



Chapter 2 - SYDNEY BOUND ‘By Government Order’ (1750 – 1800)

David Brown is the most enigmatic of all characters dealt with in this work. During the thirty-five years that he was resident in the colony of New South Wales, David Brown was described as: ‘industrious’ and ‘a respectable settler of long standing in the colony’. Also, David was variously referred to as ‘the Elder’ or ‘Senior’ to differentiate himself from his second eldest son - For the same reason, in recent times, and in this work, he is often referred to as David (I).

David came into the world circa 1750, in Scotland, some five years after the Jacobite cause had come to grief at Culloden. David Brown’s origins in Scotland are obscure, and apparently, deliberately so. Family folklore indicates that David's grandfather, and possibly his father had been active in Jacobite affairs from the late 17th century. Unfortunately, several generations ago, this obscurity caused one of the ladies of the family to research the family’s origin and history through the services of fortune-tellers. This has added a fanciful and romantic dimension to whatever confusion and vaguery existed in the folklore. Of that embroidery, the following stands out:

‘the family being supporters of the Stuarts, and followed King James II when he fled Britain in 1688 to escape rebellion’ and the invading William of Orange.

If this were true, they would have been part of the many thousands of sympathisers that sought refuge in France.

A seal brought to the colony by David in 1801, said to have belonged to David’s grandfather, is of special interest in this regard (Refer Appendix A). The seal bears the image of a walking or prowling lion. It is claimed to be in what is known in heraldry parlance as a ‘Lion Morne’, that is, a lion without tongue, teeth, or claws, and in some cases, without a tail. Family legend suggests that the image on the seal is meant to be a lion with a forlorn countenance, and that it is intended to represent the Royal Lion of Scotland mourning for the loss of his crown. It is supposed to have been given to David's grandfather by the 'Old Pretender'.



However, the ‘Lion Morne’ image of a lion has no connection to any that occur in English heraldry, nor things Jacobite; but is said to be reminiscent of that found on the shield of several Scottish or Breton families, in the Celtic, Gaelic, speaking part of France. This tends to give credence to the



legend’s claim about the family’s connection with France. Hopefully this can be clarified one way or the other.

Regardless of the accuracy of romantic family folklore about its origin and things Jacobite, the prowling lion seal has long been associated with David and continues to be identified with him.

A Change of Name

Persistent in the legend is the claim of a change of family name to ‘Brown’ about the time of the Jacobite upheaval. It is said that the names was changed to save his family some embarrassment. Whether or not, the embarrassment was the consequence of involvement in the Jacobite affair is not clear. There are several examples of villainy (eg murder, rape, kidnapping, etc) at that time where the perpetrator escaped retribution or justice by a change of name and/or by travelling to some place a great distance from the crime, such as France.⁶ What the family name is supposed to have originally been is uncertain. Legend suggesting that their name had been ‘Stuart’ came courtesy of the family consulting with fortune-tellers a century earlier.⁷ However, MacGregor, is suggested from several independent recollections among the Brown family, and not the fortune-teller. If it was indeed MacGregor, the departure in sympathy with King James II seems

⁶ “A New History of Scotland”, 1962, p155.

⁷ Refer Appendix A.



especially unlikely. If there is any truth to the legend of participation in things Jacobite, it is likely to do with the 1745' rebellion.

The change of name aspect of the legend may well be based on the fact of the MacGregor name being proscribed, that is, its use banned by law. This situation came about due to the MacGregor clan being involved in the Murder of John Drummond of Drummondernoch in 1589.⁸ The clan's name was proscribed for many years, which meant many of them choosing a variety of alternative names. Some families never bothered to revert to the original name when it was permissible to do so.

The Beginnings of David Brown

The only available evidence of his early years is his registration of death. It indicates David being born in Scotland in 1750, supposedly Edinburgh. There are several 'David Brown's accounted for in available contemporary records as being born in 1750 in Scotland such as Angus Shire, but not Edinburgh, Mid Lothian. However, there is also a record of a David 'Broun' born in Edinburgh c.1750 to 'Robert Broun' and 'Janet Aitchison'. This possibility was dismissed previously by the author as 'unpromising' because the parent's names 'Robert' and 'Janet' don't arise in later generations.⁹

The next documented event of David's existence is at age 6. In 1756, it is said that David was taken from Edinburgh.¹⁰ Who took him (his mother and / or father, and where to (London?)) are some of the many questions that arise in the telling of his story?

Because of numerous references to him being a carpenter and cabinet-maker, it can be deduced that sometime between David leaving Edinburgh in 1756 and 1770 he completed an apprenticeship to acquire those skills. There is very minor evidence pointing to the possibility of him having done some soldiering for a period. It was not unusual for young men of the period to join a regiment shortly after having completed their apprenticeship.

David met and married a Mary Brown - The death certificate of his second eldest son, David junior, supports this.¹¹ That certificate is the only official evidence of the marriage extant to date. The sometimes uncertain nature of information in registration of deaths is well known. However, this official evidence of David's marriage is in contrast to the legend derived from crystal ball or taro card readings that claim David was married in London twice to ladies of other names.¹²

David's marriage to Mary is likely to have taken place in Scotland in the late 1770's or the early 1780's.

Subsequent to the marriage, at least four children are known to have been born to the couple: James, Mary, David, and Thomas. Mary is the only child about whose age is reasonably certain. Her year of birth is 1785.¹³ Presently, due to limited circumstantial evidence revealed in this account, the ages of the three boys are the subject of some speculation. James is believed to be the eldest son, and may well have been the eldest child. Ages for David¹⁴ and Thomas seem to depend on the occasion for their volunteering such information. However, from such information, it is apparent that Thomas was the baby of the family. It is evident from David junior's death certificate that they were in Scotland for his birth¹⁵ and also his own statement in 1850 with reference to William Wallace and Robert Bruce as 'the saviours of my country'.¹⁶ Probably all the children were born there. Legend says that there were two other daughters.

⁸ Legend recorded by Blanche Jenkins (see Appendix A) 'Amongst Mary Chisholm (Brown) papers was a memorial ring John Drummond.'

⁹ But as W. Brown of Tasmania has suggested recently, it may well now be worth closer scrutiny.

¹⁰ Burial Reg. No 1836 1112 Vol 102. Presbyterian Minister, Rev. Dr John McGarvie, notation in the burial register about David in 1836, said amongst other things, David was 'Born in Edinburgh - left it at 6 years old'. Confusingly, it gives his age as 86 which suggests a 1750 year of birth, and also 'Born 1754'. In all probability, James Chisholm's (David's son-in-law) was the informant. David's personal response to the 1828 census, in which he gives his age as 78, is consistent with being born in 1750. 1754 may well be the year that David's surname changed to 'Brown'? 'Drummond' is a name floated as a possible connection with David Brown. There was at least three David Drummond born in 1750.

¹¹ I rejected the 'Mary Brown' name initially, because it was the same surname and did not fit the legend re his wife being Mary Partington. In the records of that period there are more than a few examples of brides and grooms with the same surname marrying.

¹² Refer Appendix A

¹³ Derived from Mary's age of 32 stated in death notice in the Sydney Gazette of 6 December 1817.

¹⁴ The age given by David junior in the 1828 census and the one he gave when he was married suggest b1785-7. In a newspaper report of 1850, David jnr. states he was ten years old when he arrived in NSW - Perhaps influenced by his young second wife who might not have been aware of him being perhaps more ancient than he had said he was.

¹⁵ NSW Registration of Death 1857 No 4052.

¹⁶ The Maitland Mercury, Hunter River District News, 10 May 1851 (twelve months late)



The Brown's legend and their story, in general is very much about "dùchas" (the Gaelic for inheritance). For David, legend suggests that he had lost or been denied an inheritance. David's father or grandfather is reputed to have lost lands in Scotland through attainder because of his support for the Jacobite cause. In 1784, legislation was passed to allow attainted personages to buy back their properties. David is said to have pursued his claim to family estates (and title?) in the courts – And that he either received an adverse decision and / or was frustrated by lack of money?¹⁷

Late in the 18th century (1798 – 1800?), David's wife and two daughters (names and ages unspecified) are said to have died within a short time of each other. This tragic event having come on top of his failed court appeal(s) is said to have triggered his wish to seek a fresh start.¹⁸

Coinciding with David's (*so far unverified*) difficulties was a shift in policy by the government of the United Kingdom in the late 1790's towards its handling of its New South Wales' penal colony. The government recognized commercial potential of the colony, and the need for free settlers with some trade or farming skills. Coincidentally at this time, there was a building boom underway in the London region, offering plenty of employment and business opportunities for trades-people. Enticements such as generous land grants, guaranteed government contracts for work on arrival, assigned convict labour, government rations for up to 2 years, and free passage to the colony, were offered to get satisfactory tradesmen (and their families) to the Colony. Beneficiaries of such enticements were expressly approved 'By Government Order'.

David was in the vanguard of those who chose to take advantage of this change in policy. Setbacks as suggested by legend regarding lost estates, lack of finance, and bereavement over lost loved ones, would have been an incentive for a new life in far away New South Wales. If so, it was an opportunity for building a new life and new inheritance for his surviving family.

How well informed David was about the colony and the opportunities it afforded, and how he was informed, or who informed him are questions that come readily to mind. Desperate circumstances and Government publicity and incentives may have been sufficient for David to make his decision. Or there may have been someone already in the colony, that he or and acquaintance had some communication or heard news, whose views he respected, possibly a relation?

Capital or proof of capital or capacity to earn a living was necessary to gain approval to immigrate to the colony. The Government wanted people who would not be a burden to the resources of the Colony.

To receive approval to migrate,¹⁹ it is likely that David had to present a letter of introduction from some well placed eminent citizen to the Colonial Secretary. Such a letter would have been passed on to some clerk with an annotation or covering memorandum to instruct the relevant authorities. Locating such correspondence, if it still exists, is difficult.

Finding a Boat

With official blessing, David and his surviving children were part of some thirty passengers that boarded the 'Earl Cornwallis', a Convict Transport (CT) vessel, by October 1800.²⁰ The Home Secretary had informed various authorities on 25 July that the ship was to sail in less than ten days. However, departure was

¹⁷ 'In 1784, the Prime Minister, William Pitt the younger, and Henry Dundas, then Lord advocate, decided that the time had come to restore the estates, at a fair price, to the heirs of the former owners. This was done by an Act passed that year'. The 'transaction was applauded in Scotland and brought the Exchequer over £90,000.'

There was a John Drummond who appealed in 1785 without success to claim the Perth Estates. It was considered briefly that he might be David Brown – However, John Drummond is said to have been killed soon after at Calais in a duel with the lawful claimant. Nevertheless, his child, born shortly before his death, was also considered possibly related. Autobiographical Sketches by Mrs Crawford refers.

¹⁸ According to the history by Blanche Jenkins 1946.

¹⁹ Census 1801

²⁰ The burial register notation for David in 1836, in all probability on James Chisholm's (his son-in-law) instructions, suggests that David arrived in Australia on the 'Royal Admiral' (a 914 ton vessel that apparently carried convicts and other cargo) that arrived in Sydney on 20 November 1800, some seven months ahead of the Earl Cornwallis. However, in the various NSW Musters and the 1828 census David himself and his son David junior stated that that they arrived in 1801 on the 'Earl Cornwallis'. It seems likely that the informant was confused or was guessing re the name of the ship.



postponed by a series of delays due to administrative matters associated with the appeals and care of convicts.²¹

The 'Earl Cornwallis', launched in 1783 on the Thames, was a typical merchantman of the time. It was a large, blunt nosed, flat-bottomed, fully rigged wooden ship'. There were three decks, square sails on three masts, 20 guns, and displaced 784 tons. The Earl Cornwallis was in a different class to the fast, well-built East Indiamen, such as the Minerva which set sail to the colony a year earlier from Cobh, Ireland. It was designed for carrying capacity; not speed. Four knots were as good as could be hoped for.²²



The Earl Cornwallis, c.1786-94, without roundhouse deck at the rear. Thomas Daniell (1749 – 19 March 1840) English landscape painter; (Yale Center for British Art, Paul Mellon Collection)

The master for the journey was James Tennent. The Fifth Mate was Robert Scott of Glasgow, who provides the only known contemporary report of the journey, aside from the ship's log. Scott was to write of Tennent in his letter of 16 August 1801, after having served ten months with the man:

"Capt T is very strict with regard to duty, he has always behaved very well to me"

By 14 August 1800 the 'Earl Cornwallis' sailed down the Thames to Gravesend having completed her refitting which included its hull sheathed with copper, and the installation of a roundhouse on the stern for lack of a poop deck. 'Many of the female prisoners and some of the passengers and cargo had already been loaded.'²³ The roundhouse accommodated the

Captain and all the officers. Robert Scott was gratified to write that he and the 3rd Mate had a cabin to themselves, and that *'where we mess is quite separate from the convicts, passengers, (and) seamen.'*

This is the only voyage that the Earl Cornwallis is known to have made to Australia. It was certainly the only voyage as a convict transport.

When the Earl Cornwallis finally set sail, there were 193 male convicts and 95 female convicts aboard. Half the male and all the female convicts were boarded at 'Downs' about 2 September 1800. Another 95 or so males had been put aboard at Portsmouth after she had docked on 14 September 1800.

Scott wrote on 19 September to his brother about the proposed crewing for the voyage. Apart from the Captain and 6 mates there were to be: 4 Midshipmen (*if they could be procured*); 70 men; a Captain of the Guard, a Sergeant, 25 soldiers, Naval Agent, Doctor, and a parson. Included in the ships crew was a Boatswain & 2 mates, Gunner & 2 mates, Cook & mate, Sail-maker & mate, and a Joiner. Both the Gunner and the Carpenter each had a boy.²⁴ Of this crew, Scott's says 'there are a great number of idlers aboard.' Passengers were expected to number about 30.

On 5 October 1800 the ship was still at Portsmouth awaiting departure due to stormy weather that had been experienced since 22 September.²⁵ Passengers had increased to 35. In addition to convicts, the Earl Cornwallis is known to have taken on 'late arrivals' there. Were the Browns the late additional five passengers²⁶?

²¹ Transported Beyond the Seas. P47

²² Transported Beyond the Seas. P49.

²³ Transported Beyond the Seas. P50.

²⁴ Voyage on the Earl Cornwallis 1800-1802, 5th Letter, 19 September 1800

²⁵ Voyage on the Earl Cornwallis 1800-1802, 6th Letter, 5 October 1800.

²⁶ Caring for a baby for such a long boat trip was a big challenge. It may well be, that the Browns were the late arrivals and that was because they could obtain a wetnurse from among the female convicts?



Passengers comprised 7 men, 9 women, and 17 children over two years old. (*Babies such as Thomas?*) Some of the passengers of the Cornwallis were²⁷:

Men	Women	Children
?	?	Alexander Allen (6) ²⁸
	Lydia Barber (38) (soldier's wife)	John (d1802?) Henry (4)?
David Brown Snr (50); (carpenter)		Mary (15); James (13?); ²⁹ David Jnr (10?); and Thomas (baby - 2?); ³⁰
George Cocheran?	Catherine Cocheran	
John Connell (22);	Ellenor Connell	3 children ³¹
John Dight (28) Carpenter ³²	Hannah Dight (20)	Sarah (1)
William Eckford		
	Mary Houston (soldiers wife)	
	Ann (Mobs (38);	Isaac (5) Ann (6) William (10)
?	Elizabeth Rose ??	
?	Ann Sneyd (31) ??	
Peter Taurow	Mrs T	3 children ³³
	Phoebe Waldron ³⁴	
?		John Williamson (15?) (cabinetmaker)

The military contingent included³⁵:

Lieutenant	Henry	Crawford,			
Sgt.	Josua	Allot (36)			
Pte.	Thomas	Barber (40)	Pte.	William	Meridith
Pte.	John	Bramminer	Pte.	William	Merry
Pte.	Henry	Cole	Pte.	William	Mobs
Pte.	William	Connison	Pte.	Joseph	Quinn
Pte.	Thomas (or James)	Daniels	Pte.	Thomas	Rayner
Pte.	Joseph	Griffiths (42);	Pte.	John	Scott
Pte.	William	Harleam	Pte.	William	Spears (29)
Pte.	John	Herkness	Pte.	James	Stevens
Pte.	Samuel	Houston	Pte.	John	Williams
Pte.	Lawrence	Hughes			

By 17 October, the vessel had sailed to Cowes and was awaiting the opportunity to up-anchor for the Colony of New South Wales - The Fifth Mate, Robert Scott wrote:

"I am quiet tired of laying here, we have had some very stormy weather, always from the west, it is now North & expects to sail tomorrow, the signal was made this morning to unmoor ship, we did."³⁶

²⁷ The original Shipping list is lost. This list is derived in part from 'Thomas West of Barcom Glen', 1801 and 1806 musters, and the 1828 Census. In the various musters it is apparent that many of the people claiming to have come free, were in fact convicts, especially female convicts who seemed to have come as companions to the various crew and soldiers.

²⁸ 1828 Census. Alexander's father might be a Thomas Allen a convict aboard the Earl Cornwallis (Col Sec Records (Reel 6028; 2/8283 p.26) and there is a death recorded for that name in 1819 age 56?

²⁹ There is some speculation that James was 19 years old at the time. If so, with a trade, he could have come under his own name and been entitled for a land grant in his own right on arrival. As part of a land hungry family it seems unlikely that he or his family would have passed up on that possibility. He didn't gain a grant until 6 August 1806.

³⁰ These ages for the three boys are estimates only. See comments regarding this uncertainty earlier in this chapter. However, young age of Thomas may put a date of death for his mother as within 2 years of 5 October 1799. If a wet nurse was needed, then a date of death sometime in 1799 is likely.

³¹ Settlers Muster Book 1800 List 7 AG 010

³² John Dight was Superintendent of Carpenters at Parramatta in 1808. Intriguingly however, John Dight is said also to have been Medical Superintendent on the Earl Cornwallis per 'Who was who on the Liverpool Plains - 1841' - Run 103 by Syd. H. Ware.

³³ Settlers Muster Book 1801 King's List 1801 List 1 BA 011

³⁴ John Waldron age 31 on 1800 Oct 13 list of convicts on board the "Earl Cornwallis" (Reel 6028; 2/8283 p.25). John Waldron died 1812, Phoebe Waldron then married 63 year old James Larra.

³⁵ 20 names have so far been gleaned from A Colonial Regiment.

³⁶ Voyage on the Earl Cornwallis 1800-1802, 7th Letter, 17 October 1800.



And on 28 October :

*"Convoy appointed and only wait for a fair wind, which we soon may expect as we have had so long a pile of West winds."*³⁷

At Cowes, a significant first in efforts to improve health, safety, and comfort in convict transportation took place. Jackson's Oxford Journal of 8 November 1800 reports:

'Sir Jerome Fitzpatrick has, for the first time introduced his fumigating lamps into the Earl Cornwallis convict ship, which dropped down from Portsmouth to Cowes some days ago, with 294 male and female convicts on board, for New South Wales. These lamps are of the greatest importance to the prisoners, as they are calculated to prevent that destruction caused by candles and other lights, of the oxygen or vital principle of the air, which is so essential to animation.'³⁸

³⁷ NLA MS 1898. Robert Scott, Fifth mate on the Earl Cornwallis, 8th Letter, 28 October 1800.

³⁸ Jackson's Oxford Journal published 1753-1928. per http://www.jenwillets.com/earl_cornwallis_1801.htm Sir Jerome FITZPATRICK, a frequent agitator for reform on the hulks and in the transports from Ireland to Botany Bay, was able to get the rigid slave leg-bolts struck off prisoners on two vessels waiting to sail from Cork in 1801, the 'Hercules' and her sister ship 'Atlas'; they were replaced by lighter chain-fetters. He was appalled by the treatment meted out to convicts waiting for transportation in the hulks both in England and Ireland. per <http://www.4crests.com/fitzpatrick-coat-of-arms.html>