



Chapter 15 - Challenging Times

(1836 – 1841)

David Brown junior, Peter Duff, and Richard Hobden each applied for pastoral leases in the Liverpool Plains District that were secured on 22nd, 22nd and 23rd respectively of December 1836. They were among many graziers operating beyond the 19 Counties who begrudgingly responded to government pressure to register.⁵³⁶ In most cases, they would have been managing runs for a year or more.

In his application David said he was married with ten children, and that a free person, Bernard Havin, would be in charge of his stock. He declared that he was lawfully possessed of 400 acres, 600 cattle, 200 sheep and 12 horses. His stated number of cattle was significantly large at this time; for Samuel Clift had 400, John Browne 300 (of Maison Dieu near Singleton), and John Eckford 300. David's 400 stated acres is consistent with his known holdings at Cattai and Jerry's Plains. However, there is no way his 600 head of cattle were raised on those 400 acres. It is another indication that David junior was well established beyond the 19 counties for several years.

It is apparent from David's application that during 1836, another child had been born into the family. This evidence is consistent with what we know of the birth of another son, Francis, to David and Elizabeth at Jerry's Plains about this time.⁵³⁷ Francis is likely to have been named in honour of Elizabeth's oldest brother. At this point it seems that David is losing count. The available evidence points to he and Elizabeth having nine children, not ten.

His son, John, began helping his father in the management of cattle on their pastoral lease at this time. In John's own words, 'I have been connected with runs and stations and with the droving of cattle and sheep since I was 15 years old'.⁵³⁸ It is highly likely David also used the time and energy of older sons, Thomas and James, in previous years in this way.

With the news of the death of James Chisholm following on so soon after the deaths of his father, and brother, Thomas; one could understand it if David was feeling a considerable sense of loss and perhaps depression. However, these losses were to be a prelude to further sadness and challenging times generally before matters improved.

Robert Thomas Capp, an ex-convict, became Jerry's Plains first Postmaster on 1 January 1837, when a bi-weekly mail service, provided by the Singleton to Merton contractor, commenced in response to a petition from local citizens. Prior to this mail, would have been collected from the Post Office at Singleton. Capp is believed to have run the store adjacent to 'Green Gate Inn' at this juncture.

The newly created Commissioner for Crown Lands for the Liverpool Plains, and Alexander Paterson was appointed in April 1837. His headquarters were designated as Jerry's Plains 'a bustling little centre of some 500 souls on the Hunter, halfway between Patrick's Plains and Merton'. 'Jerry's Plains had become an important junction for traffic from Maitland to Cassilis on the Gammon Plains, south-west of Merton, and further on to Bathurst, as well as drays coming up from the Hawkesbury on their way to distant stations of the Namoi and Gwydir'.⁵³⁹

It was obvious that David and other squatters frustrated Governor Darling's "19 Counties Plan" of 1829 to restrict settlement to a radius 240 kilometres from Sydney. So a tax was levied on all existing squatters by

⁵³⁶ Samuel Clift and John Eckford are amongst the names of others of the Hunter who sought land beyond the Boundaries.

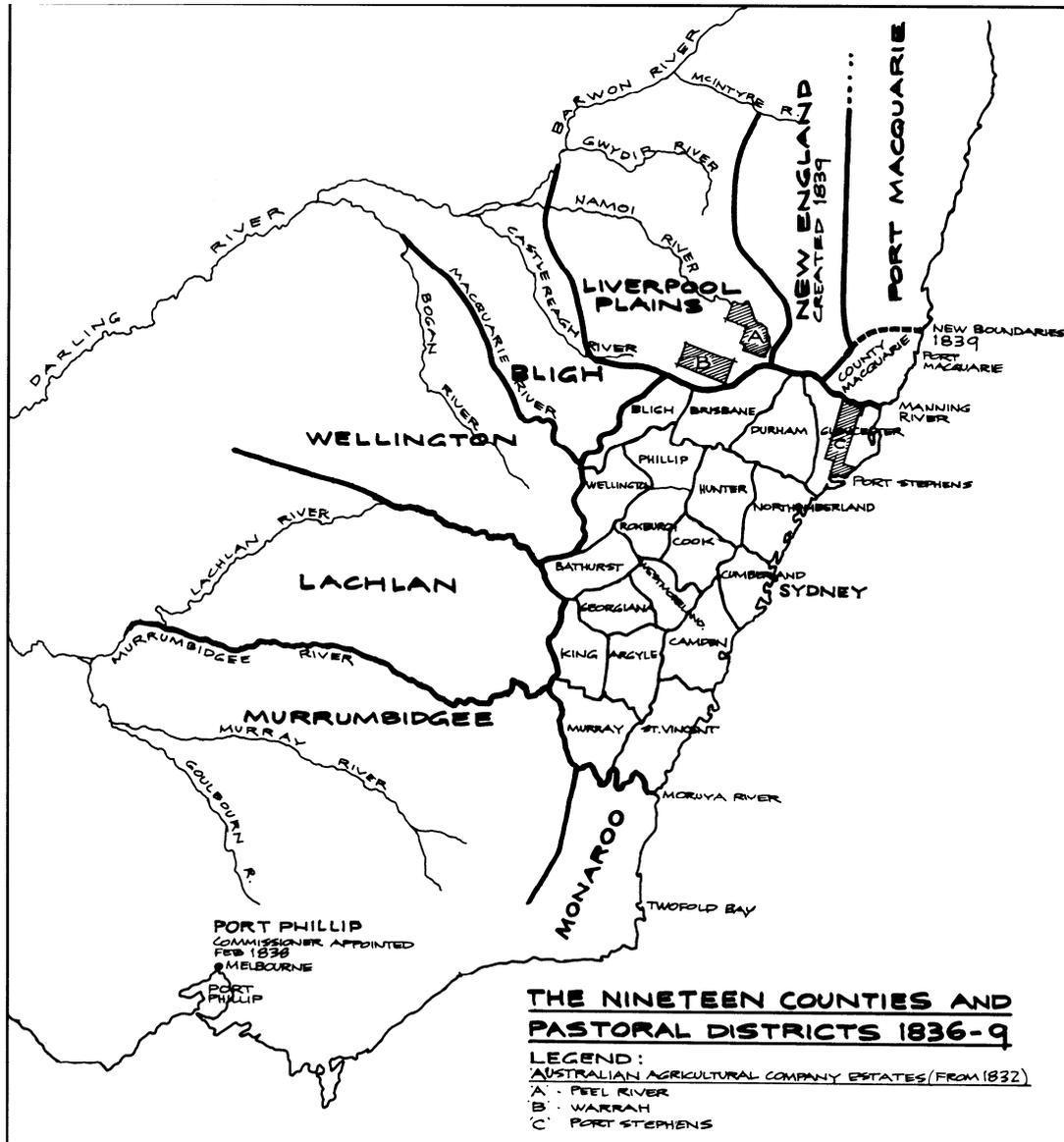
⁵³⁷ Consistent with Harvey GED file.

⁵³⁸ 3rd session of the 10th NSW Parliament John spoke on 6 September 1882 in regard to the Watering Places and Reserves Bill. (page 297)

⁵³⁹ Waterloo Creek. P138



Governor Bourke - Which meant that they could use the land but they didn't own it.⁵⁴⁰ The levy was largely ignored and not well enforced until 1837.



Through 1836 and into 1837 Governor Bourke made several attempts to develop his '19 Counties' legislation. 'A separate licence was to be taken out for each 'District', and Commissioners of Crown Lands would be required to visit their respective 'Districts' at least once a year, though what and where the intended areas were the regulations did not say. It was only in February 1837 that seven districts beyond the boundaries were created and the first lot of full-time Commissioners - as distinct from the *per diem* officials within the Limits of Location - appointed to take charge of them. The last three were not assigned to their posts until the end of April, almost four months after the Act had gone into operation.

Nonetheless, the legislation proved a turning point. Squatting lost its derogatory connotations. Bourke curbed squatting inside the boundaries and legitimised it outside. His strategy dealt with the land question so as to fit other policy and administrative needs. In the Nineteen Counties land would continue to be auctioned off to finance the crash program to boost the European population. In the interior it could now be grabbed

⁵⁴⁰ Governor Bourke wrote to the Colonial Official stating the futility of trying to stop the squatters - He decided to deal with the dilemma they posed by applying a licence fee. The Discover Australia series, 'The Governors' by O. R. Scott. NLA reg No AUS 69-4168

⁵⁴¹ Waterloo Creek, p115

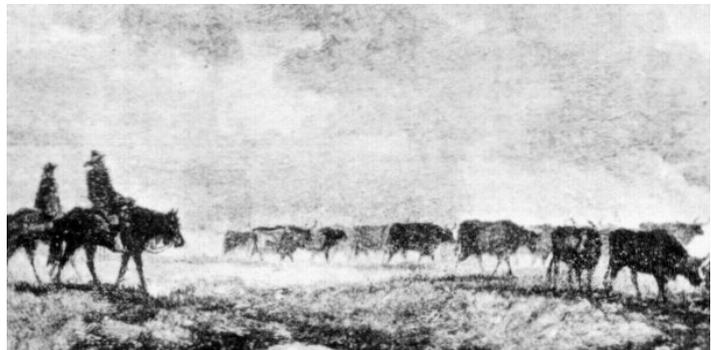


with official sanction for a mere £10 a year. But in the whole process not a word had been said about the rights of its authentic owners.⁵⁴²

The year of Paterson's appointment coincided with many a squatter paying the established licence fee of £10 for the brief period of 23 April to 30 June 1837. David's name occurs along with many others in a special additional list of those 'who have taken out Licenses for depasturing on Crown lands situated beyond the boundaries of location'. No doubt, all the squatters paid for the first time due to the fact there was a government officer present to collect and police the squatting regulations. The Lands Department advised that David was in occupation before then. This is consistent with David's stated 600 head of cattle on his 1836 application.

Family legend suggests that David had established 'Millie' run between the Namoi and the Gwydir rivers about 1834. 'Millie' was an area which Surveyor General (and explorer), Sir Thomas Mitchell had encountered on his 1832 expedition. Millee/Waterloo Creek was to become significant in the affairs of Jerry's Plains, and European relations with Aborigines. It may well be that David had been grazing his cattle beyond the boundaries in other locations before claiming the 'Millie' area.

'Millie' Run, aside from being a fattening station for the Brown family's cattle, formed part of the stock route for the region.



From 'Millie', the Browns drove fattened cattle via a route south that more or less followed the path the railway later took from Narrabri, Turrawan, Boggabri, Gunnedah, Murrindi, Scone, and Muswellbrook to Jerry's Plains⁵⁴³ (as a staging point) – From there cattle could be driven to Maitland and

Newcastle markets, or on the long and difficult Bulga track for sale at the Windsor Sydney markets, via their Cattai property.⁵⁴⁴ In the Muswellbrook and Scone region, David may have drawn comfort from the settlers there that were predominantly of Scottish origin. This may have been a factor in his purchasing property in Muswellbrook.

David's son, David III, was eventually to manage a butchering business in Maitland⁵⁴⁵ – That, more than likely drew heavily on cattle from Millie and other Brown family properties, and initially, in itself was an extension of the family livestock business.

In 1837, David Brown junior was recorded as still having one convict working for him, George Bowman had 13 convicts working for him on Archerfield and Arrowfield, Peter Duff had two. In that year, two of Bowman's convicts, James Blanchare and George Burnie, were killed by Aborigines at his Terry Hie Hie run situated some forty five kilometres south east of the present day Moree. From the commencement of local settlement in 1825 convicts worked for the farmers of Jerry's Plains until about 1845 - They generally lived in primitive huts adjacent to the homesteads or on remote stations.⁵⁴⁶

#A daughter, Mary Elizabeth, was born in 1837 to Thomas (David's eldest son) and Ann at Jerry's Plains.

After his licence for the 'Greyhound Inn' at Fal Brook had expired on 6 July 1837, Richard Alcorn and his family moved to their land adjoining the Browns at Jerry's Plains. That is, to 'Portion 27', the property that was originally granted to Thomas Brown.

⁵⁴² Waterloo Creek, p114

⁵⁴³ Report of Alexander and George Brown 'stuck up' by bushrangers near Narrabri, Armidale Express, 21 January 1866.

⁵⁴⁴ NLA, mfm NX27 Maitland Mercury, 12 August 1846. Jerry's Plain correspondent.

⁵⁴⁵ NLA, mfm NX27. Obituary in the Maitland Mercury, Tuesday, 16 February 1886. & Report on David III's application for a slaughtering licence The Maitland Mercury, Saturday, 17 June 1871.

⁵⁴⁶ First village of Jerry's Plains, by Ian Ellis, Hunter Valley News 30 Sept 1992



Death of Elizabeth

Elizabeth Brown (nee McMahon) died on 21 November 1837 in Jerry's Plains. A notice in the Sydney Herald of 30 November 1837 read:

"Deaths. At Jerry's Plains, on the 21st instant, Mrs. Mary Elizabeth Brown, in her 39th year, having left a husband and nine children, and numerous relations, to deplore her loss."

Of the nine children that she and David are known to have brought into the world: Thomas was 20 years old; James 18; John 16; Mary 14; Catherine 11; David 9; George 6; Alexander 3 years; and Francis, an infant between one and two years old. They also had one grandchild, David III, and a second just born or on the way. A daughter, Mary Elizabeth, was born to Thomas and Ann during 1837 - No doubt, named in honour of her grandmother at Jerry's Plains.

Elizabeth seems to have been a great force in the family, a force to be reckoned with. Like her mother - A strong Irish will evocative of the shamrock and St Patrick.

The loss of David's wife followed soon after the demise of his father, brother, and brother-in-law James Chisholm.

After Elizabeth's death, David devolved responsibility for the management of his various property interests to his older sons. About 1838, he passed much of the running or depasturing of his Waterloo Creek/ Millie runs to John and James; and the management of his inn, 'The Green Gate', to Thomas. David had run it for the first three years of its existence. It may well have been seen by Thomas and David as being more suitable to Thomas' family status to have a more settled job - One that didn't need long periods of absence on cattle drives, and the management of faraway stations. For many years after this time David was absent from Jerry's Plains for extended periods - Probably in far away places, and sometimes at Cattai.

It is likely that Thomas' wife, Ann, lost a close friend. Ann would have then become matron of the Brown household. Apart from anything else, she now had children eleven and under to care for. Ann no doubt demanded the assistance of the eldest girl, Mary 14, to assist in the care of the household, with Catherine and the older boys being increasingly called upon to help. It was just on four years since Ann had arrived in the colony as a convict. Her circumstances had change dramatically in that time!

For Elizabeth's children, her death was a major hurdle with which to cope. Having their sister-in-law now bossing him around in place of their mother may have been another significant hurdle. Six year old George may have been particularly resentful of her!

Not long after taking over the running of the inn, Thomas renamed it the 'Robin Hood'. Coinciding with this factor, was the existence of an Ann Owen aged 29 who was convicted for pick-pocketing and sentenced the same day as Ann Shepherd in 1832. Ann Owen's case was item 75 and Ann Shepherd's was item 78. The record of Ann Owen's trial tells she was a frequenter of the public house known as the 'Robin Hood'. Both women came to the colony on the Buffalo.⁵⁴⁷ It may well be that Ann Shepherd also had some connection with the same establishment, or otherwise came to think favourably on the tales told to her by the older woman about the Robin Hood. Whatever the influence for the change of name, it was made easier by the long-term absence of David.

Drought and Depression

Drought which had begun in 1837, continued in 1838. In that year, the winter rains failed. All the Hunter and northwest were seriously affected. Most of the colony was affected as far south as Goulburn area, where it lasted until 1841.

⁵⁴⁷ Ann Owen was Consignment No 47, Ann Shepherd No. 51.



The beginning of the drought had coincided with, or perhaps precipitated, long-lasting economic difficulties for the colony. Years 1831 to 1836 had been a prosperous period for the government and had yielded a large accumulated reserve for the Treasury. Large profits from pastoral and commercial enterprises had placed ‘a vast amount of capital’ in individual and government hands. While exports had more than doubled since 1831 from £324,000 to £748,000 in 1836, imports had similarly increased from £490,000 to £1,237,000 for the same period. The consequent downturn in productivity in many areas of the colony due to drought, in what was a rural economy, and the long-running trade imbalance led to serious difficulties. Governor Bourke had budgeted for a surplus of £80,000 in estimates for 1838 – It transformed into a deficit of £129,000.⁵⁴⁸

The wool clip more than doubled between 1836 and 1840, but even wool was caught in a slump from 1841 to 1843. ‘There was a chain reaction of credit contraction, private and public economising, falling prices and incomes leading to insolvency and unemployment on a serious scale.’ During that time almost 2000 estates were sold up, the proceeds realising only about one-ninth of the debt. Seven banks were forced into liquidation at great loss to their shareholders. The colony did not recover from this state of depression until the mid 1840s.⁵⁴⁹ This chapter and some of the succeeding chapters, need to be considered in the context of that setting.

During 1837, squatters complained to government authorities about killings and mutilation of employees, and livestock by Aboriginals in the Liverpool Plains. Significant among those who complained was George Archer about the murder of two of his men at his Terry Hie Hie run.

Major James Winniett Nunn with mounted police from Jerry's Plains undertook a campaign during January and February of 1838 to deal with the problem. Nunn left Jerry's Plains on 31 December 1837. On 26 January 1838, his force attacked a large Aboriginal encampment at the lagoon that forms part of Waterloo Creek. The event was referred to as the ‘Australia Day Massacre’. Nunn's force of about 30 men, comprising troopers, squatters, and stockman, killed some 120 Aboriginals.⁵⁵⁰ Nunn's party returned to Jerry's Plains on 21 February 1838 ‘after 53 days duty’.

The Brown family had already begun to make a success of things beyond the boundaries. However, their persistent occupation of the Millie area may have followed close ‘on the heels’ of the Australia Day Massacre.

In 1838 David's sons, Thomas, was 21, James 19, and John 16 years old. They had grown up in the grazing and farming business. John had been ‘connected with runs and stations and with the droving of cattle and sheep since ...15 years old’ - Not to mention the years of farm-work he had undertaken before that. There is little doubt that his would have been the arrangement for all his brothers. James like his brother, John, was to have a long and profitable association with Millie. John and James appear to have been the more entrepreneurial, energetic, and ambitious of their siblings. James and John proved particularly successful runs and stations, especially with Waterloo Creek / ‘Millie’ (see Chapter on Millie Men).



⁵⁴⁸ Waterloo Creek, p107-110.

⁵⁴⁹ Economic Reform Australia Newsletter. Vol. 3 No. 3 : January – February 2003. P20

⁵⁵⁰ Waterloo Creek. P188–9. Lancelot Threlkeld, Missionary at Lake Macquarie, wrote in September 1838 that: ‘the late severe destruction of human life under the command of Major Nunn, against whom, it is said, the blacks stood battle and upward 120 were destroyed by the police in a swamp where they were surrounded, or into which they were driven’. Major Nunn later boasted of 200-300 killed. Police Ensign Cobban referred to ‘one or two blacks’ being shot



Confusing Names – 3 Millies and 3 John Browns

There were, for many years, at least three watercourses on the Liverpool Plains that bore the name ‘Millie Creek’. None of these named alike creeks has any flow into the other. They are separate.

One of these streams commences 20 kilometres north of Moree as Medgum Creek and flows north-west for 60 kilometres and merges with Gil Gill Creek near Miltonville⁵⁵¹.

About 80 kilometres to the south of Moree, and some 45 kilometres north of Wee Waa, flows another Millie Creek was also known in the past for parts of its length as ‘Waterloo Creek’, ‘Snodgrass Lagoon’, and ‘Manamoi’.⁵⁵² This was where David Brown established his Millie Run in 1834. Millie passes through the middle of what was the Brown’s lease, and was a factor in a later division of the property into north and south portions. On current maps, Millie is shown to terminate a few kilometres to west of the Brown’s Millie Run. It was that part of Millie that explorer, Sir Thomas Mitchell, in 1832 named ‘Snodgrass Lagoon’.⁵⁵³ It seems in time of major floods that Millie merges with Moomin and Thalaba Creeks to continue the flow west and join the Barwon River. An 1883 map of New South Wales by A. C MacDonal shows Millie Creek merging with the Thalaba Creek.

Some 40-60 kilometres west of Wee Waa there is a Millie Creek. It flows west into the Namoi River. Over many years it was also known over different parts of its length as Drildool, and Warrambool Creek⁵⁵⁴

The name ‘Millie’ for the creek that flows into the Namoi was derived from the Aboriginal word meaning ‘white pipe clay’. It is highly probable that the Aboriginal people described the other ‘Millie’ creeks in the same way for the same reason.

In 1838, George Druitt established a run of some 22,000 acres on the north side of the Namoi River and straddling Millie Creek. As a consequence, the run was known as ‘Millie’. Not surprisingly, the name of Druitt’s run ‘Millie’ has often been the cause of some confusion with the Brown’s ‘Millie Run’ to the north at Waterloo / Millie Creek. The two ‘Millie Runs’ are seventy kilometres apart. Both Druitt’s ‘Millie’ and David Brown’s were variously spelt in diverse ways including: ‘Milli’, ‘Mille’ and ‘Milly’. Druitt’s ‘Millie Run’ was also known at times as ‘Coolga’.⁵⁵⁵

The Millie Creek that enters the Namoi has undergone an official change of name in recent years, so that on the latest maps all of its length it is now described as ‘Warrambool Creek’.

Adding to this confusion of names, there were at least three persons by the name of ‘John Brown (e)’ having something to with the Liverpool Plains about this time. The name was exceptionally well represented in the sparse population of Europeans that came and went from there in the 1830’s:

- The John Browne who took up a £10 pastoral lease in December of 1836, along with David Brown, is likely to be the of ‘Maison Dieu’ near Singleton. He established the 102,400acre run on the Liverpool Plains known as ‘Pullaming’ Station.
- In June 1838, John Dowling Brown, along with John Hector, and Edward Trimmer, set-up the ‘Clover Leaf Company to manage a run on the Liverpool Plains.⁵⁵⁶ Early in March 1839, John Brown of the Clover Leaf Company is known to have gone to Millie Creek for the purpose of establishing a station. This was probably near where Millie Creek enters the Namoi, and where the dwelling and storage facilities for the ‘Bugilbone’ Run were built.⁵⁵⁷

⁵⁵¹ National Mapping, Geology Map 5508, ‘Moree’, 1:250,000 1964,

⁵⁵² National Mapping, Geology Map 5508, ‘Moree’, 1:250,000 1964, & MacDonal A.C. Map of the Colony of NSW 1883.

⁵⁵³ This was the scene of the infamous massacre of Aborigines described ‘Waterloo Creek’

⁵⁵⁴ National Mapping, Geology Map 5512, ‘Narrabri’, 1:250,000, 1964 refers

⁵⁵⁵ First Heart of the Namoi, p88

⁵⁵⁶ Waterloo Creek. P592

⁵⁵⁷ Waterloo Creek. P592 suggests that this John Brown was attempting to establish a run at ‘Snodgrass Lagoon’ on the other Millie Creek, but this now seems unlikely given the considerable association of J. D. Brown and Edward Trimer with ‘Bugilbone’. It is indicative of the confusion associated with the names ‘Millie’ and ‘Brown’.



Brown and Selwyn are known to have established the ‘Buglebone’ Run by 1840. ‘Buglebone’ was derived from the Aboriginal word meaning ‘place of the deathadders’. It was also known as ‘Bucklebone’, and later ‘Bugilbone’. ‘Bugilbone’ formed the western boundary of Druitt’s ‘Millie’ run.

In 1846 ‘Bucklebone’ was registered in the name of Brown and Trimmer. In 1848, it was again registered in the name of Brown and Selwyn, with A. Selwyn as manager and running 2,500 head of cattle. John Dowling Brown became one of the magistrates for the Wee Waa District in the 1850’s. His address at the time was ‘Bucklebone’.⁵⁵⁸

‘Bugilbone’ homestead is only eight kilometres southwest of Druitt’s ‘Millie / Coolga’ homestead and one kilometre from the north side of Millie / Warrambool Creek, and adjacent to its terminus with the Namoi.⁵⁵⁹ Both ‘Bugilbone’ and ‘Millie’ runs had the Namoi River as their southern boundary.

- John Brown, son of David Brown of Jerry’s Plains, in June 1838 was half way through his 17th year. John was ‘connected with runs and stations and with the droving of cattle and sheep since ...15 years old’ He and his brother, James, had long and continuous association with ‘Millie Run’ established by his father.

As a consequence of these duplications of the names: ‘John Brown’ and ‘Millie’, the recording of various events relating to them has, on occasion, been wrongly attributed. Compounding this situation is the fact that in 1869 Druitt’s ‘Millie’ passed into the hands of Charles S. Capp, son-in-law to David Brown of Jerry’s Plains who had established the other ‘Millie Run’.

Looming Difficulties

Much of the colony’s economy was becoming increasingly shaky and posed great uncertainty for many a commercial venture. As an offset to this, the south was in the midst of drought and of consequence the market for quality beef from anywhere, let alone ‘Millie’ is likely to have remained buoyant, if they had feed and water. Waterloo/Millie Creek was a particularly reliable source of water. In the worst of the looming 1838-1841 drought, it is said there was never less than four kilometres of its length containing water at Brown’s ‘Millie’ run.



Millie Creek

Photo J Griffiths April 2010

Millie Creek is just one of many creeks that can be encountered in the vicinity of Brown’s Run, let alone on the Liverpool Plains generally.

⁵⁵⁸ First Heart of the Namoi, p78

⁵⁵⁹ National Mapping, Geology Map 5512, ‘Narrabri’, 1:250,000, 1964 indicates buildings those locations.