mixture of grazing on freehold land and squatting. James Wright and John Lanyon seem to have been attracted to sheep farming by the reports of the profits to be made. Wright at least seems to have moved to Australia to evaluate the situation and once he established a run his brother William came out with the bulk of the capital. Neither Wright or Lanyon could be considered upper class but they were gentlemen and as Wright's letter to Governor Gipps shows they were keen to stress their respectability. Ultimately Wright's difficulties lay in this mixture of land tenure as the cost of purchasing the freehold estate imposed a debt on the operations that proved impossible to pay off once the 1840s depression hit. His salvation lay in moving his operations to Cuppacumbalong, which as a squatting run was less capital intensive.

This freehold/squatting mixture was reflected in the operations of Lanyon, which was run as a mixture of sheep grazing and intensive agriculture and dairying. The later activities were located close to the head station of Lanyon. Sheep flocks were dispersed across the landscape much like a normal squatting run.

The pioneering squatting landscape was therefore a fleeting, almost transitory, event which left a major impact on the landscape only around the head station. There was of

course a more important change evidenced by boundary markers on the landscape and paperwork in the Government records, the landscape had become "owned". It was the task of the respectable squatter to take this owned waste land and improve it for the betterment of his family and the common good.

### **From squatter to squattocracy**

The process of moving from being a squatter to the squattocracy was one of asserting ones right to be considered respectable and demonstrating ones respectability. The squatters asserted their respectability through their adherence to contemporary standards such as the "cult of domesticity" as expressed through their actions, appearance, and the husbandry of their property. The rapid construction of comfortable houses, equipped with at least the trappings of domesticity, the development of landscaped gardens, the separation from the workers and work places (such as shearing sheds) after a run was established was a sign of the respectable squatters. Furthermore, the act of establishing a squatting run was seen as being virtuous in itself for bringing wasteland into production was good for both the squatter and the colony.

The process of asserting their respectability separated the squattocracy from the less respectable squatters. It allowed them to be supported by Governor Bourke who argued for the sanctioning of squatting. It also allowed the squatters to make a political alliance with the gentry in opposing Governor Gipps' plans for more formal regulation of squatting.

At Lanyon, James Wright was keen to assert his social position. As part of constructing the Lanyon estate he moved to displace George Webb who was squatting on land opposite Lanyon which Wright claimed also to squat on. Wright's argument was based on character - his good one and Webb's (alleged) poor one.

Unfortunately it turns out, on reviewing the historical and archaeological evidence relating to the buildings at Lanyon, none of the extant buildings can be convincingly argued to be from the Wright era so that Wright's expression of his social position mainly has to be read through historical evidence rather than, as was hoped, through a combination of documentary and archaeological evidence.

The Inquiry into the Administration of Justice at Queanbeyan reveals Wright as a person who misplayed the social game by undertaking a socially disgusting and improper practice of inspecting a convicts back after flogging. Wright is shown by this incident to be a person of obvious social status (other wise he would not have been a Justice of the Peace) but whose respectability might be seen as in doubt. Wright's bankruptcy inventory lists various items of material culture that show Wright as being of genteel respectability and certainly maintaining appearances even at the edge of the limits of location.

The analysis of the Wright era at Lanyon showed an ambiguity in Wright's performance of his social position as a J.P. and in his husbanding of Lanyon. Although he did go bankrupt he was able to salvage from the wreck his squatting holdings on Cuppacumbalong.

In contrast, Leopold de Salis came to Cuppacumbalong with an already established position as a gentleman through his aristocratic connections and education. In the district, he was expected to act as a gentleman and take an active role in the community. This he did through his Parliamentary service. The de Salis' had principles, their opposition to road closures being one, which they stuck to over the years. This alienated neighbouring squatters to the point where the Cunninghams and later the Campbell's acted against the de Salis' interests.

Apart from the roads issue, de Salis' husbanding of the run shows that he was able to resolve most disputes with his neighbouring squatters by demonstrating a give and take attitude. He was also able to come to terms with selecting, ultimately he allowed selection on Cuppacumbalong by respectable selectors and avoid much damaging conflict. Leopold de Salis was also able to negotiate the de Salis selection strategy through the Lands Department and the Land Acts and build up a considerable estate of freehold land.

Ultimately the environment brought the De Salis' down, through the drought-induced losses on their Queensland properties. Though drought must have been a factor in the past (in the 1890s it was particularly severe), combined with the economic depression there was little cash flow and mounting debts and the de Salis' succumbed. Whether this means Leopold de Salis had failed to husband the estate is debatable, the estate was lost but his family continued and prospered precisely because Leopold de Salis has successfully husbanded the estate for the previous 35 years.

### **Selection**

At a broad scale, the view that selection was a battle between rich and poor, capital and workers or some other simple dichotomy cannot be sustained. It has been argued that selectors and squatters shared concepts of domesticity and that many squatters share the aims of selectors in establishing homes for their families. This helps explain why in some areas squatters and selectors co-existed. However, where the selector and the squatter were competing for the same land there was obviously considerable hostility.

In the case of the de Salis' at Cuppacumbalong a variety of responses to selection can be seen. In the case of hostile selectors, the de Salis' moved to block selectors by selecting land around the hostile selectors and probably using their influence to obtain the selection of an important area of land. They aimed to quarantine selection in particular areas of Cuppacumbalong and later Coolemon. This was done by combining the use of the Lands Acts and a shrewd evaluation of the economic potential of the landscape. These skills allowed the de Salis' to secure the most important areas of Cuppacumbalong - the flats. The de Salis strategy for doing this shows a disregard for the law by employing dummies to select in their interest and the making of false declarations as to residence. Having secured these areas, the de Salis' were in a position to allow respectable selectors, mainly trusted employees, to select on Cuppacumbalong.

One aspect of the Lands Acts not discussed by the historians has been the requirement for improvements tied to each conditional purchase. In the de Salis case the majority of these improvements were in the nature of ring-barking which Leopold de Salis had



quite strong views about. It is possible, in the absence of the legal requirement to improve, that Leopold would have ring-barked much of Cuppacumbalong out of conviction of its positive effects. However given the requirement to improve the landscape under the Lands Acts, ring-barking was used to open much of the land, promote grass coverage and fulfil the requirement to improve. It has been shown that the impact of these improvements in individual catchments is related to the nature of selection. Thus, the impact on the landscape of squatting and of selection is not universal but variable depending on how the squatting estate was husbanded.

More research into the mechanics of selection across NSW and Victoria will help provide a better picture of selection and the squatter/selector relationship than is currently available. Although the reports of the Parliamentary committees are useful, they are only limited in scope. As this study has demonstrated there is a wealth of detail in the conditional purchase files and in the landscape itself that allows a more detailed look at the process involved in selection to be examined. Once these studies have been undertaken then the overall picture of the nature and effects of selecting in South-Eastern Australia will become much clearer.

## CONCLUSION

The squatting landscape is a rich texture of historical processes, individual responses, and the actual landscape itself. As a whole, squatting is an important part of Australia's history, historically it has been represented, as it has been in Streeton's painting, in a totalised form as a triumph or a disaster. But it is more than that and this thesis has struggled to go beneath the surface of these historical views and bring out both the individual and national processes that work to create the landscape celebrated in Streeton's painting. It is a story worth telling and it has made experiencing the landscape more interesting for the stories of Wright and the de Salis family. The result has been to find a depth to an Australian historical myth that makes it more interesting and subtle and adds richness to our understanding of how Australia's landscape was created.

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#### MANUSCRIPT SOURCES

This thesis contains a large number of references to archival sources, notably the Conditional Purchase Files. The specific folios cited are referenced in the text, however the general series is cited below.

#### National Library of Australia

George de Salis Diaries and notebooks 1869-1900, mfm G 20727 – 20733, Manuscript Reading Room.

(note permission from the de Salis family is required for access to all de Salis material.

#### State Records New South Wales

Colonial Secretary, Applications from individuals for Depasturing Licences.

Colonial Secretary, Register of Applications from individuals for Depasturing Licences.

Colonial Secretary, 1841 Census, Queanbeyan – Sydney State Records X950 Reel 2223

Bench of Magistrates: Deposition Book, Queanbeyan Bench,

Lands Department, Alienation Branch, *Correspondence Files*

Lands Department, Conditional Sales Branch, *Correspondence Files*

Lands Department - Head Office, *Conditional Purchase Registers*



Lands Department, Miscellaneous Branch, *Correspondence Files*  
Lands Department, Occupation Branch, *Occupation Files*  
*Pastoral Holding Files*  
Lands Department, Surveyor General, *Letters Received*.

Supreme Court of NSW: Bankruptcy File: packet 858 (Wright).

County and Parish maps were created by the Lands Department to record land measured and its status. From time to time the current County or Parish maps were lithographed and published. The lithographs of the current editions of County and Parish Maps available for sale at the former Lands Department (now Conservation and Lands Management).

Current editions of lithographs of each Parish or County were placed into use in the various Lands Department Offices. Changes were marked up on the plans, which were called "charting copies". From time to time as a new edition lithograph came into use the earlier charting copies were "retired" but held by the Lands Department for record purposed. Most of the charting copies of the County and Parish plans are held in State Records. During the course of this, project State Records and the former Lands Department began to copy the plans with the aim of producing a CD or Internet site of plans.

Plans of the County of Cowley, and the Parishes of Boorombah, Congwarra, Coolemon, Cuppacumbalong, Gundenby, Murray, Orroral, and Tharwa lodged in State Records were used in this thesis. The plans of the Parish of Naas was located in the Goulburn Office of CALM who kindly allowed me to make copies for myself (and a set for the archives).

**APPENDIX ONE: THE "CULTURAL LANDSCAPE"**

**IDEA**

## INTRODUCTION

The Appendix is the first part of the review of the cultural landscape idea. It covers the emergence of the concept and its use in the area of historical or cultural geography. It has been included in the thesis more for the sake of completeness so that the concepts discussed in Chapter Two do not seem to spring to life randomly but are seen to have a deep history of their own. It is also necessary to emphasise that this review focuses on the use of the cultural landscape concept by geography, as that is where archaeologists found the concept. However, there are other users of the concept notably in the area of landscape architecture, urban design and in art history, which should be acknowledged again for the sake of completeness. This review does not aim for a total coverage of the concept of cultural landscapes, which would be a thesis in its own right.

According to Naveh and Lieberman (1994:3) the earliest reference to landscape is in the Book of Psalms (48.2) as the Hebrew “noff” which has the connotation of English “scenery”. An alternative reading however, sees the word as part of a description of a landscape rather than being a word meaning landscape.<sup>1</sup> The actual life history of the word and its varying meanings can be traced through various routes (eg Cosgrove, 1984, traces it through the Renaissance Italy; Schama, 1996, through Dutch landscape painters). Two main meanings can be traced: landscape as scenery or more particularly an image of scenery in a painting and landscape as an area of land (which could also be argued is scenery except that it is viewed from above the landscape). According to the Oxford English Dictionary the word entered English around 1600AD and meant scenery. The second definition, landscape as an area of land, entered the language around 1860 and was taken up by geographers and turned into the concept of the cultural landscape.<sup>2</sup>

### Background on the history of geography

At the outset something of the history of geography needs to be explained in order to put the development of cultural landscapes into context. The formal discipline of geography began to form along with the discipline of history in the Nineteenth Century (Conzen 1993:3). In the United States at least, Conzen has identified two strands of geography that relate to history. The first is the study of the geographic influences and/or background to history. The second is the history of exploration and history (Conzen 1993:11). A third strand is noted in European geography, that of the geographic description of colonies which inevitably discussed their history (Butlin 1993:20-22). In America this interest was paralleled by the ethnographic studies on Native Americans.

By the early Twentieth Century, geography itself was widening as a discipline with the development of physical geography. This resulted into a two-streamed discipline, one

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<sup>1</sup> By Dr Trevor Evans of the Classics Department, University of Sydney.

<sup>2</sup> The Oxford English Dictionary notes the earliest usage in this sense as occurring in 1886 but interestingly cites Sauer's usage in his *Morphology of Landscape* article



dealing with natural geography and the other with cultural geography. At the beginning of the Twentieth Century, the United States geographers were strongly influenced by the geographical research in Germany and many undertook training for a higher degree in Germany. Thus Ellen Churchill Semple in her historical geography work that emphasised environmental determinism took up Friedrich Ratzel's ideas on the environmental influence on society.

The geographer Otto Schlüter is identified as having used the term "cultural landscape" in the early Twentieth Century (James and Martin 1981:177). In 1908, Schlüter argued that by defining geography as a *Landschaftskunde* (landscape science) this would give geography a logical subject matter shared by no other discipline (Elkins 1989:27; James and Martin 1981:177). In approaching landscapes Schlüter used the historical geographic approach. He defined two forms of landscape: the *Urlandschaft* or landscape that existed before major human induced changes and the *Kulturlandschaft* a landscape created by human culture. The major task of geography was to trace the changes in these two landscapes.

In contrast to Hettner's view of geography as being distinguished by its method of studying spatial variations in regions and places, the so-called chorological view, (James and Martin 1981:177), Schlüter looked to the impact of humans on the natural environment rather than determination of human activities by the natural environment. The method used was morphological and based firmly on the fixed and movable forms of the landscape, ignoring non-material aspects, such as social conditions (Dickinson 1939:2; James and Martin 1981:177).

Geography's link with history was through a mutual concern with environmental (or geographic) determinants of history. Historians had also made their own link with geography through the well-known work of Frederick Jackson Turner on frontiers. Turner was not only using geographic data such as maps but also the whole concept of frontiers was essentially geographic in nature.

Conzen's review of historical geography suggests that by the mid-1920s geography had developed a distinct historical stream with a heavy emphasis on environmental determinism. "The first quarter of the twentieth century had witnessed Promethean battles over the scope and orientation of American geography, in which the historical perspective had played a critical role and produced a literature of brash generalisation balanced precariously upon fragmentary research" (Conzen 1993:25).

### **Sauer and the Cultural Landscape**

It was in this context that Carl Sauer produced his paper on the *Morphology of the Landscape* in which the concept of cultural landscape was introduced. Carl Sauer, who had been educated in Germany, was based at the University of California at Berkeley. Sauer's paper "*The Morphology of Landscape*" (Sauer 1925) is probably the most influential in developing ideas on cultural landscapes (see Baker 1992:6; Haggett

1965:11; James and Martin 1981:321-324; Jackson 1989; Leighly 1963:6; Meinig 1979:227; Price and Lewis 1993; Williams 1983) and it is still cited today. Ironically however, Sauer's paper was really concerned about his own vision for geography, which was to establish the discipline on a phenomological basis rather than it being specifically concerned with cultural landscapes. "Every field of knowledge is characterised by its declared preoccupation with a certain group of phenomena" (Sauer 1925:20). Geography was assigned the study of areal knowledge or landscapes or chorology (1925:21). "Within each landscape there are phenomena that are not simply there but are either associated or independent of each other". Sauer saw that the geographer's task was to discover the areal connection between phenomena (1925:22). Thus "the task of geography is conceived as the establishment of a critical system which embraces the phenomenology of landscape, in order to grasp in all of its meaning and colour the varied terrestrial scene" (Sauer 1925:25).

The concept of cultural landscape was only generally defined as part of Sauer's overall concept of landscape. Landscape was not a scene (as in a photograph or view) but a series of scenes. It was an area of distinct associations of forms, both physical and cultural (1925:26). The cultural landscape was both the physical forms of significance to humans (such as minerals) and the cultural forms of human use of the area (such as mining). A cultural landscape's morphology was all the works of humanity that characterise the landscape which Sauer considered to be physical or material things not immaterial things such as customs (1925:460). However it was also important to see landscape as having both time relations and spatial relations (1925:36), thus Sauer's conception of cultural landscape has a historical component to it.

In a related article on *Cultural Geography* (1931) Sauer made the role of cultural landscapes more explicit. Sauer saw a parallel between the aims and methods of physical geography and cultural geography. Cultural forms (such as habitations, fields, lines of communications etc) were seen as having parallels with physical forms (soils, gully erosion etc). The study of both was to be concerned with the question of origins and transformations as in geomorphology (Sauer 1931:33). The cultural area concept (borrowed from then current thought in anthropology with which Sauer was familiar) parallels the physical area of the geomorphologist. A cultural area consists "only of the expressions of man's tenure of the land, the cultural assemblage which records the full measure of man's utilisation of the surface" (Sauer 1931:33). The aim for cultural geography was to understand the development of the cultural area, which necessitates understanding previous cultures in the same location.

The method for studying landscapes was based on morphology; "the massing and ordering of phenomena as forms that are integrated into structures and the comparative study of data thus organised constitute the morphologic method of synthesis, a special empirical method" (1925:30). Sauer noted some previous attempts to apply the morphological approach and is critical of these for being too narrow in scope (1925:32). Sauer wanted to expand these studies into both the natural and cultural landscapes looking to define a body of morphologic facts in each sphere. However in discussing

cultural landscapes, Sauer admitted to a lack of such facts citing only forms such as population, housing, production and communication (1925:46).

The call that Sauer made in his *Morphology* paper was basically given up in subsequent work (see Williams 1983). In a later article *Forward to Historical Geography* (1941), Sauer acknowledges that the morphological facts or concepts had not to any great extent been supplied by geographers themselves but were to be found in the sister discipline of anthropology (1941:356-357). Sauer had by that time formed a strong professional relationship with the anthropologist Alfred Kroeber although the degree to which Sauer was influenced by Kroeber is a matter of debate (see below).

Sauer's approach to the question of historical development is through his morphological method where forms or structural units can be placed in a sequential development on the basis of inductive reasoning that allows the sequence of development, from incipient form to final form to be discovered. (1925:30-31). In terms of the cultural landscape Sauer saw these forms as being things like housing (including the type of structures and their grouping) forms of production such as farms, forests, mines and so on (1925:46). The forms were derived by a culture group fashioning them out of the natural landscape, "culture is the agent, the natural area the medium, the cultural landscape the result" (1925:46). Therefore as cultures change so must the cultural landscape. The natural landscape, from which supplies the material out of which the cultural landscape is formed, remained in Sauer's view constant. Of the geographies Sauer envisaged regional geography compared and ordered cultural landscapes and historical geography looks at the changes in cultural landscapes over time (1925:47).

However there is little in Sauer's methodological writings that suggest explanation rather than descriptions of culture change. In Sauer's adoption of the Kroeber derived concept of culture he also adopted the framework for the explanation of culture change. "Clearly Sauer shared Kroeber's emphasis on patterns of culture and on its essentially acquired, transmitted or achieved nature, as opposed to its allegedly ascriptive qualities" (Jackson 1989:17). Sauer's approach to culture was not unusual for its time and fitted well with contemporary approach in American archaeology at the time (see Lyman *et al* 1997).

### Reactions to Sauer

One of the most influential English geographical texts of this era was Richard Hartshorne's "*The Nature of Geography*". First published in the *Annals of the Association of American Geographers* in 1939, it was reproduced as a book and ran to several editions (I have used the 1961 edition). As Smith notes "Richard Hartshorne's *The Nature of Geography* was embraced almost as a holy text by one generation, utterly spurned by another, and is now a dim historical curiosity for yet another" (Smith 1989:91). Hartshorne examined, then current, issues about the nature of geography in light of what had been written about them by past (mostly German) geographers. His work was a detailed, scholarly, although highly critical, study of some aspects of geography. Central to Hartshorne's project was an inward looking view that the question of nature of



geography could be solved by reference to what (mainly German) geographers had written in the past. Smith writes of this approach and its wide acceptance, as committing geography to "a museum like existence" where its concepts were dredged up from the past and showcased as intellectual objects d'art and intruders kept at bay by a perimeter wall of conceptual distinctions (Smith 1989:92). Inevitably Hartshorne's views clashed with those of Sauer's.

Sauer's understanding of landscape (as well as Sauer's approach to historical geography) was systematically criticised by Hartshorne. Typically Hartshorne approached the issue by a detailed discussion on the concept of "landschaft" or landscape. Hartshorne failed to find any clarity in either the original German geographer's use of the term or more recent uses of the term by US geographers (ie Sauer and his students). The difficulty stemmed apparently from the German use of the word "landschaft" to mean both the appearance of the land as we perceive it and a modified piece of land (Hartshorne 1961:150).

The German geographers used both meanings, sometimes stressing the first meaning and sometimes the second. The problem was that the German geographers were attempting to define a word, which, while retaining an indefinite relationship with the concept of the perceptible landscape was required to precisely define the objects of geographic study. Consequently geographers defined the word according to their view of what geography should study.<sup>3</sup> Thus while landscape is an area of some sort, what is included in the area will vary from one geographer to the next (Hartshorne 1961:158-159).

Sauer is considered guilty of the same problem, as the precise definition of landscape in the *"Morphology of Landscape"* was not made clear. Hartshorne argued that it is difficult to perceive exactly what the relationship between "landscape" and "area" is, in Sauer's paper (1961:155). This to Hartshorne undermined the use of the concept on the grounds that to use landscape as a synonym for region, area or district replaces a clearly defined term for a less precise term (this is a problem for Hartshorne whose speciality was precision, as geography was striving to be a science) and in any case landscape cannot escape the connotations of the popular definition as being some form of view (1961:159-160). This is hardly convincing as many quite well defined and respectable terms have other meanings or ambiguities (e.g. culture or history).

Nor is Hartshorne's definition of landscape as "a continuous surface of an area" (1961:163) better than Sauer's. Hartshorne claims that its virtue is that it clearly sets out what is included in a landscape, as indeed it does. But ought one exclude something, say 10cm below the surface, such as soil or geology that obviously influences the ultimate form of the landscape? Hartshorne would do so and even would exclude underground workings of a mine (below the surface) and include open cut mines (on the surface) all in the name of precise definition (1961:164). Hartshorne's ultimate purpose in forcing this definition of landscape is ultimately to dismiss Sauer's call for geography to be seen as the study of landscapes.

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<sup>3</sup> While Hartshorne sees this as a problem, it also seems almost inevitable given human nature.

The cultural landscape concept also gets a thorough going over by Hartshorne. Here Hartshorne noted Sauer's distinction between cultural and natural landscapes and considered that Sauer sees them as being part of an overall landscape. But from my reading of Sauer's "Morphology" it seems to me that Sauer was looking at two natural aspects. Firstly there are natural and cultural landscapes (Sauer 1926:37) with the natural landscape excluding the impact of humans. Secondly, within the cultural landscape, there are physical or natural elements and cultural elements (Sauer 1926:29). Admittedly Sauer confuses the matter here by not making the second point clearer.

Hartshorne concluded by stating that "Most American geographers who use the term cultural landscape mean simply the present landscape of any inhabited region" (1961:170). Sauer is an exception it seems for it is clear from his writings that cultural landscapes mean a great deal more than just that static approach, they have a historical perspective. For it is the transformation of the natural by culture that creates cultural landscape and it is this notion of change that interests Sauer (1926:45-46).

This "assassination of the landscape" by Hartshorne was successful "in convincing succeeding generations of English language geographers that the notion of landscape has little or no value as a technical term" (Smith 1989:107). Lukermann notes that this results from Hartshorne's failure to understand that landscapes were not observable things but constructs and concepts based on area (1989:60). Sauer's failure was not to debate with Hartshorne and so make the differences explicit (Luckermann 1989:60), but considering what happened to others who tried to debate Hartshorne (Martin 1989 and Williams 1983:17) it may be that Sauer felt he had better things to do with his life.

The "assassination of landscape" by Hartshorne was equally matched by his cliophobia (fear of history), which Sauer later labelled the "great retreat" (see Leighly 1963:352; Sauer 1941). Sauer in *Morphology* spoke quite explicitly about the need to understand the "place facts" of a landscape in terms of their time relations as well as their spatial relations (1925:36). It was this concern for change and evolution between natural and cultural landscapes and within cultural landscapes that seemed to Hartshorne to be history rather than geography.<sup>4</sup>

Hartshorne saw the question of the role of geography and history as one of the three major problems facing the geography of his time (1961:175). The problem was the apparent easy overlapping of disciplinary boundaries between history and geography. Hartshorne was concerned about the use of history to explain features in the current landscape. He identified two views in geography on this matter. The first was that given the essential point of geography was spatial relationships, consideration of time was a secondary task. The second viewpoint was that as geographers are concerned with the

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<sup>4</sup> Of course the study of past geographies which may or may not have any association with any features within a landscape would seem to me at least to move well away from Hartshorne's conception of geography yet he champions it. Maybe he just disliked Sauer.

development or change in the phenomena they study, time is paramount in providing an understanding of this (1961:176).

The latter view is ascribed to Carl Sauer (among others) and Hartshorne spent some time evaluating this position. Hartshorne seemed particularly uneasy about studying change on the grounds that it moves out of the technical competence of geography into history or anthropology (1961:178-179). But of course, if geography is concerned with humans, including spatial phenomena and time, then is not competence in history part of a geographers training? Crowe, in particular, argued that history and geography should be linked as it "is preposterous to try and divorce time from space in the theatre of human affairs" (1938:3).

Hartshorne was also concerned to attack the view that geographers should study change in landscapes and therefore use history. The main basis for this is the assertion that landscapes evolve, Hartshorne was concerned to show that this was a flawed and misleading concept (1961:180-181). He concluded that there "is no logical necessity for the student of a region to examine each of the various stages of development of the area" (1961:182). This a seriously flawed but typical Hartshorne argument in that he was concerned with destroying one view rather than evaluating whether the view has merit.

Sauer's response to Hartshorne and other critics came in a speech given as President of the Association of American Geographers in 1940 and published as *Forward to Historical Geography* (1941). Noting of geographers "we can hardly claim to be getting our chief intellectual stimulus from one another" (1941:351), Sauer identified a retreat from the broad spectrum view of geography to a view that geography was a small core of things untouched (or unwanted) by other disciplinary interests. "Particularly depressing has been the tendency to question, not the competence, originality or significance of research... but the admissibility of work because it may or may not satisfy a narrow definition of geography" (1941:355). Sauer then went on to outline a broad program for the field of historical geography based on the anthropological concept of culture.

However as Williams has noted Sauer's major response to Hartshorn was to simply withdraw from the contemporary geographic scene and develop his interdisciplinary work in the area of the origins of agriculture (Williams 1983).

Sauer then saw the cultural landscape as an areal phenomena containing a series of landscape forms (both natural and cultural) that are associated in both space and time. The study of a cultural landscape was to be undertaken through the development of morphologic facts and forms, and the evaluation of these facts in space and time. Sauer saw that the understanding of the cultural landscape was derived from studying the change from the natural landscape and the introduction of cultural forms (1925:37).

Due to Sauer's long association with the University of California at Berkeley (he supervised over 40 Ph.Ds) geographers from that institution who shared Sauer's interests in landscape have been amalgamated into the "Berkeley" school. Such an amalgamation has been recently questioned by a number of geographers (especially, Price and Lewis



1993). Indeed in a recent article Mikesell claims that there was not a unified Berkeley school as such and that Sauer probably should not be called a cultural geographer (1994:441)! Irrespective of Sauer's personal position there was however a definite group of scholars inspired by Sauer's work if not exactly following his example or being one of his students. At the same time there was a separate camp of geographers who were suspicious of Sauer's work (see Butlin 1994; Conzen 1994).

In the earliest work inspired by Sauer, Preston James comes close to using the term cultural landscapes in his paper on the Blackstone Valley, New England (1929). Setting himself the task of describing and interpreting landscapes, James begins by outlining the Blackstone Valley's physical and historical record. James' interpretation begins with an explicit reference to Sauer's *Morphology* paper but the morphology rather than the landscape is stressed. James (1929:85) defines "landscape formations" which comprise cover forms (such as crops or buildings) coinciding in an area with a definite combination of the elements of a site (landform, soils and so on). This is very similar to a cultural landscape. But what James is doing in this definition is in a sense taking snapshots of a static landscape. For while he is aware of the historical elements in a landscape and the change from one settlement pattern to another, he treats the historical elements of the landscape as a static not dynamic element. Thus his descriptions of landscape formations do not consider the process of change in them.

Derwent Whittlesey's concept of sequent occupancy was a rare example of a specifically time related concept in human geography (Whittlesey 1929). Whittlesey argued for a dynamic view of human occupancy of an area arguing that each period of human occupation carried with it the seed of its own transformation. Whittlesey was heading along a path wanting to develop principles analogous to the "hard sciences" for cultural behaviour. Sequent occupancy seems to be in the same mode as the theory of vegetative succession and climax. As Mikesell puts it sequent occupancy was similar to the concept of the ideal erosion cycle popular with geographers at the time (1976:151). He goes on to point out that although the sequence occupancy was useful for geographers with an interest in evolutionary change the concept could also be used to present cross sections of landscapes at each stage of development. "Geographers could subordinate the chronological to the chorological and thus avoid the commitment to detailed historical and even prehistorical investigation that Sauer had recommended" (1976:151-152). Ultimately the concept faded away in the 1950s but occasionally surfaces in archaeological papers (e.g. Harrington 1996).

Fred Kniffen who was Sauer's third doctoral recipient, took a somewhat different approach to the landscape. After graduation he was employed at Louisiana State University where he began research using Sauer's methods. Faced with a regional cultural landscape which he felt would take a lifetime to study, he decided to begin by working on one landscape element and once that was finished start another and so on until the landscape was documented (Kniffen 1982:9). Kniffen began with vernacular house types in Louisiana and a generation of students followed him (see Kniffen 1962, 1965; Stokes 1957). Kniffen's approach was to survey Louisiana, which resulted in some 15,000 houses being recorded. These were studied via distribution maps. Kniffen clearly

thought that this study was not a mere distribution mapping but an attempt to get an "areal expression of ideas regarding housing" as a basis for understanding the geographic expression of culture (1962:169). Conzen notes the importance of Kniffen and the "Louisiana Landscape school" he spawned, in the study of the morphology of landscape focusing on individual items of material culture which were seen as culture traits material expressions of culture across the landscape (Conzen 1994:47-50). However it was awfully easy to concentrate on the traits (ie the material culture) rather than attempting to understand culture as a whole and this was a common criticism of the work produced.

While on the subject of Kniffen a word must be said about Henry Glassie. Glassie was a student of Fred Kniffen and shared his interest in vernacular architecture and geography (eg Kniffen and Glassie 1966 reprinted 1981). But then for some reason Glassie moved into a totally different intellectual direction while still studying vernacular architecture. Glassie's book *Folk Housing in Middle Virginia* (1975) is probably the most influential of his works on architecture particularly for the archaeological community.<sup>5</sup> Glassie described this study as "the study of the architecture of past thought" (1975:vii). Glassie's study was interesting both for its use of structuralism as a method of analysis, although his analytical methods were rarely repeated, and for his demonstration that a study of material culture could get away from the particularism of typology to reach in some way the underlying framework of past life. Glassie's approach clearly circumvented the critique that geographical studies of the Kniffen school were an "obsessional interest in the physical or material elements of culture rather than in its more obviously social dimensions" (Jackson 1989:19).

Andrew Clark was a student of Sauer who later developed his own particular approach to the landscape. Clark's historical geography "*The Invasion of New Zealand by People, Plants and Animals*" (based on his doctoral research) is a fascinating account of the history and geography of the South Island of New Zealand,<sup>6</sup> fails to use the concept of cultural landscapes. Yet at times Clark comes close to discussing a form of cultural landscape when he considers the origin of the "Englishness" of the landscape. "The South Island was, in its cultural rural landscape in the eighteen-nineties, very much the 'Britain of the South'" (1949:384). But while these features are described and the origin of many features ascribed to various economic, cultural and environmental factors, the cultural landscape is not really invoked in a formal sense. I think Clark really saw the Britishness as a set of things brought to New Zealand rather than perhaps a cultural ideology that required such importations.

Following Clark's doctoral work he embarked on a long series of studies in Canadian geography (Clark being a Canadian). In reviewing Clark's career Meinig noted that although the *The Invasion of New Zealand* had basically applied the "Berkeley genetic

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<sup>5</sup> Glassie has of course produced many other works on folklore most of which repay investigation. Curiously Glassie's work is not well recognised in the geographic world. In all the discussions of landscape as text by the "new cultural geographers" Glassie's explicitly textual method is not mentioned.

<sup>6</sup> It also makes an incredible historical error in describing convicts being sent to Port Phillip in 1791! This mistake is notable in view of his latter comments on education for historical geographers

approach" his later work on Prince Edward Island and Nova Scotia emphasised the patterns across the landscape at a particular time (1978:8). This is what became known as the cross section approach. This methodology was similar to that adopted in Britain by H.C. Darby and it is not surprising to learn that Clark and Darby were friends (Meinig 1978).

Clark (1954) discussed this approach to historical geography in his chapter on *Historical Geography* in James and Jones's *American Geography Inventory and Prospect*. Although nominally head of a committee, (Hartshorne apparently advised Clark on the chapter, but Sauer recommended Clark for the task, having refused it himself, Williams 1983:18) the chapter reflected Clark's views on history and geography. Clark defines historical geography as "the study the past circumstances of, or of changes in the phenomena of concern to geography" (1954:73). Later he makes explicit a division between those who would take the "cross-section" approach (the cross section approach was basically a description of a society and landscape at a particular point in time), and the "Berkeley" school who are seen as studying cultural processes and landscapes (1954:85).

The fear of history seems to have infected Clark who argues for educating historical geographers in "the physical branches of geography"; "anthropology and archaeology", "reading the records of the past" and the "history of geography" but not in the theory and methods of history itself (1954:93-95).<sup>7</sup> It is this wariness of history (and suspicion of anyone too close to it) that H.C. Darby noted when discussing American historical geography and the work of James (1929) and Whittlesey (1929) on understanding past geographical phenomena present in the contemporary landscape. "The danger is that the treatment might easily lead to a full-scale reconstruction of some past geography". According to one's point of view, one might regard that as falling down the slippery slope or as scaling the heights (Darby 1954:651).

The most explicit statement of what became characterised as the "Berkeley school" is in the introduction to Wagner and Mikesell's "*Readings in Cultural Geography*" published in 1962.<sup>8</sup> "Cultural" geography was defined as the application of the idea of culture to geographic problems (Wagner and Mikesell 1962). The main focus of cultural geography seemed to be the distribution of culture traits and the definition of cultural areas in time (Wagner and Mikesell 1962). The cultural landscape was defined as 'the geographic content of a determined area or geographic complex of a certain type, in which the choices made and changes worked by members of some cultural community are manifested' (Wagner and Mikesell 1962:10). Cultural landscapes were at a lower level in the spatial hierarchy than the cultural area or region.

Cultural landscapes were seen as being a concrete and characteristic product of the complicated interplay between a given human community and a particular set of natural

<sup>7</sup> However see Earle 1992 for a more positive assessment of Andrew Clark's contribution to "history and geography" (1992:18).

<sup>8</sup> At some point in time cultural and historical geography got separated which seems very odd as the two are almost synonymous.



circumstances (Wagner and Mikesell 1962:11). The methods used for delineating a cultural landscape are considered as being typical for most geographers, that is plotting of distributions and densities of features, comparisons between regions, charting of movements, zonation and so on.

All the geographic research is placed within two broader contexts, cultural history and cultural ecology.<sup>9</sup> Cultural history is seen as addressing four kinds of facts; the origin of cultural features; the routes of their dissemination; the distribution of cultural areas; and the character of former cultural landscapes (Wagner and Mikesell 1962:15). The history of cultural landscapes involves reconstruction and description. Cultural ecology is seen as studying the processes that link the sequences of events described in the cultural history. These processes are defined after careful and systematic description of specific cultural landscapes which then proceeds to correlation to produce processes. But it was not seen necessary to develop general theories to explain the processes (Wagner and Mikesell 1962:19-22).

In many ways the weak point of this approach was the geographers use of the term culture (Brookfield 1964), a point recognised later by Mikesell (1967). A more sustained critique came from Duncan (1980) who identified the specific weakness as being in the uncritical adoption of the "superorganic" nature of culture, as propounded by the anthropologist Kroeber and diffused to geography by the "Berkeley School" and Sauer. The superorganic concept of culture saw culture as an entity above the individual and subject to its own internal laws. The individual person acts or is constrained according to the level of culture. Culture is not created by humans or historical or socio-economic forces, it is "touched by them" but reacts according to its own internal logic rather like a "black box" (Duncan 1980:182-184; Jackson 1989:18). Explanation of past or current landscapes was seen as being extremely limited. Geographers were more concerned with mapping "culture traits" such as log cabins rather than explanation (as illustrated by the contributions selected in Wagner and Mikesell). There are obvious parallels to this critique in archaeology.

Duncan along with the "new" cultural geographers (namely Denis Cosgrove and Peter Jackson) were accused of "self-serving debunking of traditional cultural geography" by Price and Lewis (1993:3) who carried out a spirited defence of Sauer and the Berkeley school. They argued that Duncan's characterisation of Kroeber's work was inaccurate and that the concept was never embraced by Sauer and held only by a "minority contingent" of the Berkeley School (Price and Lewis 1993:9-11). Irrespective of the rights and wrongs of the situation Price and Lewis do admit that the concept of culture is poorly developed in the older forms of Berkeley geography (1993:9, 11). Despite Price and Lewis's defence and the apparent modification of their views by Wagner (1994) and Mikesell (1967) the weak point in the cultural geography approach is the conceptualisation of culture which leads to a lack of explanatory power in their arguments.

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<sup>9</sup> Without considering that history and ecology operated under different theoretical paradigms.

## BRITISH DEVELOPMENTS

Patrick Bryan in *"Man's adaptation of Nature: Studies of the Cultural Landscape"* (1932) attempted to formulate a scientific geography based on the concept of human relationships with the physical environment (1933:v, 10-11). The physical form of this relationship is the cultural landscape. This approach is not unlike the objectives of Sauer (who is not cited) and Bryan's work seems to reflect the direction Sauer could have gone if he strictly applied the principals outlined in his *Morphology* paper.

The physical form of the relationship between humans and the environment is the cultural landscape. Bryan's view is that the cultural landscape (defined as the natural landscape as modified by humans);

"is the objective expression of the relationship between human activities and natural environment. The cultural landscape presents a fourfold aspect. It has structural form as in fields, mines, houses, and factories. It possesses movable forms as in the cases of men and vehicles. It has activity expressed in the operations of seeding and harvesting, manufacturing processes and the movement of vehicles. Lastly, it has the results of these activities in the forms of crops, manufactured products, the transportation of goods and people, the production of health, good government and amusement" (Bryan 1953:v-vi).

Underpinning the cultural landscape is Bryan's view of culture as based on the satisfaction of a series of basic human needs and desires. These cause humans to act and that action on the natural environment and the response of the natural environment in return creates the cultural landscape (1933:12). Bryan also recognises that such landscapes are dynamic and are transformed over time as the nature of human activity changes (1933:60-62).

The thrust of Bryan's book is not to question these assumptions or to justify the nature of the cultural landscape as an "objective expression" but to develop approaches to the analysis of the cultural landscape. Overall Bryan's study reads as a mechanistic approach to the dynamics of human life for example "the village of Helidon in Northamptonshire may be described in terms of the cultural landscape as the concrete or objective expression of man's adaptation of nature in an effect to satisfy the desire for shelter and a community centre for rural workers" (1933:27).

"Man" in particular seems a very static part of Bryan's world apart from basic desires. There is nothing of humans in this analysis. This point is well made by Watson (1954) when he asks whether Bryan's work on cultural landscapes should stop at the concrete (or material) things. "The human factor is more than the works of man. It includes ideologies as well as technologies (1954:468).<sup>10</sup>

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<sup>10</sup> Watson discusses Bryan's work under the heading "Sociological aspects of Geography" which no doubt accounts for the use of the word "ideology" which is notably absent from the debates on historical geography and cultural landscapes at this time.

In Bryan's work, concepts such as "man" and "objectivity" act to present the cultural landscape as the end result of some natural inevitable process rather than as created by a wide variety of forces. The classification is static but the subject (humans and culture) is subtle and dynamic. Crowe's comment on this approach is that "it is not adequate to regard man and his works as so many more landscape features to be classed with slopes and rivers and trees" (1938:11). Crowe points out that this avoids the dynamics of a region and also notes that much of what is significant in understanding the dynamics of a landscape is not open to the eye (1938:11).

Dickinson (1939) responded to Crowe's criticism of the morphological approach with a restatement of the morphological approach to cultural landscapes. He reviewed earlier work particularly that of Schluter, Passarge, Brunhes and Sauer and stated his own views. Cultural landscapes are man's transformation of the natural landscape. Landscape is restricted to the fixed features in the composition of terrestrial areas. The elements of the landscape are areal facts and are to be studied with regard to their form, pattern and function. This concern with areal facts separates geography from the other disciplines (1939:5-6). The study of cultural landscapes is concerned with the process of human activity in time and area and therefore Dickinson argued that cultural landscape studies must be evolutionary in nature and thus be concerned with dynamics (1939:6).

The Crowe/Dickinson debate really restated much of what had been written earlier and both authors seem substantively in agreement. However the debate did stimulate a response from the anthropologist Daryll Forde who had recently published *Habitat and Society* (which does not discuss cultural landscapes). The discussion on cultural landscapes at that time had concerned itself mainly with defining *Landscape* rather than with *Culture*. Forde began by noting the essential similarity between Crowe and Dickinson and went on to argue for the essential unity of the study of space and time and that understanding of the features of a landscape is partially dependent on understanding of "cultural phenomena which are not represented in the landscape itself" (1939:221). He further notes that the likelihood of relic features occurring in a landscape and argues that as the whole history of a landscape cannot be studied (due to the large scope of the work involved) the fundamental work should be limited to features selected for their relevance to a particular culture phase (1939:221-222).

Forde comments "Landscape features comprise both physical and cultural phenomena, and these two classes are not capable of explanation in the same terms, or within the same system. Moreover, neither is capable of explanation of phenomena directly observable in the landscape" (1939:222). Forde it seems is making two fundamental objections to the morphological approach. Firstly he seems to argue against creating a humanmorphology that parallels geomorphology. This is because while geomorphic processes can be explained in terms of special physical laws the cultural landscape can be understood only in terms of social processes (1939:222-223). Secondly he argues against the artificial limitations on geographic study by the exclusion of anything not visible on the landscape. This is because cultural landscapes are part of the broader area of the social conditions of the communities occupying an area (1939:223).



### H.C. Darby, W.G.Hoskins and the English Landscape

A separate strand of British landscape studies, more historical geography than cultural geography, began in the Depression era with the work of the geographer H.C. Darby and is drawn on and continued by the historians W.G. Hoskins and Maurice Beresford. They wrote on the origins and nature of past English landscapes at a local and broad level but did not explicitly use the cultural landscape concept.

Darby was an influential writer on the English landscape and on historical geography in general whose work was important to geographers around the world<sup>11</sup> (Baker 1971; Baker and Gregory 1984; Earle 1992:14; Williams 1989). Darby is known for four main aspects of his work. Firstly, his detailed work on the draining of the English Fens. Secondly, for his work on reconstructing the Domesday geography of England. Thirdly his editing of the historical geography of England and finally, his writings on history and geography. Although his work is concerned with the landscape, which he saw very much as a humanised one, the concept of cultural landscapes is not really used as an analytical tool in the way that Bryan used it. Instead Darby organised his writing on landscapes in a combination of two approaches.

The first, was the reconstruction of past geographies. Darby undertook this using the method he called the cross section, which involved taking a period of time and examining the geography of the country or region (following the example of Macaulay's notorious third chapter). This method was essentially used in *An Historical Geography of England*, which Darby conceived and edited. The difficulty was that such a cross-section if it was to be any use as an explanation had to explain what had occurred before and thus there was much additional material to be dealt with describing the past and the changes that created the landscape under discussion (1953: 644; 1960:147-148). There was also the problem of differential rates of change in landscape elements thus as Darby puts it "while the marshes are drained, the heaths are not being reclaimed" (1953:645).

Darby's alternative approach was to concentrate on a part of the landscape and write the narrative history of that theme emphasising change. This approach is really the study of cultural landscapes and their change. Darby's speciality in that regard was the English Fens, which he studied for his doctorate and later, published as *The Medieval Fenland* (1956) and *The Draining of the Fens* (1974). He also wrote an overview article *The Changing English Landscape* (1951) where change in several landscapes (fens, woods, heaths and so on) are discussed through time.

Darby recognised that the approach of examining one theme might be criticised on the grounds that by doing that then the whole picture would be lost. He countered this by suggesting that the big picture is generally unable to be understood in all studies. A

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<sup>11</sup> Rather than Hoskins who seems to be better known among the historians. Both wrote on the same themes.

second criticism, one that had "troubled many an honest mind", was that such studies may stray out of the field of geography. Darby dismissed such criticisms as unnecessary and unprofitable (1953:649).

Darby's response to these problems was in a sense to thicken the description by inserting narrative pieces between the cross-sections (1960:149). This was the approach taken in his edited books and was slightly modified in *The New Historical Geography of England*. In taking this approach Darby followed the example of Jan Broek's *the Santa Clara Valley*<sup>12</sup> which combined four cross-sections with three studies of the social and economic forces that led to the changes from one section to the next (1953:649; 1960:148-149; 1962:140).

Darby took a very pragmatic approach to the study of the landscape through historical geography realising that a knowledge of history and geography was essential for such a project. His own research work was undertaken at a regional or larger scale and there was little concern for theory. As can be imagined this opened his work for criticism from later writers leading to Darby's comment "they like us and our past generations will be the prisoners of their own cultural and intellectual world" (1983:427).

As a historian W. G. Hoskins seems to have had little concern about straying into the territory of geography or using archaeological evidence. In 1955 Hoskins' classic *Making of the English Landscape* was published. In it Hoskins aimed to explain "the manner in which the various landscapes of this country came to assume the shape and appearance they now have" (1955:13). Hoskins began with the "natural landscape", introduced people and followed history up to the Twentieth Century. The emphasis is on using features in the present landscape and explaining and interpreting their history. Hoskins saw the English landscape as a symphony that can be enjoyed purely as a piece of music or in depth once the underlying structure and musical themes are understood. "This book is, then, an attempt to study the development of the English landscape much as though it were a piece of music, or a series of compositions of varying magnitude, in order that we may understand the logic that lies behind the beautiful whole" (1955:19). It, like Darby's work, is organised in cross-sections although Hoskins does not make this explicit presumably because it never occurred to him to do so.

It is Hoskins' ability to involve the reader in the process of discovery of this logic that really makes an impact. Constantly we are reminded, by way of detailed interpretation or reading, that the past is indeed present in the landscape. The interpretation is based on explaining mundane landscape features in such a way as to inspire the reader to agree with the interpretation and think of other places with similar evidence. Methodologically Hoskins emphasises the need to consider the physical evidence as well as the documentary. "Some of the best documentary local histories betray not the slightest sign that the author has looked over the hedges of his chosen place" (1959:3). In practice Hoskins prefers to use the physical rather than the documentary as examples. In

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<sup>12</sup> Broek was a student of Sauer.

discussing the Anglo-Saxon field system instead of some ancient texts being cited the reader is presented with an array of photographs and plans that make his point.

By taking this approach Hoskins moved away from the traditional historians concern for the written record into what he clearly saw as a new form of history which incorporated physical evidence found in the landscape (ie archaeological evidence). Hoskins subject matter and methods also place him firmly in a geographic tradition exemplified by Darby's work as well as studies of culture traits and settlements. Hoskins interest in the material also places him in the archaeological sphere as a form of rudimentary historical archaeologist. Historian, archaeologist, geographer. Hoskins displays the skills of all these disciplines and presents a narrative interpretation of how the landscape was made.

In so far as Hoskins has a theoretical stance the work owes much to Darby as well as the romantic movement. Traces of Hoskin's nostalgic view of the English rural landscape are seen in works as diverse as Tolkien's *Lord of the Rings*, where the English landscape with its sturdy yeoman is evoked in the "Shire" and its sturdy Hobbitary and Awdrey's depiction of the island of Sodor as a refuge from modern technology. This nostalgic view of the past has recently been criticised by Bender (1993) mainly because of its appropriation by the "Heritage Industry" and Margaret Thatcher and apparently because Hoskins was not Raymond Williams.

Meinig has commented on the lack of impact *The Making of the English landscape* had initially (1979:199, 239). However since then the work has run through several editions, spawned television and radio series and several related books. While the book covers much that is discussed in Darby's previous work it is frequently seen as the beginnings of serious consideration of cultural landscapes (e.g. Russell 1988:11). This is clearly not the case, rather Hoskins work marks the beginnings of concern for the conservation and preservation of cultural landscapes. This is because unlike Darby, Hoskins looks back to the past with undisguised nostalgia and contempt for Twentieth Century landscape changes (see 1955:231-232). Thus Hoskin's work formed a focus for movements to identify and preserve cultural landscapes rather than the beginning of cultural landscape studies.<sup>13</sup>

Taking a similar line to Hoskins was Maurice Beresford, an economic historian with a similar lack of self-consciousness about wandering into other disciplinary fields. After developing an interest in the Middle Ages during his undergraduate study Beresford developed his research that combined documentary research with an examination of landscape and physical evidence. This lead to two notable books *Lost villages of England* and *History on the Ground* which with their firm emphasis on the landscape seem remarkable for an economic historian.

In his inaugural professorial lecture in 1961 Beresford particularly emphasised the use of physical evidence to interpret or illustrate the economic history he was professing.

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<sup>13</sup> Curiously Schama's work seems to have been treated in a similar manner as being the start of some concern for historical landscapes even though geographers and historians had been working in these area for the last twenty years or more.



Beresford argued that he was a time and place man and enthusiastically cited landscape elements from both the country and the town to illustrate this theme (1984). While his approach is refreshing and his writing lucid, the direction of research is largely one way from the historical documents to the physical evidence. There is less evidence that Beresford was interested in analysing the physical landscape to test or supplement this historical evidence, I suspect this would have been seen by Beresford as the role of archaeology.

With the work of Darby, Hoskins and Beresford there is a clear tradition of the integration of the documentary with the landscape in studying the past. This is seen by all of these writers as natural rather than something that required particular mention as their interest, at least in so far as their published work shows, was more in the writing of good history than in discussing their methodological prowess.

### THE NEW GEOGRAPHY AND BEYOND

By the 1960s there were two approaches to the concept of landscape in geography. The cultural geographers, who were mainly American, were oriented towards the approach of Sauer and the analysis of the cultural landscape through the tracing of culture traits although they were split over the use of history with some merely wanting to describe landscapes as they are or were and others wanting to use historical research to explain how one landscape changed into another landscape.

The second approach was that of the British geographers (and local historians) which seems to have been more concerned with methods of data presentation rather than with any theory of history. Their approach to the landscape was to study the landscape at a regional or larger level (such as a State or Country) but concentrating on a cross-section in time or the tracing of a theme (such as draining the fens) through time. This approach tended to be undertaken by historical geographers. Both approaches were in no doubt that the landscape they saw was substantially the result of human activity.

The so-called paradigm shift of the "New Geography" occurred in the 1960s and is generally associated with the locational geography of Haggett, Chorley and others (Chorley and Haggett 1965, 1967; Haggett 1965; Harvey 1969). In brief the "New Geography" took three new directions; the espousal of a scientific method based on logical positivism, an emphasis on locational methods and models for analysis and the development of new quantitative methods typically based on the greater access to computers.

For the purposes of this review the question is how did the "New Geography" affect the concept of cultural landscapes and related approaches? The answer is complex. Firstly, the idea of landscapes as being cultural did not change. However two aspects did change, the analytical approach to identifying cultural landscapes (and to doing historical geography) and, secondly, the understanding of the meaning and content of cultural landscapes. It should be noted however, that the effects of this revolution were not felt

universally through the discipline of geography and many geographers continued undertaking what might have been seen as out-moded research on landscapes.

The change in the analytical approach was initially towards the adoption of a positivist approach to science (Gregory 1978). Harvey, both in *Explanation in Geography* (1969) and a more specific article on *Models in Historical Geography* (1967), took the view that the first stage in scientific investigation was the testing of theories and generalisations against facts. Baker in "*Rethinking Historical Geography*" noted that while geography as a whole had changed its paradigm, historical geography had changed little and risked a separation from mainstream geography (1970:11-13). According to Baker historical geography needed to rethink orthodox doctrines, those that Baker mentioned were the keystones of Darby's approach: cross-sections, vertical themes and historical scholarship. Baker pointed out that paradigm shifts in related disciplines such as economic and social history, anthropology and archaeology called for quantification, and models and theory building based on behavioural approaches. The sub-text of Baker's article is that the reconstruction of past geographies should be replaced by an explanation of change in historical geography.

Hugh Prince's methodological article *Real Imagined and abstract worlds of the past* (1971, see also 1969) applied the methods of the new geography to historical geography in an attempt to enlarge the scope of the field. He outlined three main vistas for historical geographic inquiry. The first approach, that of studying the "real" world of past features and events "that actually existed in the past" (1971:4), is the traditional inquiry undertaken by geographers such as Darby. The second approach is aimed at contextualising geographic information recovered by the historical research by attempting to place the information into the context of ideas about the world at the time to recreate past geographies. Finally (in a slightly hermeneutic way) the abstract world of models and quantitative relationships is brought together to link the two and explain why a particular phenomena occurred. Under each of these topics are sub-topics and under them more topics leading in all to 45 different areas of historical geographic inquiry all relating in some way to the landscape (Prince 1969, 1971).

It is generally considered however, that the impact of the "New Geography" was much less in the area of historical geography and thus concepts of cultural landscapes than in other areas. Writing in 1970, Alan Baker considered that the changes in other fields of geography had only just begun to be felt in historical geography (1971:11-12). Later in 1984 Baker in discussion with Derek Gregory suggests that the change in historical geography practice was later and not shattering (Baker and Gregory 1984). Williams quotes H. C. Darby as supporting a similar view (1989:94). Gregory writing in 1978 noted that the "New Geography" represented a renovation of the previous geography in its tacit allegiance to the methods of the natural sciences and in the role of the scientist (1978:21). Conzen writing with an emphasis on the American geographers noted the introduction of quantitative analysis and model building and a broader addenda for historical geography met little "principled opposition" but he also noted that the promise of early studies was often not met (1994:66-70).

While the "New Geography" did not have a notable effect on the concept of cultural landscapes its main benefit was in firstly killing off the narrow Hartshorne view of geography and opened up the field to a new range of ideas. Secondly a whole new suite of techniques were presented for analysing the landscape. Whatever one might think of the "New Geography" these were lasting legacies to the study of the landscape

### Many cultural landscapes

By the early 1970s the positivist tide had begun to turn leaving behind a flotsam and jetsam of models and theories. In its place emerges a plurality of approaches to landscapes termed "humanistic geography". Humanistic geography sought to oppose the mechanical and uncritical application of the methods of the natural sciences to human geographic issues (Relph 1981:135-136). Geographers such as Billinge (1977); Gregory (1978); Mercer and Powell (1972) and Tuan (1971) began to explore phenomenology and its applicability to geography. Later Relph in *Place and Placelessness* and later works developed an explicitly phenomenological approach to the landscape (1976, 1981, 1989). In summarising this movement Gregory notes "it was distinguished by the central role it gave to human awareness, agency and creativity" (Gregory 1986). Alternative approaches were made by Guelke (1979 among other publications) who adopted Collingwood's idealist approach (see Baker 1991:302-304 for a discussion) and by an exploration of Marxist interpretations particularly through the work of David Harvey (Lagopoulos & Boklund-Lagopoulos 1992). There was also the continuing of the traditional Darby/Hoskins approach as exemplified by Birks *et al* (1992) and Williams (1974).

However the above approaches were not specifically concerned with cultural landscapes but more with the overall question of the aims of human geography. Their effect however was more indirect in that they resulted in major changes in the practice of geography, which required the approach to, and the concept of, cultural landscapes had to change. Baker in a review article published in 1979 discusses this point noting "much historical geography has been focused upon landscapes transformed by man rather than upon *man* as an agent of landscape change, upon artefacts rather than upon ideas, upon actions rather than attitudes, upon external forms rather than internal processes" (1991:300). Baker viewed the concern of historical geography as being "the process underlying the form" claiming that studies in human geography should embrace ideologies as well as being ideological and focusing on people and place (1991:300-301).

It was the merging of period and place that Baker saw as being exemplified in the edited volume of papers *The Interpretation of the Ordinary Landscape* (Meinig 1979). This collection of papers was aimed at exhibiting the vitality of the topic "landscape" and current thought on the issue.<sup>14</sup> As such, the papers reflected the humanistic approach to landscapes and are worth discussing in that context. Meinig in his introduction sets the tone of the articles by defining the field "landscape" (1979a). Meinig begins by arguing

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<sup>14</sup> This book, in particular the contributions by Meinig on landscape and on Hoskins and J.B. Jackson, has proved to be influential on Australian approaches to cultural landscapes (see below).



that as the term landscape has so many meanings for so many people it inevitably is an ambiguous concept so he defines what he feels landscape is **not**.

Landscape is not nature, although it is an intricate intermingling of physical, biological and cultural features.<sup>15</sup> Landscape is a scene but not scenery as scenery is a continuous selection of certain views. Landscape although all around us is not environment as environment is an inherent property of every living thing but landscape is less inclusive as being defined by our vision and interpreted by our minds. Landscape is not place. Meinig argued that this is because of the experiential nature of place, landscape is a continuous surface not a point focus locality or defined area. Landscape is a portion of the earth's surface, but not identical with region, area, or geography (Meinig 1979a:2-3).

Meinig claimed that geographers have a special vocation for landscape study but also argued that landscape study is a form of social history that seeks to understand the routine lives of ordinary people and studied as a history. "Every landscape is an accumulation and its study may be undertaken as formal history, methodologically defining the making of the landscape from the past to the present" (1979a:6). However Meinig does not take the next obvious step and apply contemporary social theory to the study of landscape.

On a more general level in the "*Beholding Eye*" article, which is reprinted in the collection (1979b), Meinig identified ten ways that a landscape might be read: as nature; as habitat for humans; as an artefact; as an ecosystem; as a problem; as wealth; as an ideology; as a physical record of the past; as a place and as an aesthetic (1979b). All these readings, which Meinig recognises are not exhaustive, demand differing analytical approaches and reflect the values we hold and lives we lead. In this we see the phenomenological concern for both the reading and the reader.

In the contribution "*Biography of the Landscape*", Samuels' posed the question why it is that we can describe and interpret the landscape without reference to the who behind the image and facts of landscape (1979:52-53). Samuels then traced a history of "the war against the self" and outlines a program for the development of a biography of landscape. He argued against the view that the sciences have shown the limits of the individual's actions, human choice, free will and so on are undoubtably constrained and would also leave explanation of historical events to non human forces, such as "modernity", that influence, or determine history (1979:61-63). Samuels argued that these factors can also be seen as contexts for self-expression "through which and by means of which individuals and groups mould their environments to create (what is for them) meaningful landscapes" (1979:63). Seen this way the scientific evidence of limitations on an individual's action are visible at the same time as the individual's particularity and partiality.<sup>16</sup>

The biography of the landscape has as its central concept the study of the role of the individual: both key individuals, and thousands of lesser figures, in their context - the

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<sup>15</sup> Indeed one wonders whether the "natural" as opposed to cultural landscape exists.

<sup>16</sup> Such an approach would also render the individual responsible for their own actions thus negating the "Nurumberg" defence.

world of the authored landscapes. For Samuels the main methodological problem is to account for the relationships between the world of imagined landscapes and the world of lived-in landscapes, both require an author but are different products of authorship. This is resolved by examining landscapes of impression (ie the thoughts of people about landscapes which study is related to geosophy, the study of past geographical thought) and landscapes of expression.

While Samuel's approach is of great interest the most obvious problem that emerges is how one actually does this in practice. The issue is one of identifying key individuals and their role as well as satisfactorily accounting for the lesser individuals. Surely the key individuals will be identified because they will have left more information about themselves, not necessarily because of their role in creating the landscape. The result may be a phenomenologically correct version of Samuel Smiles' *Lives of the Engineers*. Samuels touches on this point by noting that in some cases a biography of landscape is not always feasible because of a limit of concrete data concerning the millions of authors (1979:81). This seems to imply that we have only half a methodology for reading landscapes presented. The question is how one makes a judgement about the weight of the non-key individuals contribution, here some form of connection to social theory is required.

Lewis's contribution on "*Axioms for reading the landscape*" is less theoretical and more practical. For Lewis the landscape is "nearly everything we see when we go out doors" (1979:12). Arguing that we can read landscape like a book, Lewis offers the readers a grammar (a more appropriate analogy would be a "readers guide") in the form of axioms. Although they may seem somewhat trite, they are useful for the person who has never "read" the landscape and hence the popularity of Lewis's contribution (1979). What is missing in Lewis's axioms however, is how one proceeds from the recognition and reading of the cultural landscape to a depth of understanding that is obvious in the writings of the "landscape heroes" Lewis celebrates (ie Sauer, Jackson, Glassie, Parsons, Kniffen *etc.*). In a more recent article Lewis covers some of the same ground but spends some time reviewing the stage of research on cultural landscapes with little discussion of what a landscape is (1983).

In reviewing the works of the humanist school, Cosgrove argues that the methods adopted, while very useful, ultimately fail to explain the phenomena of place and landscape as they relate to human consciousness because they rely on abstract terms such as "minds"; "souls"; "spirits" which are idealist terms and preclude the possibility of understanding the reasons behind things (1978:70). Cosgrove argues for a merging of Marxist and humanist approaches, linking concepts of individual and social consciousness linked to the material world (1978:70-71). A similar criticism of humanistic geography was made by Kobayashi who argued that the issue of how to connect the world of individual experience with the realm of social, political and material reality is largely left unresolved (1989:167). However Kobayashi's (1989) suggestion for utilising Sartre's concept of dialectical reason as a way of overcoming this problem seems not to have gained popularity.

### Post-whatever and different readings of the landscape

By the mid 1980s Rowntree (1988), monitoring cultural geography for the journal *"Progress in Human Geography"*, detected change in the discourse. "Recent activity on both sides of the Atlantic conveys the notion that a "new" cultural geography is emerging that explores and expands traditional concerns with landscape and place through linkages with that diffuse corpus commonly referred to as 'contemporary social theory'" (1988:579). This took hold so quickly that by 1990 Cosgrove, a central figure in the movement was light heartedly claiming "Next we take Berlin".<sup>17</sup>

In a review article *From Urban Structure to Urban Landscape* David Ley (1988) argued that in attempting to infuse a sense of human agency to morphological and land use studies the revitalised concept of the cultural landscape would be useful. Ley, in what could only be considered a heady burst of enthusiasm, argues that Lewis (1985) has reopened the issue of geographic description, and quickly argues for the concept of "thick description" (after Geertz) as a way to approach meaning in the landscape.<sup>18</sup> Thin description is mere description. In thick description Ley sees landscapes as being "the active constructions of social groups, with all the flux, dynamism, discontinuity and local nuances which this view implies" (1988:99). In discussing the work of Geertz, the original thick describer, Ley points to Geertz's use of the concept of Bali as a theatre state which acts to organise and integrate interpretation (and incidentally act as a point for critical evaluation). Ley considers that the identification of the urban landscape as text would serve a similar purpose for geography (1988:100) and points to a number of recent studies along those lines.

In *(Re)reading the Landscape* (one of the studies referred to by Ley) Duncan and Duncan approach the "riddle of the landscape through the medium of literary theory and social theory" arguing that the answer lies at the intersection of the two where each supplies the deficiencies of the other (1988:117). Literary theory provides geographers with a way of examining the text-like qualities of landscapes and to see them as transformations of ideologies.<sup>19</sup> Literary theory also provides theories of reading and authorship, which can be used to explain how landscapes are incorporated into social processes. However Duncan and Duncan argue that literary theory often ignores the question of social organisation, they adopt the notion of textual communities that cluster around a shared reading of a text put forward by Stock in 1983 (as cited by Duncan and Duncan 1988:117-118).

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<sup>17</sup> This was a complex reference to the then recent fall of the Berlin wall, the "civil war" in cultural geography where the behind the old school stood the German geographers and a reference to the Leonard Cohen song popular at that time. Cohen of course was a Canadian.

<sup>18</sup> Which in fact Lewis never mentions (1985).

<sup>19</sup> Curiously Glassie is not cited here despite his early reliance on literary theory in his analysis of material culture. Is this because of him not being a geographer or his strong associations with the cultural geography of Kniffen, which Duncan opposed?



Thus landscapes are seen as the product of textualised behaviour that defines how they are constructed, how they are read and how they act as a mediating influence shaping behaviour in the image of the text. The Duncan's illustrate their point with a series of examples of the transformation of text into landscape. There are two types of coexisting transformations. One where the actual texts can be identified, what they term a focused reading. A pertinent example they give is the development of the Vancouver suburb Shaughnessy as a focused transformation of Nineteenth Century architectural texts (1988:121-122). The second transformation is what Duncan and Duncan call unfocussed transformations where the authors or readers are only vaguely or unaware of the textual basis of the landscape. At Shaughnessy this was seen as a notion of genteel "picturesque country life" within the city (Duncan and Duncan 1988:121).

The texts of course are seen as ideological documents which support sets of ideas and values about the way society is or should be organised. This is often translated, through the process of naturalisation, into "the way things are" (naturally). Landscape can be seen as the transformation of these ideologies into physical form. The landscape can then be seen as part of this naturalising process as evidence of how society should or must be organised although they do not of necessity act in this way all the time. Interpretation must take this ideological question into account for interpretation is a political practice and denaturalisation is seen as an important task of the academic. "Because landscapes are one of the most persuasive, taken-for-granted texts about social organisation, denaturalisation is one of the most important tasks we can perform" (Duncan and Duncan 1988:125).

Duncan's ideas were developed in the *City as Text* (1990) which, apart from its investigations of Kandy Kingdom, aimed to demonstrate a methodology for the implementation of the ideas expressed earlier (in Duncan and Duncan 1988). Beginning with the by now familiar critique of traditional studies of cultural landscapes as being in essence superficial, Duncan develops his view that landscape and indeed culture itself are signifying systems (1990:15-17). Landscape as "an ordered assemblage of objects, a text, acts as a signifying system through which a social system is communicated, reproduced and explored" (1990:17). Duncan suggests that to understand this quality of landscape two questions need to be addressed; what is signified, and the manner in which the signification takes place (1990:17). There is also the question of textuality and intertextuality.

In considering what is signified, Duncan suggests that an examination of local people's accounts of the nature of landscape through a hermeneutic process is useful. Secondly an examination of outsider's accounts of the landscape and the discourse between this account and the insiders account. Finally there is the geographers interpretations of the system of signification underlying the landscape (1990:17-19). Duncan defends the outsiders view - that of the academic, as useful in determining unintended, unacknowledged conditions of action but places it in the context of a hermeneutic rather than scientific mode of analysis (1990:18).

In considering the manner in which signification takes place, the rhetoric of the landscape, Duncan points to two lines of inquiry (while acknowledging that there may be more). The first is the impact of objectification of the landscape. By this I think Duncan means that by becoming normal and every-day the landscape in fact performs a function of masking its history, ideology, role in society and so on (Duncan 1990:19). One can perhaps think of a wilderness area where its "untouched nature" serves to mask for example the history of Aboriginal occupation and Aboriginal disposition. The second element in the rhetoric are the tropes (figures of speech) which allow the landscape to act as a sign system. Duncan lists allegory, synecdoche, metonymy and recurrent narrative structure and gives examples of these drawing on his work in *Kandy* (Duncan 1990:19-22).

Duncan argues that concepts of textuality and intertextuality are also useful. Textuality concerns the production and interpretation of text. Duncan notes that the memory and interpretation of the past is an important political resource. Intertextuality is used by Duncan to refer to mean the interaction between different texts, different text types and between texts and social practices that have become textualised (1990:23).

In a similar study to Duncan's, Cosgrove, in *Myth and the Stones of Venice* (1982), traces the Venetian myth of Venice in the landscape of the city of Venice. "In the initiatives of Sixteenth Century we may read the myth of Venice in its townscape... Constitutional balance, sacred legitimation, natural and human perfection are inscribed in space and architecture" (1982:151). This inscription of myth was done through reference to an iconography that "integrated historical legends and humanist conceptions of the ideal organisation of creation" (1982:153) which were part of the Venetian conception of their city. Nineteenth Century English visitors to Venice found that these myths had certain resonances (or were intertextual) with their own concerns about England. Cosgrove argues that John Ruskin in particular took up the Venetian myth and related it to a mythical set of moral and social conditions as a response and critique of the social ills of Victorian England. In this study we see a clear example of the reading and rereading of social and mythological values in the landscape as well as the way the same landscapes are read by differing readers.

Denis Cosgrove's book *Social formation and the Symbolic Landscape* (1984) is concerned with the concept of landscape and how it is (or was?) created and developed since the Renaissance. To explore this history Cosgrove focuses on the material foundations of the landscape idea, which he suggests is the theme of the human use of earth. Cosgrove adopts a cultural materialist position that the concept of landscape cannot be discussed outside the context of material practice (1984:2). In focusing on the history of the cultural production of landscape idea Cosgrove is far from Sauer's original discussion on cultural landscapes and the sort of studies Sauer envisaged. Yet as Cosgrove wants to ground his discussion in the material practice of landscape he uses the same theme of human use of the earth, the relationships between society and land which brings him into familiar cultural or historical geography territory (1984:2).

Cosgrove notes the traditional geographer's definition of landscape as an area of the surface of the earth with a visual and functional arrangement of human and natural phenomena and outlines the method of scientific study, typically through morphology, of landscapes. He notes that this approach involves the "rigorous exclusion of subjectivity in the interest of scientific aims (1984:16). Landscape however has other meanings, in particular Cosgrove focuses on the definition of landscape as "the area subtended to the eye and vision of an observer who will at least in theory paint it" (1984:17). Such landscapes can excite a psychological response in those observing or experiencing them and "landscape was therefore invested from the outside with human meaning" (1984:17). This dual, ambiguous, nature of landscape containing both subjective and objective meaning presents a problem for the geography based on scientific methods, such as morphological analysis, as morphology can only really deal with the objective or surface layer of meanings (1984:17-18).

A second ambiguity lies between the personal experience of landscape and the social experience. For an individual viewing a landscape (whether represented in some form of the real world) there is an element of control and response that is personal. However for a community there is often a collective response to the landscape that comes from being an insider where landscape is collectively produced, experienced and maintained as part of a social group. The difficulty in the scientific analysis lies in dealing with the insiders experience for use of a rigorous scientific approach risks denying the integrity of the insiders experience (Cosgrove 1984:18-19).

The origins of these ambiguities lie in the artistic use of landscape, a concept which was taken over by geographers. In discussing the history of the artistic landscape, Cosgrove points to the discovery of perspective as the origin of realist landscape painting. Perspective was regarded as the truth itself "an objective property of space" (1984:21-22). It was a way of controlling space and objects directing them back to the external observer. But although this painting was considered realistic, it is not for it is regulated and static and its components are structured and directed to the observers eyes thus the claim that landscape is realistic is ideological (1984:26-27). Importantly the visual approach controls composition and content and presents an essentially static view. Cosgrove makes the point repeatedly that the conventions of the landscape painting emerge "as conventions that reinforce ideas of individualism, subjective control over an objective environment and separation of personal experience over a collective historical experience" (1984:27).

Cosgrove claims that the artistic landscapes main features have been incorporated into the geographers construction of landscape. This occurred through the visual foundation of the landscape concept (1984:28-31). A landscapes unity and coherence lies deeply rooted in the artistic landscape way of seeing. The difficulty for scientific approaches to landscape is that "science demands structured explanation of the forms and events it observes, and the understanding and elucidation of processes" (1984:32). Yet the underlying ideology of landscape as a static visual model formally denies this leading to "unconvincing methodological gymnastics" (such as the use of cross-sections) to attempt explanation or



the abandonment of the overview of landscape to concentrate on social process that yield a specific social form (1984:32).

Having developed the theme that due to its ideological formulation as view the scientific approach to landscape is not suitable for investigating all the levels of meaning in the landscape, Cosgrove then comments on the humanistic perspective. It is the affective meaning of landscape that has interested the humanistic geographers and offered an alternative to the outsider's position (1984:34). But ultimately for Cosgrove, despite the insights of the humanist geographers, neither the scientific approach nor the humanistic approach have actually broken the picture frame and inserted landscape into the historical process (1984:38).

How one is to actually do this is not explicitly stated, there are no practical statements on how to do a "new" landscape analysis here. In a paper which takes the same theme (and is virtually a synopsis of the book) Cosgrove makes explicit that the morphological approach to geographic landscapes is similar to the visual ideology in artists landscapes. Both result in patterns but not to any understanding of process. This is because "one of the consistent purposes of landscape painting has been to present an image of order and proportional control, to suppress evidence of tension and conflict between social groups and within human relations in the environment" (1995:57-58). Cosgrove's point is that although humanist geographers have adopted the landscape concept as a way of moving beyond scientism, the concept itself shares the same ideological underpinning and therefore needs to be investigated. Again however the method of investigation or ways of getting beyond this problem are not put forward.

In a major statement of methods, *Geography is everywhere*, (1989) Cosgrove argues for landscape as a uniquely valuable concept for a human geography (1989:122). Calling for a stronger theory of culture in the "new cultural geography" (1989:122-125) Cosgrove brings landscape and culture together in the concept of the symbol. "To understand the expressions written by a culture into its landscape we require a knowledge of the language employed: the symbols and their meanings within that culture" (1989:125).

The methods used for reading the symbolic landscape begin with a close and detailed reading of the text (ie the landscape) through "fieldwork, map-making and interpretation" (1989:126). In other words, Cosgrove does not reject the traditional tools and skills of the geographer and in this is in agreement with Sauer and the Berkeley school as well as W.G. Hoskins who also emphasised the importance of field work.<sup>20</sup> Cosgrove noted that such a process would result in a highly personalised response to the landscape. This is not to be suppressed in an attempt for "objectivity" but valued "so that they may be reflected upon and honestly acknowledged in the writing of our geography" (1989:126). However there is also a need for "critical distance" in order to search out evidence and to present that evidence free from conscious distortion. Geographers use a broad range of evidence and, as Cosgrove notes, each has its strengths and weaknesses, which require the geographer to be aware of their techniques if the evidence is to be handled proficiently.

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<sup>20</sup> A description of a fieldwork program is in Cosgrove and Daniels (1989).

The general principal Cosgrove propounds is that a historical and contextual sensitivity is essential to allow the geographer to get “under the skin” of the landscape and yet wrenching the landscape out of its context of space and time (1989:127). Finally the interpretation of the landscape is re-presented through the geographers language of symbols and words.

The final work of Cosgrove to be discussed is his book *The Palladian Landscape* (1992) where the theoretical and fieldwork comes together in a geographical interpretation of a region of northern Italy. Without going into the fascinating detail of Cosgrove’s study we will consider his approach to the issue of landscape. After a brief discussion the failings of the old cultural geography are summarised as a lack of theoretical reflection; its assumption of uniformity within a culture; and a virtual exclusive concentration on visible material forms.

Drawing on a broad range of theoretical literature in the humanities and social sciences, geographers now see that all human practices are culturally informed and that cultural practices are signification. Having accepted the idea of culture as signification then come the questions of interpretation. Cosgrove sees these as involving a continuous hermeneutic circle that never reaches “the sunlit slopes of absolute scientific truth” (1992:6). Having learned to accept this Cosgrove believes that reasoned and convincing statements about the processes involved can be made based upon “empirical evidence taking into account both the invariant and contingent circumstances in which a group of people live their lives and give them meaning” (1992:6-7). Cosgrove points to narrative as the most successful method for achieving this.

Turning to the second criticism Cosgrove makes the point that once interactions between people are focussed on, “the conflicting nature of cultural signification becomes unavoidably apparent” (1992:7). Finally Cosgrove notes that recent geographical studies have placed “greater emphasis on the ideas and values shared by a group and the ways in which these are articulated and communicated” (1992:7).

Taking these approaches does not negate the traditional geographic techniques of field and map study but the new orientations, which see landscapes as “signifiers of the culture of those who made them” (1992:8), changes the questions asked of the evidence and indeed the evidence itself. Similarly when analysing hydrology Cosgrove comments the concepts of systems theory are directly applicable but when considering the questions of the way humans give meaning to the relations between climate, water and land as experienced in the landscape other concepts are more applicable (1992:8). Understood in this way it is not surprising that there is much in *The Palladian Landscape* that is similar to the old geographical writings.

The final member of the new cultural geographers is Peter Jackson who’s book *Maps of Meaning* (1989) is more a summary of new approaches to cultural geography than a manifesto for overturning the old and installing the new. Jackson’s work is an attempt to re-theorise the concept of culture and to examine some ways it might be applied to geography (1989:171). Part of the work’s appeal is its concise and straightforward

writing style which presents concepts simply as if the author might even know what they are about.

Beginning with the familiar critique of Sauer and the Berkeley School<sup>21</sup> and of the humanistic geography (1989:1-23), Jackson moves to an elaboration of cultural studies through a discussion of the work of Raymond Williams. Characterising William's work as dealing with the central question of whether a materialist analysis of culture can be constructed that doesn't become a simple argument in economic determinism (Jackson 1989:33). William's work is classified a cultural materialist as it emphasises that cultural forms of all kinds are the result of specific processes of production. Jackson then surveys the variety in the field of cultural studies. Turning to cultural landscapes Jackson reflects "this book has consistently rejected a unitary and elitist view of culture. It has focused instead on the plurality of cultural forms through which dominant meanings are contested" (1989:177). It follows that the new cultural geographers must be prepared to examine a plurality of landscapes. Jackson briefly discusses work in this direction by Steven Kern and by Schorske as well as familiar work by Ley and Cosgrove.

Apart from the critique of Price and Lewis (1993) there have been two major critiques on the new cultural geography. Firstly Demeritt in an overview of the metaphors used in the new cultural geography and environmental history makes the point that while the environmental historians have been arguing for a dualistic view of nature, nature exists apart from our understanding of it, cultural geographers have questioned the same dualism concerning landscape. Cultural geographers took up metaphors of cultural production to turn attention to the social construction of meaning which in turn allowed them to critique the "naturalised" conception of landscape. However environmental historians Demeritt argues "are committed to representing the agency of nature as autonomous from cultural ways of understanding it" (1994:164). Demeritt basically sees no hope of reconciling the two positions and suggests that new metaphors used by Latour and Hathaway might frame nature as both a real material actor and a socially constructed object might prove fruitful (1994:182).

Mitchell argued that although the new cultural geography played a significant role in reconceptualising culture it still treats culture in a way that obscures social processes and that a better reconceptualisation would be not to have culture at all, in an ontological sense (1995). Mitchell argues that once culture is abandoned "we can get on with the important work of understanding how the idea of culture functions in society" (1995:110). Mitchell's critique was commented on by Jackson (1996), Cosgrove (1996) and Duncan and Duncan (1996) who seem in agreement with his point while disagreeing that their work characterised culture in the ways suggested by Mitchell.

By the mid 1990s the new cultural geography's position had been set out and to some degree established. Duncan (1995) points to the establishment of the journal *Ecumene* as a positive sign, no wonder, as he and Cosgrove are its editors! However the influence of new cultural geography seems limited in America and in the field of historical geography.

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<sup>21</sup> By now becoming more and more ritualistic in form.



For example, *Re-reading Cultural Geography* (Foote *et al* 1994) aims to rewrite Wagners and Mikesell classic text in light of the critique of their view of culture (which they both recant in this volume). To a large degree they succeed as *Re-reading Cultural Geography* as a statement of cultural geography will be as convenient a target as *Reading Cultural Geography* was. However the new cultural geography is curiously absent although Cosgrove and Duncan both write overview articles. Indeed Hugill and Foote dismiss new cultural geography as “Marxist” and “social geography”<sup>22</sup> which apparently overlaps with cultural geography only in the British literature (1994:16-17). While some of the readings are certainly in the terrain of new cultural geography most are not. In commenting on the text Duncan notes the absence of some “fine relevant British writing’ (1995:418).

In historical geography despite the enthusiastic discussion of ideology and landscape by Baker (1992) and a similar discussion by Conzen (1990) the overview of historical geography in the USA by Conzen (1993) notes only a seepage of post-modern ideas into historical geography (1993:88). Butlin’s similar overview of historical geography focuses on authors such as Gregory and Harvey, however the new cultural geography is discussed in the chapter of landscapes as merely broadening the traditional approach to landscapes (1994:136-139). Guelke in an article on the relations between geography and history points to a failure of historical geographers to come to grips with current notions of history claiming that historical geography is using an outmoded paradigm of history “the natural history approach” (1997:222). While one might wish to disagree with aspects of Guelke’s analysis, his comments on the differing uses of history are important in understanding why cultural and historical geographies have gone in different directions. The split between cultural and historical geography seems absurd especially when the work of cultural geographers such as Cosgrove and Duncan, which are situated firmly in the past, is considered. Surely, they are doing historical geography?

## CONCLUSIONS

It is perhaps a testimony to the power of the landscape concept that at the end of this review there is still even more literature that could be examined. The concept of cultural landscapes has proven to be of long lasting usefulness in helping researchers understand the past. Cultural landscapes is also a truly interdisciplinary concept used by archaeologists, geographers, historians, architectural historians and landscape ecologists. The core assumption that cultural landscapes are created by interaction between humans and the environment has remained largely unchallenged. There should however some considerable doubt raised about the distinction between “natural” and “cultural” landscapes as it seems doubtful that human interaction with the environment ever left a “natural” landscape.

The work of Carl Sauer is important in formulating a concept of cultural landscapes. Sauer’s morphological approach has proved very influential and largely is carried on by the current generation of cultural geographers. Sauer’s work was refined by the cultural geography school typified by Wagner and Mikesell (1962). The obvious flaws in the

<sup>22</sup> Presumably on the basis that society and culture never overlap.

conceptualisation of culture in the work of the cultural geographers have been identified and conceded. A third generation school of cultural geography has emerged in the USA aiming to rectify this problem.

In the UK an approach to cultural landscapes emerged in the works of Darby, Hoskins and Beresford which integrated landscape and documentary evidence in a description of the cultural landscapes. Although the work of Darby, Hoskins and Beresford was not unified enough to be a "school" they certainly shared interests and approaches to the landscape. Like Sauer their explanatory power was limited by their understanding of culture although they obviously had a broader view of why certain landscapes occurred when they did.

In the 1980's a different approach to the landscape emerged in the work of the New Cultural Geographers. They rejected the view of culture which is typified as being used by Sauer and "the Berkeley School" and as explicitly stated in Mikesell and Wagner's introduction to *Reading Cultural Geography*. Culture was defined in relation to material forces and the social relations those forces invoke. Culture was seen as a medium or idiom through which meanings are expressed and contested. Landscapes are seen as social constructs or a way of seeing (Jackson 1989:180-181).

Despite the rejection of old cultural geography Cosgrove explicitly points to the use of traditional techniques of fieldwork and mapping as ways to closely read the landscape. The difference lies in the questions asked of the landscape and the evidence used to understand the landscape.

Landscapes have layers of meaning that can be reached by a variety of techniques, for Duncan it is the metaphor of reading the landscape as text (1990). For Cosgrove it is a careful contextual analysis (1989) and the use of the theatrical metaphor (Cosgrove and Daniel 1989; Cosgrove 1992). These techniques are seen as having strengths and weaknesses but none is seen as the preferred way of undertaking analysis.

It is of interest that the practical examples of studies seem limited to one well defined period of time and area. For Cosgrove it is Sixteenth Century Venice and surrounds, for Duncan it is Nineteenth Century Kandy. It would be interesting to see how the new cultural geographers handled broad regions and broad time spans particularly as they claim to have overcome the limitations of the previous methods of dealing with change over time.

Currently there seems to be a mainly British school – the new cultural geography pushing this view of landscape. This is balanced by an American school of a renovated "old" cultural geography, which is more evolutionary rather than revolutionary. Central to the work in each form is the concept of cultural landscapes. The concept has survived but the questions asked of the landscape have diversified and become more complex.

**APPENDIX TWO: RESPECTABILITY AND  
THE CULT OF DOMESTICITY**



Respectability was the underpinning of the squatter's status; it is what separated them from the "skulkers" and others who perhaps met some of the criteria to be squatters.<sup>23</sup> Respectability is a short hand word for a system of social values held during the period under discussion (1820-1890) that needs further definition and discussion. The Oxford English Dictionary defines respectable as "worthy or deserving of respect by reason of some inherent quality or qualities" or alternatively "of good or fair social standing and having the moral qualities regarded as naturally appropriate to this". Respectability is defined as "the state quality or condition of being respectable in point of character or social standing".

Respectability must be seen in the context of what the particular qualities of character or social standing were at any particular time. In turn these qualities must be seen as dynamic rather than static over the period from 1820 to the 1890s. By this it is meant that that what may be seen as respectable may vary between social groups at any one time and also of course over time as well. The point being that the "inherent qualities" that define whether one is respectable are culturally defined, usually by the group that wants to be seen as respectable and define others as not being respectable.

What were these "inherent qualities" during the period of squatting? There has been clear agreement by historians that there is a distinct set of "Victorian values" that relate in a large way to respectability. However these are not particularly systematically or comprehensively outlined.<sup>24</sup> This leads to a rather ill defined set of values, often talked about by historians but rarely set out in an explicit form.<sup>25</sup> Houghton (1957) in an exhaustive study outlined what he termed the Victorian "Frame of Mind" which remains the only attempt to establish what "Victorian values were. Asa Briggs notes 'the key words of the times were thought, work and progress' (1963:1). Later Briggs stressed that the concept of work was at the very core of Victorian values, "not just work in the factory... but voluntary work with a social purpose" (1988:11). Harrison (1971) in discussing the period 1832-1851 explicitly recognises two Victorian values, religion and mental and moral improvement. "Respectability was the goal to be striven for and self-improvement the way to attain it" (1971:135). Best, in his discussion on social order of

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<sup>23</sup> Linda Young uses the terms "gentility" and "genteel" referring to the qualities of both breeding and birth that are of course part of respectability. I have chosen to use respectability as it is applied across class barriers thus one has "respectable working men" but not genteel working men.

<sup>24</sup> This seems to be due to the absence of a good history of the middle class. If Victorian society is seen as having separate spheres then Victorian historiography is also dominated by separate historiographic sphere, with economic, political, religious, sexual, men's, women's, family and class histories. There seems to be little interaction between the spheres.

<sup>25</sup> For all the recent discussion of Victorian values in the British literature you would have thought that they would be set out fairly explicitly. Many recent discussions on Victorian values (eg Sigsworth 1987, Marsden 1990, Walvin 1987) have been focused on a critique of Mrs Thatcher's conception of Victorian values. Characteristically her statement of what Victorian values are, is much more concrete than those of the historians.

mid-Victorian Britain sees the values of deference and social hierarchy as vertically integrating society while concepts or values of respectability and independence were seen as creating divisions across levels of society. The value of independence was seen as being reliant on yourself and your own actions to make your life, epitomised by Smiles's "*Self Help*" (Best 1971:257-59). Respectability, according to Best, was akin to being a good party man in a communist state (!) and encompassed the values of both being a good person and a pillar of society (1971:260).

Young notes that Evangelistic religious values were transformed or secularised into the concept of respectability a standard held it seems in common across class (Young 1977:24). "Respectability was not subject to private definition: its attributes represented a consensus. They included sobriety, thrift, cleanliness of person and tidiness of home, good manners, respect for the law, honesty in business affairs, and, it need hardly be added, chastity" (Altick 1973:175). With this could go a degree of seriousness and earnestness that if pushed too far could result in the negation of these virtues so that ideals held could be seen as hypocritical (Altick 1973:176).

Phillip Mason drawing, like Houghton, on the literary depiction of gentlemen and gentry identified four types of gentlemen each with their own set of values, the officer and gentleman; the scholar and gentleman; the Christian gentleman and the gentleman sportsman (1982:13). Mason traces the history of the meanings of the concept of the "gentleman" from the time of Chaucer to the plucky death of Captain Oates in 1913. Mason points out that the concept of the gentleman and the values that went with it were developed by the Victorians "not consciously, but rather as a sea anemone will adopt a new source of food and adapt its digestive system to deal with it" (1982:12).

One of the conditions of respectability for the upper and in particular the emerging middle class was conformance to the "cult of domesticity", a fundamental ideal of the Victorian age. The cult of domesticity is short hand for the convergence of a number of Victorian values and their incorporation in a whole way of life. Domesticity was one of the core aspects of life in the Victorian era and to be considered respectable one had to conform to this ideal.

The domestic ideal had its origins in Evangelism ( Bradley 1976; Davidoff and Hall 1987; Hall 1979). Davidoff and Hall argue that in the late Eighteenth Century the emerging middle classes, finding that they were denied political and social influence by the aristocracy, began to form their own associations and networks that could challenge the world of rank and land. For many of the middle class it was the challenge based on religious grounds where the religious condition of the individual was seen as the mark of gentility, or respectability (1987:73).

The Evangelical revival had its origins in the early 1780s and its continuing popularity is seen as a response to the social dislocation and rapid change of the period from 1770 onwards. "Religious belief gave confidence as to how to behave, how to know what was right and what was wrong" (Davidoff and Hall 1987:77). The first Anglican Evangelists were members of the Church of England who believed in reforming the church and

society from within (rather than from outside as the various dissenting groups attempted). The movement was associated with the Clapham set whose prominent members were William Wilberforce and Hannah Moore. The Clapham set were from backgrounds of the middle class or upper class who were faced with declining status and wealth. "Between 1780 and 1820 in the Evangelical struggle over anti-slavery and over reform of manners and morals, a new vision of the nation, of political power and of family life was formed" (Hall 1979:15). In reforming national morality Evangelism aimed to provide a new model of life that replaced licentiousness and immorality with a new seriousness and respectability based on the day to day living of Christian ideals (Hall 1979:16). This was based on the individuals awareness of their own weakness and inadequacy and the need for continual struggle to live a moral life.

Central to the Evangelical life was the split between the home and outside life. The home was the easiest place to curb sin and lead a moral life. Outside the struggle was more difficult. The woman's role in the household was to create a loving and moral home which fitted into her "natural" role as homemaker as well as protected her natural characteristics of delicacy, fragility and moral weakness from the outside (evil) world. Men however were formed for the outside life, having grandeur, dignity and force and could successfully confront the evils outside the home (Hall 1979).

The Evangelists first emerged in the 1780s attacking slavery and the moral laxity of the upper classes. The French Revolution forced the English to respond by not only introducing repressive measures to control potential revolutionaries but also by reforming the state of England. Evangelism was important because it's members attempted to live the life it preached (unlike the aristocracy). Importantly Evangelism was advocating reform from within the system and provided a rallying point against Jacobinism and later Chartism and Owenism (Davidoff and Hall 1987:93-94). As an internal reform movement Evangelism also helped bridge the capitalist transformation of England from a society of landed gentry to a society of emerging industrial bourgeoisie.

Balanced against the Evangelical revival was Regency England. Lead by the degenerate Prince Regent, (later George IV) and the epitome of all dandies "Beau Brummell", Regency England was "an attempt on the part of the wastrel aristocracy and a contingent of imitative commons to revive the elegance of Eighteenth Century fashionable life in a moral atmosphere reminiscent of the Restoration" (Altick 1973:9; see also Sales 1994). The morally bankrupt life of the Regency Dandies was an important target of Evangelist critiques.

Evangelists along with other religious groups, notably the Old Dissent and the New Dissent, had succeeded in creating a change in attitudes by the 1830s and 1840s. Davidoff and Hall argue that "the belief in the natural difference and complementary roles of men and women which had been particularly linked to Evangelism had become the common sense of the English middle class (1987:149, this is reflected in Houghton 1957). Bradley notes that the adoption of the Evangelist model of behaviour by the middle class "was very largely responsible for creating the cult of respectability and conformity which characterised the Victorian middle class" (1976:145). The emergence



of the Evangelist critique can be seen quite strongly in the early years of the Nineteenth Century. For example, in reading Longford's biography of the Duke of Wellington we read of his concern, embarrassment and despair of the activities of the Tory Government, with numerous duels and scandals, (Longford ). On the domestic front his wife Kitty Pakenham's diaries reveal an overwhelming desire to be "useful" and shows the influence of the writings of Hannah Moore. Various readers of Jane Austen have also sought to claim Evangelist tendencies in her writing although others, such as Sales, have argued that Austen is making a more general, less Evangelistic critique of her times (1994).

Davidoff and Hall use the example of the Queen Caroline affair to argue the strength of the ideals of domestic virtues. In this case where King George IV, a noted womaniser and leader of Regency Dandyism, sought to divorce his wife Queen Caroline. The defence of Queen Caroline drew on the image of her as "dependant womanhood" needing to be protected by chivalrous men. George IV was seen as not fulfilling his domestic virtues and manly duties by such an action. The affair demonstrates how power was justified in terms of virtue emanating from the Evangelists domestic ideals (Davidoff and Hall 1987:150-152). Conversely Queen Victoria was seen in a positive light through her adherence to domestic virtues. As Briggs has noted for the period of the Great Exhibition (1851) "the Queen and Prince Consort were providing a golden model of respectability and happy family life. The ideals of the court were in conformity with those of the middle class rather than those of the older aristocracy" (Briggs 1963:20).

Davidoff and Hall note that the doctrine of separate spheres as the key to domestic ideology<sup>26</sup> (1983, 1987). They argue that Evangelical notions of separate spheres and duties of those within them, is translated into domesticity through the literature of advice books, sermons and tracts which were commonly and enthusiastically read (1987:75, 149-192).

The doctrine of separate spheres referred to the division of society into public and private life. Public life included the world of paid work, of politics and of men. Private life was the world of women, children and servants and was concerned with the creation and management of the home. Men of course could occupy the private sphere as well as the public indeed one purpose of the private sphere was to nurture the man so he could achieve more in the public sphere (Davidoff and Hall 1983).

The basic aim of domesticity was to create a home. A home as opposed to a house (ie a house is just a building, empty) was the centre of love and care. As the Registrar General said in the introduction to the Census of 1851: "the possession of an entire house is strongly desired by every Englishman; for it throws a sharp well-defined circle round his family and hearth - the shine of his sorrows, joys and meditations" (Davidoff 1979:69). For Davidoff privacy was seen as necessary for genteel status because it kept "the family" free from the taint of the market place. If commercial considerations were

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<sup>26</sup> Davidoff and Hall (1987) have articulated domestic values based on a close reading of middle class moral tracts, diaries and letters which give advice on how to live moral lives for both men and women.

allowed to creep in then it would be difficult to maintain the facade of strict sexual divisions and age and sex hierarchies. Thus taking in a lodger was a sign that the family or individual had lost status and a similar stricture applied to those forced to live in lodgings.

The women's role was to create the domestic happiness of the fireside through her management of the home (based on strict order and regularity), children (based on developing in children habits in industry and independence) and religious belief. The home provided a refuge from the turbulent world of the public sphere (which women were "naturally" ill suited to exist in). Based on Evangelical tracts, Bradley lists three suitable pursuits for married women: promoting general comfort and well being of their families; moulding the minds of the young and improving the general level of manners in society by their influence and duty (1976:151). These are all home based activities.

In contrast to the women's role in the domestic sphere was the man's external role. The Victorian view of manliness was based on qualities of physical courage, chivalric ideals, virtuous fortitude (Mangan and Walvin 1987:1; Vance 1985:10). Samuel Smiles in *Self Help* calls these attributes "character" and praises the character as being "the noblest possession of man, constituting rank in itself, an estate in general goodwill, dignifying every station and exalting every position in society" (1908:449). Later he notes "You may admire men of intellect, but something more is necessary before you will trust them" (1908:450). Finally he stresses "Truthfulness, integrity and goodness... form the essence of manly character" (1908:452).

Vance, in "*The Sinews of the Spirit*", gives a comprehensive discussion of the qualities of physical manliness, chivalry and moral manliness that form the Victorian quality of manliness. There was a long tradition of physical exercise in the fresh air. This took the form of various organised activities that occurred across classes and in the early Nineteenth Century often roused the ire of respectable public opinion. The Evangelicals of course did not see such activities as "serious", rather it was a waste of valuable time and potentially morally dangerous (Vance 1985:15-16). Such criticism was simply outpaced in Vance's opinion by the influential people who participated in and advocated sport.

Chivalry again had a long history and was the preserve of the upper class who were mercilessly poked fun at for their activities such as the failed Egremont tournament. However more to the bourgeoisie taste was Prince Albert's noble character which combined the noble and the romantic with the practical and public spirited. This link between knightly values and contemporary problems was mirrored by authors such as Charles Kingsley. Thus it was the virtues of chivalry such as personal honour and public duty that were extolled.

Moral manliness is representative of Christ and Christian beliefs in terms of manly analogies ("fight the good fight with all your might") and the emphasis of Christ's manliness. The Christian manliness became known as Muscular Christianity and is associated with the works of Charles Kingsley and Thomas Hughes. Muscular

Christianity promoted the ideals of physical strength, courage and health, the importance of family life, elements of duty and service to mankind and the study of the natural world to discover the divine pattern of the moral universe (see Richards 1987:102-103). Muscular Christianity served as the launching point for the development of the sporting cult of the last decades of the Nineteenth Century where manliness became defined by sporting ability and fair playing.

The concept of separate spheres, and Davidoff and Hall's discussion of it in *Family Fortunes* (1987), has been critiqued by Vickery (1993). Vickery's main comment of relevance to this question, is that the sources that Davidoff and Hall use may not reflect what actually happened in practice, a point that is also demonstrated (but not emphasised) by Davidoff and Hall's work according to Vickery (1993:399-401).<sup>27</sup> Vickery's critique is important for raising the question of whether the doctrine of separate spheres should be taken as a given of the Nineteenth Century however she offers no evidence that would overturn the concept.

All these values were combined together to create an individual's or family's social status. Beckett makes this point when discussing the aspiring middle class family attempting to move into the aristocracy. Having discussed the requirement for a landed estate or country seat (ie wealth) Beckett notes:

“Unfortunately for aspirants, the land alone was not enough. Considerable stress was laid upon pedigree, the need for a family to spend time soaking up the manners and methods of the lifestyle. Since this usually disbarred first generation wealth, the second and generation had to be prepared for entrance by means of an acceptable education and marriage into the elite. If these ground rules were followed, acceptance could be anticipated, initially at the local level, but in time promotion through the ranks depending upon a variety of considerations include land ownership, state service, and general acceptability” (Beckett 1986:3).

Historians have pointed to the adoption of respectable values by the middle and lower classes as a way for movement up into the upper classes. The upper class in England was seen as being extraordinarily open to movement into their circles by those from middling origins, although becoming less so at the end of the Nineteenth Century. The openness of the upper elite was seen as one way of avoiding the consequences of the social disruption of the Industrial Revolution. In fact, the Victorian middle class have been roundly criticised for their failure to play their allotted role in historical development and for instead developing a symbiotic relationship with the upper classes (see Gunn 1988). However, the reality of the openness of the upper class is a matter for historical debate. While in the last ten years or so there has been considerable discussion about whether the middle class were really incorporated into the aristocracy in this manner or not (see Rubinstein 1994; Stone and Stone 1984; Thompson 1994) and its effect on the “decline

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<sup>27</sup> In this respect it is interesting to note that Lewis Carroll in *Alice in Wonderland* seems to be mocking the education and educational tracts and poems familiar to Alice and her sisters so it seems that the advice literature was being taught at least to children.



of the industrial spirit through gentrification” thesis, there has been no doubt that the aristocracy and the rising middle class saw themselves as inherently respectable.

In considering the application of notions of respectability based on studies of “Victorian society” it is important to consider whether such studies have relevance to the Australian situation. Firstly, studies such as those of Davidoff which have been drawn on heavily in this work are based on England, yet the squatters came from other parts of the United Kingdom, especially Scotland as well as some sprinklings of the Irish. There was also the “continental” influence through migrants directly from Europe or European emigre families emigrating from the United Kingdom. However as has been discussed above, general views on respectability and domesticity were held across Europe and there is likely to be some variation in the specifics of behaviour especially in the context of “Colonial Society”.

The continual flow of cultural information from the United Kingdom in the form of letters and newspapers served to transmit the mores of respectability. Atkinson has sketched the postal system in South-Eastern Australia in the period 1829 and 1847 (Atkinson 1979A). He saw the growth of the postal service as being one of the overall factors in the growth of the squatting economy. Importantly the mail included letters and overseas newspapers. For 1838 Atkinson estimates that 297,245 newspapers were sent inland from Sydney with about a third of these being from overseas (1979A:22). One also must consider that the velocity of the flow of information increased over time with the introduction of faster ships<sup>28</sup>, the telegraph, the Suez route to England as well as internal improvements in transportation such as the railway and telegraph.

The development of the advice book in the Nineteenth Century provided another source of information on fashion and domesticity. Architectural historians have pointed to the role of advice books as sources for the design of various buildings (Broadbent 1976; Morris 1995). However these books were not only providing architectural blueprints, they were linked to a set of Victorian values that the architecture embodied. Broadbent notes “they were important vehicles for the dissemination of aesthetic attitudes” (1976:65). Interestingly Broadbent then goes on to discuss Judge Forbes’ cottage Edinglassie, built as a retreat from the city in the face of the difficulties of his work as a typical example of domesticity. While Broadbent focuses on the source of the aesthetic for the building and its setting, at heart is the domestic value of the home as a retreat from work.

In another example of the use of advice manuals Mary Turner Shaw details the use of Robert Kerr’s *The Gentleman’s House...* by her ancestor Thomas Shaw<sup>29</sup> to plan the new homestead at Wooriwyrite in 1885 despite the involvement of the architect Alexander Hamilton (Shaw 1969:146-153).

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<sup>28</sup> The standard voyage to Australia was between 100 and 120 days up until the 1850s when the Gold Rush put a premium on speed to the colonies and the Great Circle Route was exploited. Travel times were reduced to between 60 to 80 days. More importantly was the introduction of the “packet” type service with ships leaving at set times which provided a reliable service. Telegraph cables were introduced in 1872.

<sup>29</sup> Based on the annotations in Shaw’s copy of Kerr.

Finally there was the continual flow of immigrants to Australia not to mention the cyclical transmission of Government officials (notably the Governors - the head of society). Finally there are the tourists both those from Australia returning "home" and those from "home" visiting Australia. The most notable example of the latter being the Duke of Edinburgh. It is in the transmission of culture in person that the subtleties of respectability and gentility are transmitted. Actors in the model society of "home" can pass on and critique the performances of actors in Australia, indeed critiques of Australian manners is a familiar literary form.

The First Fleet brought with it contemporary British sensibilities to rank and position, this was quickly demonstrated by the refusal of the Marines to guard the convicts at Port Jackson! Moreover with the pardoning of convicts and the expiration of convict sentences, the simple two-caste society (as Hirst puts it) developed into a complex society where the basic lines of division were convict/free but where there were degrees on the convict stain and divisions of rank within the free. Naturally the success of the convict entrepreneurs posed a particular problem. As Hirst notes "by the end of Macquarie's governorship the ex-convicts had earned well over half the wealth of the colony and were masters of the same proportion of the convicts" (Hirst 1983:81). The wealth of the convict entrepreneurs placed them often on a higher economic status than those with pretensions to rank and power and they were often able to lead a gentlemanly life. However the convict stain meant their exclusion from good society. John Hirst comments "if the officers and the free settlers had possessed all the qualities of the traditional English gentleman, the wealthy ex-convicts would probably have accepted their social exclusion without complaint. But in many points these colonial gentlemen were deficient. It was notorious that in the early days the officers had made their fortune by trading in "three watered by grog". Few New South Wales Gentlemen could claim a genteel birth or had received a gentleman's education (Hirst 1983:150). Connell and Irving (1980) discuss the formation of a colonial gentry which emerges in the period 1810 to 1830 with families such as the McArthurs, the Coxs, the Blaxlands and Sir John Jamieson. These formed a class "the gentry" that excluded others not necessarily because they are not respectable but for other reasons (convictism).

This conflict between the emancipists and the exclusives or gentry ran through the upper echelons of society in NSW and caused considerable social and political problems. While Hirst claims these debates occurred only amongst those with pretensions to rank and position, Karskans points to an involvement in the debate from successful business men in The Rocks. She notes the signing of petitions by Rocks people in 1819 and 1821 where they identify themselves as respectable or middle class (1987:226-227). Karskans notes that

"Their behaviour and manners reveal that they did not take on the distinctive codes of a "genteel" moral and cultural behaviour adopted and refashioned by the emergent middle class in England. Ideas of internalised self-control and an self-improvement, fervent Evangelical Protestantism, the romantic view of Nature, the separation of work and home and the shunning of all alcohol

all remained absent from the lives of the long-settled, property owning emancipists of the Rocks. They defined their respectability not by indicators of inner morality, but by outward signs: the settled, independent lifestyles, skills, material assets, and public gestures" (Karskans 1987:227).

Karskans is careful to suggest that these "middle class" respectable people conform more to the notions of regency morality rather than the Victorian model of behaviour (1997:229-223).

From this we can see the thread of respectability running through at least the upper and middling classes in Australian society from the First Fleet onwards. It is not a class defining concept but one that defines a position within a class as well as defining relationships between classes. It seems that respectability creates a base for social mobility once sufficient wealth has been acquired.

In Port Phillip in the "golden age" of the 1830s to the 1840s good society formed a gentry that excluded others who were respectable but not gentry. According to de Serville this excluded most of the squatters who were in any case located inland from Melbourne. Later of course, the excluded class, the squattocracy, rose to become good society and in turn excluded others who were wealthy but not respectable.

David Goodman's study of the Victorian goldfields in the 1850s notes that one of the key features of the male society on the goldfields was the freedom felt by the diggers (or at least the articulate diggers) from the constraints of a structured society and from domestic constraints and responsibility<sup>30</sup>. Goodman paints a picture of a society in Victoria where the effects of gold were criticized in terms of the domestic ideology; men saw themselves and their families' happiness in terms of movement to the goldfields and speculation that they would make a fortune. Women saw that it would take a lot of gold to compensate for the loss of domestic happiness (Goodman 1994:151). It is clear from Goodman's discussion that the cult of domesticity was strongly entrenched in Australian society by the early 1850s.

Domestic ideology was under threat and brought out defenders ranging from Caroline Chisholm to Governor Hotham. Reformers and moralists began to work on the ideal of masculinity as freedom and push it (back?) towards domestic responsibility (Goodman 1984:149-178). In this dialogue the seeds of the selection movement and the so-called "yeoman ideal" can be seen. With the gold miners being urged to settle down and create or re-create the domestic ideal as yeoman farmers we can see the workings of respectability on both the squatters and the selectors.

To conclude respectability in the squatting era was measured by adherence or otherwise to a set of values and standards developed in the period from the 1790s to the 1890s called "Victorian Values". Chief of these was the cult of domesticity. "Victorian Values"

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<sup>30</sup> This is a point that Ferry makes about "bush life" in the early squatting period drawing on Ward's classic history of bush life *The Australian Legend* (Ferry 1999). However, there is sufficient evidence to suggest other squatters adopted or maintained the domestic ideal from the start of their squatting.



were brought to Australia by emigrants and visitors from the United Kingdom and reinforced by the flow of information in the form of letters, newspapers, journals and advice guides from "home". This information kept the colonies well informed with what was expected in the respectable person and ensured a degree of conformity between "home" and the "colony". It should be noted that in this period the speed of information flow from home to the colonies decreased dramatically with the introduction of "packet service to England, then steam ship services via the Suez Canal and telegraph links between Australia and England. The information flow was linked to the sale of material culture, such as ceramic dining sets, that was designed to be respectable and fashionable and express the owner's respectability.

**APPENDIX THREE: THE  
ADMINISTRATION OF JUSTICE AT  
LANYON AND QUEANBEYAN**

A considerable amount of emphasis in the historical discourse on Lanyon has been placed on James Wright's reputation as a "flogging Magistrate". This stems from the regular appearances of his assigned convicts at the Queanbeyan Magistrates Court between 1837 and 1840. Wright was also accused of inspecting convicts' backs after flogging and of mismanagement of his convicts. This evidence has been used by Blair and Claoue-Long (1993a & b) to construct a view of Lanyon as a landscape of conflict and captive labour. Thus, it is worth discussing the "Queanbeyan incident" as in doing so something of Wright's status in society can be glimpsed.

Wright was one of the earliest people calling for the establishment of a local court, complaining to the Colonial Secretary in August 1835 that he had had to travel 520 miles in search of a Magistrate to whom he could lay a complaint against one of his servants. Justice in the region was administered by military officers acting as mounted police who travelled the country accompanied by a scourger (Lea-Scarlett 1968:27).

On the 28th November 1837 the Colonial Secretary appointed Captain Alured Tasker Faunce of the 4th (Kings Own) Regiment to the position of Police Magistrate at Queanbeyan. Faunce, who was 29 at the time, had got into trouble as Police Magistrate at Brisbane Water but, through his friendship with then Governor Richard Bourke, was transferred to Queanbeyan (Lea-Scarlett 1968:27-28). From the start he was faced with the lack of proper facilities (such as a court house and jail), convict officials and the need to visit Sydney to settle the Brisbane Waters affair.

These matters created difficulties of the administration of justice with prisoners escaping, corrupt police and other notorious activities. Especially worrying was the allegation that corporal punishment was administered with a lax hand. This was a major threat to those using assigned labour as it diminished the incentive for convicts to behave well. These matters were raised in the *Sydney Gazette* on 22nd January 1839. Twelve charges against Faunce were raised, all stemming from Faunce's supposed laxity towards his convict officials.

Wright, who had been appointed Justice of the Peace in 1835, was one of those dissatisfied with the system. So was Terence Aubrey Murray who owned Yarralumla Station and squatted over the Murrumbidgee and his brother Dr James Murray. T.A. Murray was the leader of the "squatters" in the area and was, like Wright, a JP and a gentleman (court records occasionally add the honorific "esquire" to their names). They made formal complaint in February 1840 resulting in an inquiry later that year. The tone of the complaint was similar to that in the *Sydney Gazette* a year earlier. Two Commissioners, Charles Windeyer and S. North, were appointed by Governor Gipps and their report, which largely exonerated Faunce, was submitted in May 1840.

It is not true to claim, as Blair and Claoue-Long do, that it was "Wright's lack of control over his convicts, his repeated resort to official floggings, and the number of convicts who ran away from Lanyon" that provoked an official inquiry into policing in the district" (1993b:90, 96). The original documents (cited by Blair and Claoue-Long) reveal



that the inquiry, which was initiated by the Murray brothers and Wright (and to some extent supported by other landowners in the district), was initially into Faunce's administration not Wright's. It is interesting that neither the Campbells nor the Palmers took part either as witnesses or supporters of either side. This reflects their use of emigrant labour rather than convict, which meant they had less cause to use the Magistrates Court although Charles Campbell did occasionally appear in court. Their lack of involvement may also reflect their social and political distance as members of the colonial "gentry".

One of the complaints was that punishment was often remitted or lessened through the corruption of the ex-convict minor officials (eg it was reported that a blanket was placed over some convicts' backs). It is in this context that Wright's inspection of the backs of convicts recently punished must be seen. It is not clear how often Wright did this. It is implied by some writers that this was a regular practice, yet the *Deposition books of the Queanbeyan Bench of Magistrates* suggests that there was only one case where this was done. This was the case of Phillip Lee, who had been up on charges of not working and was sentenced to 25 lashes on the 25th January 1839. On his return, Wright asked to see his back and Lee refused, earning himself another 25 lashes for disobedience and 50 for insolence (p.121 29/01/1839).

Faunce was moved to write to the Colonial Secretary:

28th January 1840

Sir,

I have the honour to report for the information of His Excellency the Governor that it has appears to be a practice with one or more assignees in this district to order their assigned servants after they have received corporal punishment to strip and show their backs in order that the extent of laceration might be ascertained, and to request that as such a disgusting practice might tend to insubordination among the convict population, His Excellency will be pleased to authorise in all cases a recommendation that the servant be withdrawn.

To which Governor Gipps minuted:

"I cannot give a general authority for the withdrawal of convict servants in such cases but as the practice seems to be highly disgusting and improper, I shall take notice of particular case which (shall?) be brought to me."

(State Records of NSW 40/939)

Shortly after Murray and Wright complained about Faunce, a complaint was made about Wright - that he had eight convicts absconded from Lanyon at the one time and that his overseer was a convict. Although there is no evidence for this, it seems likely that this

complaint was related to Wright's complaint about Faunce. The complaint, which was investigated by the same commissioners investigating Faunce, was not proved largely because most of the convicts had escaped from Police custody, which no doubt added to Wrights grounds for complaint!

Faunce was questioned and made the following statement:

"he was acquainted with Mr Wrights mode of managing his convicts and there was only one point on which he and Mr Wright differ in opinion, which point was the examination of the backs of his servants after receiving corporal punishment of which he (Captain Faunce) disapproved. Mr Wright explained that it was not his general practice to do so although he considered he has a right to do it both in his character as Master and Magistrate but he never made the examination except in circumstances where he suspected the sentence had not been properly executed."

(Archives Office of NSW)

In undertaking this inspection, which it appears as a Justice of the Peace Wright was entitled to do, Wright transgressed a social boundary. While it was quite acceptable to order floggings from the bench, it was seen as disgusting to inspect convict's backs. As Hirst has noted "Respectable people regarded floggings as distasteful and distressing and did not want to witness them" (Hirst 1983:60). In the context of Wright's social position as Assignee or Master, I suspect it was seen as disgusting and improper for him to inspect backs and probably demeaning for the prisoner as well. It was almost a case of double jeopardy - a second punishment after the first. Here it is worth considering Denning's discussion of the case of William Bligh another notorious flogger (1993). Denning comments that other Captain's imposition of discipline was a mutual engagement of the punisher and the punished, whereas Bligh's punishment, although lesser in numbers of lashes given than most British Captains in the Pacific, was done in circumstances that involved humiliation and degradation (Denning 1993:124-130). In other words in some cases the punishment was accepted as just and in others it was not, irrespective of the actual number of lashes. With Wright, the inspection of the back was humiliating to the convict and that is the concern that Faunce rose. In doing the inspecting, Wright was also making a very public statement about the administration of justice in Queanbeyan (ie he is attacking Faunce's position especially in the context of the published allegations against Faunce).

Wright was also taking a direct role in the punishment, something the convict system seemed keen to keep Assignees from doing. As an Assignee or Master, Wright could not flog his assigned convicts, he had to take them through the justice system where his complaint was judged by a separate magistrate and justice was physically applied by officers of the court. The system disassociated the Assignee from the administration of justice. Wright by inspecting the backs re-entered the scheme of things at an inappropriate point by becoming directly involved in the punishment, something that as a

"Gentleman" or Master he should not have done. Respectable people avoided the physical realities of flogging (see Hirst 1983:60). He might have been smarter to get the doctor (although the absence of both the doctor and Police Magistrate in supervising floggings was one of the complaints) or T. A. Murray, in his role as Justice of the Peace, to inspect backs for him.

Thus, Wright is revealed as a person who misplayed the social game by undertaking a socially disgusting and improper practice rather than as a tyrant. Examination of the Bench of Magistrates Depositions shows that other settlers had equally disobedient convicts and that Wright did not seem to inflict harsher punishments. In the broader context of disobedient convicts Wright seems entirely typical rather than tyrannical<sup>31</sup> (see Hirst 1983:28-77). Moreover Faunce, if he was outraged, perhaps should have taken action earlier as almost a year had passed between Wright's inspection of Lees back and the Faunce complaint. Was Faunce moved to act at the time because Murray and Wright were concerned about his administration of justice?

Wright is revealed by this incident to be a person of obvious social status (otherwise he would not have been a Justice of the Peace) but whose respectability might be seen as in doubt. He clearly overstepped the social boundaries between his role as JP and Master but did nothing illegal. He cannot be seen as a tyrant any more than others with assigned convicts who have better historical reputations (e.g. T. A. Murray as written by Wilson 1968).

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<sup>31</sup> Chambers (1987: 18) quotes a statement by Mowle "I think we were all inclined to be tyrannical" as an understatement, however Mowle was writing of a period eight years later and he was not a Justice of the Peace in 1840.



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