



Chapter 9 - The Push North

(1813 – 1824)

Governor Macquarie applied a “policy of restricting access to land to so-called ‘respectable settlers’”. It meant that once the way over the ‘Blue Mountains’ had been discovered in 1813 and a road west built, “the first whites to carve up the Bathurst hinterland were army officers and well heeled private immigrants.

About the time David and Elizabeth’s son, Thomas, was born, all the best grazing and farming land on the Cumberland plain had been taken up. This was reflected in the annual invitation to apply for grants on the first Monday in June of 1818. The number of applications far exceeded the government’s expectations.

So much so, that the annual grant for 1819 had to be cancelled. Land that David junior and his brother, Thomas, might have reasonably applied for on the first Monday in June of 1819 was denied them and all other hopefuls. In his official proclamation of 22 May 1819, Macquarie announced that no applications would be considered until the first Monday of June 1820.

“The ex-lags and poorer free arrivals of the Hawkesbury now ‘making good’ were frustrated by this turn of events. There was nowhere for them to head but the sandstone gorges of the Colo and Macdonald to see what lay beyond.” Benjamin Singleton, the son of an ex-convict, was the first to try with two abortive sorties in 1817-8.²⁶⁰

To the north near the Coal River penal settlement, Macquarie was allowing a few trusted convicts to establish farms near Wallis Plains (now Maitland), the head of navigation of the river. Governor Macquarie was a believer in rewarding good behaviour on the part of convicts. Also, some emancipated settlers began to move in, and by 1819 over 20 farms were there. A small military detachment was based at Maitland to protect these farmers.²⁶¹

Overland Route to the Hunter

On 26 October of 1819, John Howe, long-time settler of Hawkesbury, and then Chief Constable at Windsor,²⁶² set off to explore the country north of that region. His party comprised: George Loder of Portland Head (Howes’ son-in-law), John Milward, and convicts: Nicholas Connelly, John Eggleton; Charles Berry; and Myles, the aboriginal guide. On 4 November 1819, Howe reached a ridge from which he gazed down on a valley fog that covered the area to be later known as ‘Jerry’s Plains’. His party descended into the valley and into Coomery Roy country (a corruption of the name of the aboriginal tribe that occupied that area, the ‘Gummun Comleroy or Kamilaroi’²⁶³), near Bulga, and proceeded to follow a stream.

The next day, they found the stream, later known as Wollombi Brook and entered a river. They briefly explored it in an easterly direction towards Jerry’s Plains, before the limitations of their rations caused them to return home the way they had come.²⁶⁴ At this point Howe didn’t realise that the river he had encountered was the Hunter.

The route from Windsor to the Hunter taken by Howe, became known as the ‘Bulga Track’ and later formed the basis of what is now known as the ‘Putty’ road.

In response to a request by Governor Macquarie, Chief Constable Howe set out on a second expedition on 5 February 1820 to find a better route to the Hunter. The party of exploration was larger than those previous, it included Thomas Dargin junior, Andrew Loder, Philip Thorley, and **Benjamin Singleton**. ‘The route they followed was the same as that in the first expedition as far as the ridge overlooking the Putty Valley. It then

²⁶⁰ Waterloo Creek. p48.

²⁶¹ Explore the Convict Trail: The Great North Road.

²⁶² Windsor is some 45 kilometres north-west of Sydney Town

²⁶³ Gummun Comleroy people at that time occupied land to the south of the Liverpool Range south to Jerry’s Plains.

²⁶⁴ Dawn in the Valley. Chapter 2, p10, 11.



took a more north-easterly course, descending to the Hunter plain near Broke instead of Bulga.²⁶⁵ This was the route followed by many of the land hungry settlers of the colony, particularly from the Hawkesbury, such as the Browns, to stake out their claim, not long after Howe and his party's return.

The Naming of Jerry's Plains

On St Patrick's Day, 17 March 1820, John Howe gave the name St Patrick's Plains to the flat country he had traversed two days earlier after coming down from the mountains to the Hunter river. The name later being shortened through usage to Patrick's Plains.

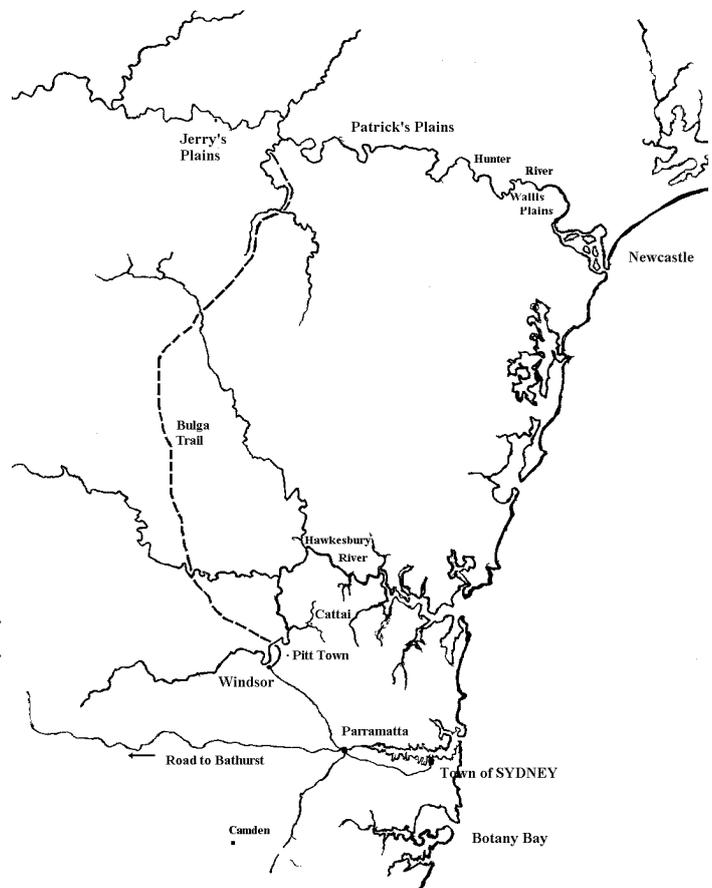
The naming of Jerry's Plains is less certain. Whether it is myth or fact, there are several differing accounts of the same expedition. One of Howe's men, Jerry Butler, a convict, is said to have variously blown off part or all of one of his hands in the process of trying to start a fire with the assistance of gunpowder. This was a common practice among drovers, especially if the wood was wet.

Legend has Jeremiah dying as a consequence of his injury not far from where the village of Jerry's Plains is located, hence the region and the village being named as a memorial to him.²⁶⁶

The name of the town may well commemorate Jerry Butler and injuries he sustained due to an unfortunate incident with fire lighting. However, reports of his death at this juncture (like Mark Twain) are somewhat exaggerated, as, according to the Government Gazette of 7th June 1836, he received his certificate of freedom, No. 1511, in 1836.²⁶⁷ The first printed use of the name Jerry's Plains appears in the *Australian* of 4th February 1827.²⁶⁸ It also occurs in the 1828 census.

The expedition worked its way along the river 'thru as fine a country as imagination can form' until to his surprise he reached the government outpost at Wallis Plains, later renamed Maitland.²⁶⁹ This was as far as the valley had been penetrated from the coast. But with Howe's discovery of an overland route from the south, and his tracing of the river's course above Wallis Plains, the Hunter was now thrown open to full-scale settlement. Goods and produce could be moved in and out by boat from Sydney, or before long, by track from the Hawkesbury, making it a much more attractive proposition for settlers than Bathurst. The journey between Maitland and Sydney by boat could be done in half a day or less. The Hunter's rich soil and pastures were eagerly sought, especially by citizens of the Hawkesbury.

John Howe and other members of his second party, including Philip Thorley, received modest grants in recognition of their services, mostly on Patrick's Plains where the village that sprang up was ultimately renamed Singleton, in honour of Benjamin Singleton. By 1821 they, and other Hawkesbury settlers, were bringing cattle up to the Hunter to take advantage of the natural grazing pastures. They did so either on their own account or others' under contract.²⁷⁰



Route discovered by John Howe.

²⁶⁵ Pioneers of Portland Head, p169

²⁶⁶ Pioneers of Portland Head,

²⁶⁷ Singleton "Howe" it started and grew, compiled by Singleton Historical Society, 1995.

²⁶⁸ Jerry's Plains – The First 100 Years.

²⁶⁹ Waterloo Creek, p48.

²⁷⁰ Waterloo Creek. p49.



Late in 1821 the Rev. G. A. Middleton travelled overland to the Hunter settlement from the Hawkesbury, with 173 head of cattle. ‘Mr John Blaxland, marked the trees’ that they had come, a roundabout route which became known as Parsons Road. Following this event (18 December 1821) Major Morisset, Commandant at Newcastle,²⁷¹ reported a long list of runaways, and expressed the hope that “His Excellency would not permit any more cattle to be brought by that road.” He complained that “Twelve of them went off in a body for the Parson’s Road, as it is now called.” To follow the trail blazed by Blaxland.²⁷²

Benjamin Singleton and Philip Thorley were the first settlers to take their families, to the isolation and loneliness of the newly discovered region. In 1822 ‘*Benjamin Singleton took his wife and five young children over the dismaying Bulga track, which was so rugged that John Howe had been forced to unload the packhorses and the load down “into the valley called Puttee”. Mrs. Singleton with Mrs. Thorley were the first white women to cross these mountains. Others followed them from the Hawkesbury and squatted on the unallocated lands, selecting a site for a hut, a wheat paddock, and a corn and pumpkin patch. Their stock grazed confined on the plains and mingled in the cattle camps in the bush.*’²⁷³ The early 1820s were notable for the particularly devastating drought that struck the colony. 1822 was especially bad, and may have provided the incentive for Singleton and company at that time to seek better pastures.

The modest grants of land received by John Howe and other members of his second party were never properly designated. They and other Hawkesbury settlers moving cattle up the Bulga track to the Hunter soon found themselves displaced by well-connected newcomers. These people came with government orders entitling them to bigger areas. They had ample capital, as well as abundant convict labour, to develop and augment their lands. “*Land was distributed to approved applicants by outright grant, in return for nominal quit-rents which were seldom if ever collected, or ‘reserved for purchase’ on liberal time-payment for a few shillings an acre.*”²⁷⁴

David jnr Moves to the Hawkesbury

By April of 1820 the prospect of getting land on the Hunter was now very real to those in want of it, like the Browns. In this setting, on 3 July 1820, David ‘the younger’ applied to Governor Macquarie to ‘*grant him a portion of land*’. His petition declares that he ‘*is married and has a family of two children, and being his intention to remain in this country where his father and family are*’. To strengthen his case, David had his application endorsed by well-connected citizens of the day - The Reverend William Cowper endorsed David (II)’s memorial, in the same way he did for many others:

‘The petitioner is, I believe, an industrious man.’

Something rarer was an endorsement by Captain ‘John Piper’, a fellow Scotsman of young David, who followed up with:

‘David Brown is a very industrious and deserving young man.’

²⁷¹ Later Morisset was notorious as a commandant at the 2nd penal settlement of Norfolk Island.

²⁷² Dawn in the Valley, p16. ‘Blaxland’s track was not extensively used for stock movements. It was said that there was grass for working bullocks and travelling stock on parts of the Bulga track, but that between Wollombi and the Hawkesbury there was none.’

²⁷³ Dawn in the Valley,

²⁷⁴ Waterloo Creek, p49. “*within five or six years it was transformed into a nest of thriving gentry, through a system of astonishing largesse.* “ In 1823, for instance, Benjamin Singleton was obliged to yield to the celebrated ‘Major’ James Mudie, who built himself a keep he called ‘Castle Forbes’ after an English patron.” “The most outrageous giveaway of all apart from the Australian Agricultural Company at Port Stephens, “came in 1824 when an influential Anglo-Scottish MP, Thomas Potter Macqueen, received a grant of 20,000 acres (8,100 hectares) - ten times the prevailing maximum of the day - on the express instructions of Earl Bathurst, the Secretary of State for Colonies, at an annual quit-rent specifically set at ‘one peppercorn, to be paid if called for.’”

“The better placed the seeker, the more favoured his treatment. In 1825 the colony’s first Chief justice, Francis Forbes was awarded 10,000 acres to be ‘reserved’ for purchase - 400 over the statutory limit - in addition to a maximum grant of 2,560 acres (1,037 hectares) east of the future village of Muswellbrook.....”



Both David and his brother, Thomas, had approached Piper together to gain his support of their coordinated applications.

Piper is likely to have been well known to their father and their brother-in-law, James Chisholm. His endorsement for Thomas that he was 'bred a carpenter' conveys an awareness of the Brown family greater than that of a casual acquaintance.

At the time of this endorsement, John Piper had not long turned 47 years. His statement is notably indicative of describing someone closer to 28 than 38 years old.

Piper had come to the colony to serve with the NSW Corps in 1791, like David's brother-in-law, James Chisholm. From 1810 to 1814, he was commandant of Norfolk Island penal colony. After returning from a visit home to his native 'Ayrshire' in Scotland, Piper took up the civil post of 'Naval Officer' 1814 to 1827, and as such was responsible for the collection of customs.



*Captain John Piper
(1773-1851)
From Drawing held at NLA*

Like James Chisholm, Piper was associated with the founding of Scots Church in Elizabeth Street. And like Chisholm, he was involved in the establishment of the newly created Bank of New South Wales. Piper became a director of the fledgling bank.

Piper was noted as being gregarious, with a capacity for socialising with a wide range of society, and being easily approached for a favour. His relaxed attitude was to cause him great embarrassment in the conduct of his Customs and Bank responsibilities. Point Piper in Port Jackson was named in John Piper's honour, due to him having his home there for many years.

David's and Thomas's applications both bear the date 3 July 1820, the day the Government had invited applications to be submitted for grants, for the first time in two years. Theirs would have been part of a great mass of applications lodged on that date. The first Monday of the previous month was when the event was to occur, the occasion many such souls had been waiting for, the event having been delayed twelve months. However, when the time drew near it was announced by the Government that as the first Monday for June of 1820 was now to be set aside to celebrate the King's birthday, applications for land were deferred another month. The irritation of many a claimant, such as these two, must have been palpable.

David junior's memorial intriguingly mentions an *'increasing family'*²⁷⁵ – The youngest child, James, was born in August, the year before. The next child on record as being born is John, who 'arrived' seventeen months later. It may mean that another child was expected but was stillborn, died before there was any chance of baptism, or record of baptism has been lost?

The family had hoped to get land on the Hunter River and described the land near Cattai Creek as being unsuitable for cultivation or grazing.²⁷⁶ All the best land on the Hawkesbury had been taken up before the Browns left Britain in 1800. David junior would have been promised his land at Cattai the same time as his brother, Thomas, i.e. 31 March 1821. It was about then that David and his family took up residence at the original Portion 39 Cattai property. The move to Cattai was to prove useful for exploiting the gains that were to come his way at Cattai or on the Hunter.

David would have been very much aware that some Hawkesbury settlers were already 'gaining a foothold' on the Hunter. Thomas also briefly established himself at Cattai, on his allocation. The brothers would have been providing mutual support for each other's ventures.

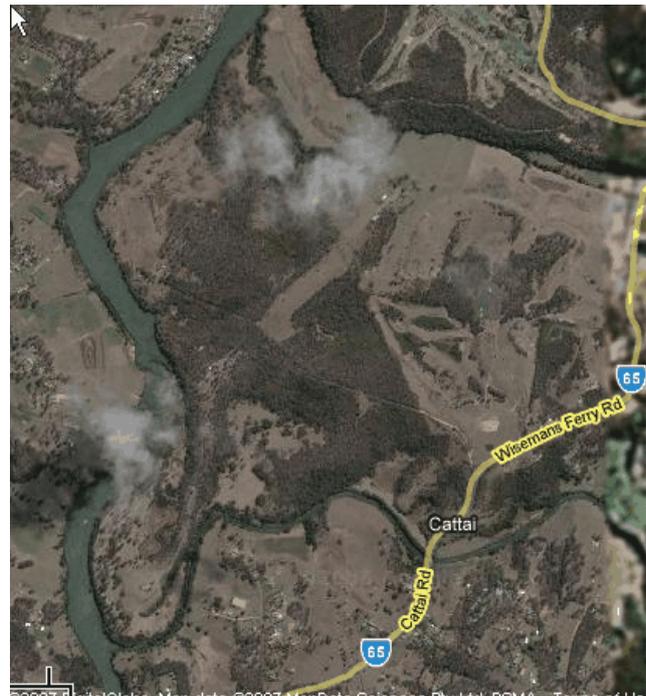
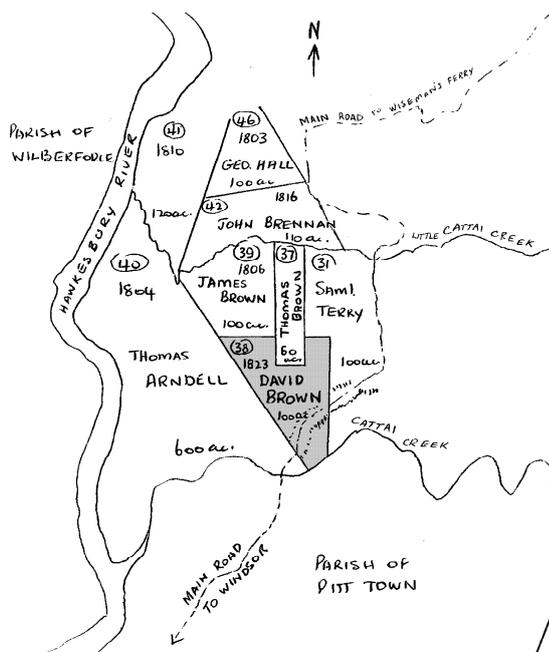
²⁷⁵ Colonial Secretary's Papers Memorial. (Fiche 3014; 4/1823 No.81 pp 188-4

²⁷⁶ Colonial Secretary's Papers. Memorial requesting more land - 17 June 1824. AONSW Fiche 3080, 4/1836B No.105 p575, 8.



The combined Cattai properties now straddled an area between, North – South, the Cattai and Little Cattai Creeks. They were in a conveniently strategic position, being at the beginning of the track north to the Hunter valley discovered by John Howe i.e. across the river.

If not already done so over previous years, in addition to the construction of a stone house, there was an earnest effort to get the land cleared. Given their trade as carpenters, it seems likely that David junior and his father had built suitable fencing, storage sheds on the Cattai property for their needs, and transferred livestock, ahead of leaving the Kissing Point (Eastern Farms) property.



David junior's Portion 38 of 100 acres (cross-hatched) shown adjoining the original James Brown and Thomas Arndell portions. Thomas' Portion 37 wedged in along side both.

Satellite Photo 2007 of Portions in map Courtesy of Google. Close up view reveals several houses on Portion 39.

David was to be the only one of the three Brown brothers to put any long-term effort into exploiting the land at Cattai. James had left the colony. Thomas' involvement there was rather short. He was to devote much of his efforts in Sydney to the family's carpentry business and land at Middle Head.

At nearby Pitt Town, the Brown family may have taken advantage of the school that was provided by St James' Church for instruction of local children that had been there since 1814. John Downing Wood (1767 – 1850) taught the rudiments of education to an average attendance of twenty pupils between 1818 and 1841.²⁷⁷

The government Commissary at Windsor was a ready buyer of produce from farmers in the Region such as David junior. The available records of the stores supplied to the Commissary by a David Brown of Windsor in the first half of 1821 show:

- 1821, February 28, Stores receipts for 50 Bushels of wheat, valued at £22/10/-;²⁷⁸
- 1821, March 24, Store receipts for 2303 lbs. of fresh meat, valued at £47/19/7;²⁷⁹
- 1821, March 31, Store receipts for 2740 lbs. of fresh meat valued at £57/1/8;²⁸⁰

²⁷⁷ Wood came to the colony in 1811 as a convict with a 14 year sentence. Hawkesbury Journey, p65.

²⁷⁸ Colonial Secretary's Papers, Reel 6051; 4/1748 p.180 David Brown

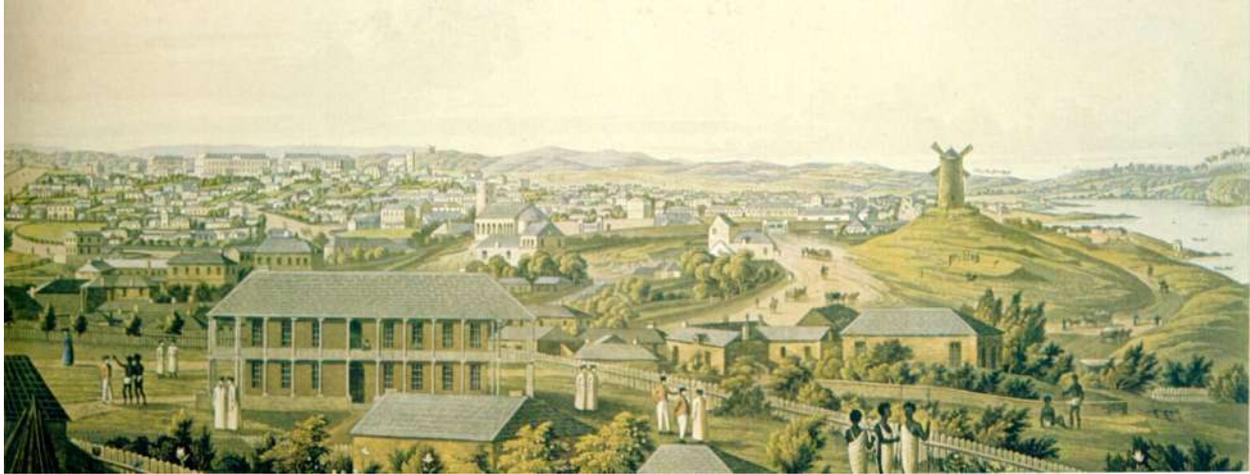
²⁷⁹ Colonial Secretary's Papers, Reel 6051; 4/1748 p.181 David Brown

²⁸⁰ Colonial Secretary's Papers, Reel 6051; 4/1748 p.182 David Brown



- 1821, April 7, Store receipts for 962 lbs. of fresh meat valued at £20/10/-.²⁸¹

Whether David junior had a herd of cattle big enough by then to have supplied all of the meat indicated is uncertain - The last entry, possibly.²⁸²



The Town of Sydney in NSW. (circa 1821) Acquatint by R Havell & Son, after Major Thomas Taylor, London, 1823

On 7 December 1821, David senior sold the Eastern Farms property to a Thomas Bowden.²⁸³ The proceeds from this sale are likely to have helped his taking a ‘background’ role in the management of Brown affairs - He was by then 71 years old but still running his cabinet-making business at Erskine Street. This event may also have been designed, in part, to assist the Brown family base shifting to Cattai, and later expanding to the Hunter valley.

Young Thomas Humphries would have been apprenticed to David senior several years at this point.

During 1821, the ‘Bird in the Hand’ began as a licensed inn in Pitt Town under the management of Daniel Smallwood who came out on the Matilda in 1791. Smallwood traded until his death in 1839. An inn built on an adjacent site in 1858 has carried on the name to the present.

On 2 December 1821, Major-General Sir Thomas Brisbane took Office as Governor of the Colony of New South Wales.

A son, John, was born to David junior and Elizabeth on 13 December 1821 at Cattai. John was their third child. He was baptised on 2 March 1822 at St Matthew's, Church of England, Windsor.²⁸⁴

Lobbying for Hunter Land

It is highly probable that at this point, David (II), like many others, had followed in Chief Constable Howe’s trail to see the Hunter for themselves. For on 29 January 1822, David (I) wrote to the Governor through ‘F. Goulburn Esqr’, the Colonial Secretary on behalf of both sons, to have the promised land grants fulfilled at the Hunter, instead of the Hawkesbury:

²⁸¹ Colonial Secretary's Papers, Reel 6051; 4/1748 p.165 David Brown Junior

²⁸² If the average weight of a whole carcass of beef amounted to 250lbs, the number of beasts sold was 9, 11, and respectively, totalling 23. From a large herd they would be missed, 3 from a small herd, such David II had by then would be realistic and possibly his. However, the wheat and number of cattle point to someone well established in the area, probably the successful ex-convict David Brown of Wilberforce.

²⁸³ On 17 September 1948 the Government resumed 134 acres of the original 150 acres. The land was used by the CSRIO as an experimental station until it was proclaimed as the Ryde Psychiatric Centre 20 March 1959. Later it was known as ‘Macquarie Hospital’.

²⁸⁴ NSWRSR Reel 5001, V1b 1821 5726 p 293. However, the date of birth of 16 November 1821 is on his gravestone.



Sydney, January 29, 1822.

Hen. d Sir

My two sons having received orders for land some time ago from his Excellency Governor Macquarie and wishing to have the same located at Hunters River Newcastle. I will feel much obliged to your Honour to let me know if it is his Excellency's Sir Thomas Brisbane K. C. B. S intention to permit Free Settlers to settle there"?

I called at the Surveyor Generals office respecting his permission which he said he could give me no answer at present. "

I am Hen. Sir

With Due Submission & Respect

D. Brown

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Apart from the fact that David has written the letter, and not used a notary; it is also significant because of his direct, informal, style of writing. The letter suggests a person who is confident, well educated, and used to writing letters. An impromptu visit to the Surveyor-General is matter of fact. While deferring to the Colonial Secretary and Surveyor-General's official status, one senses that David sees himself dealing with equals. Unfortunately, this is the only letter of his, known to exist.

Goulburn, perhaps having discussed the matter with the Governor, has passed it back to the Surveyor-General, who gave the following response:

I am directed to acquaint you with it being the intention of the Governor to allow free settlers to locate themselves in the district of Newcastle provided the land they select remains unappropriated (and) has already been surveyed...²⁸⁶

The reply enunciates the new policy of the settlement of the Hunter. It is qualified in several ways and doesn't specify when it is to commence let alone when David's sons might benefit. David's address for the reply is given as 'Cockle Bay, behind the Military Barracks', that is, in the vicinity of what was yet to be known as Erskine Street. This simplistic addressing is indicative of the fact that there were very few households in the area at the time, and that possibly David had his name displayed outside.

The muster of 1822, taken between 2 September and 13 September of that year, shows Thomas Humphries, (half brother to Mary McMahan, then aged 16 years) – as born in the colony, and apprenticed to David Brown, Sydney. Thomas is listed as only one of 72 apprenticeships, most of which being in the service of the dockyard and the lumberyard. David (I) is shown as one of a few employers outside the government

²⁸⁵ Colonial Secretary: *Correspondence*, 1788-1825. Memorial from David Brown, 29 January 1822 (SRNSW ref. SR fiche 3042; 4/1828 No.34). See Annex B for copy of David's original letter.

²⁸⁶ Colonial Secretary: *Correspondence*, 1788-1825. Memorial from David Brown, 29 January 1822 (SRNSW ref. SR fiche 3042; 4/1828 No.34).



who is formally listed as offering apprenticeship training at the time.²⁸⁷ The only place so far evident where David (I) employed and trained his apprentices in cabinet making is his premises at Cockle Bay / Erskine Street.

The 1822 Muster, also shows David junior as 'Landholder' at Windsor. It describes his property of 100 acres held by grant, 23 acres having been cleared and under cultivation (7 acres of wheat, 14 of maize, and 2 of barley). There was one horse, **30 head of cattle**, 30 hogs, and 200 bushels of maize in hand. As with his brother, Thomas, (promised 60 acres) the remaining 77 acres was not good for farming purposes. The muster indicates the proprietor had a residence there.²⁸⁸ This entry is consistent with the state of development evident in the entry for David shown in the 1828 census. The Muster also shows David jnr having a Government Servant assigned to him, named 'James Cook', ex Atlas, whose sentence was 'Life'.²⁸⁹

From the Muster it is evident that David was well and truly established at Cattai, though the land for agricultural and animal husbandry purposes was far from ideal. Any probing north to the Hunter would have been facilitated by a comfortable established base such as the Little Cattai property afforded.

Though the road between Windsor and Sydney gradually improved, most produce from properties down river (as was David's property), was transported by boat. River trade developed to the extent that by 1880 some 450 large boats were berthing annually at Windsor Wharf.²⁹⁰

During 1822 the penal settlement was moved from Newcastle to Port Macquarie, and the Hunter Valley was opened up for settlement. Other enterprises developed, with convict labour being assigned to private companies and individuals rather than working directly for the government. However, coal mining remained a government enterprise until 1828.

A drought in the early 1820s accelerated the interest of settlers on the Hawkesbury in what the Hunter had to offer. 1822 is noted as being particularly bad. More cattle were driven north in search of better pastures.²⁹¹

The first white child to be born in the Upper Hunter region was to Mrs. Singleton at Mudie's Creek, Patrick's Plains, in January 1823.²⁹²

George Loder junior, of Windsor on 13 June 1823, requested permission to proceed with his wife and family "to Patrick's Plains or Comoroy, and there to reside at his station". There he had 60 head of cattle and 1,000 sheep.²⁹³

On 30 June 1823, David junior and Thomas were formally granted land that adjoined Portion 39 that the former was already working. David was granted 100 acres and Thomas 60 acres. David's 100 acres formed the southern boundary of Portion 39, and extended to Caddai Creek. These are the grants to which their father's comments of 29 January 1822 to the Governor's Office apply i.e. *'My two sons having received orders for land some time ago'*.

#A daughter, Mary, was born to David and Elizabeth on 24 December 1823 at Cattai, and baptised on 29 February 1824 at St Matthew's, Church of England, Windsor.²⁹⁴

²⁸⁷ Entry A10804

²⁸⁸ Ref B00068 of 1822 Muster.

²⁸⁹ 1822 Muster reference AO4532.

²⁹⁰ Hawkesbury Heritage.

²⁹¹ Explore the Convict Trail: The Great North Road.

²⁹² Dawn in the Valley, p??

²⁹³ Dawn in the Valley, p35.



Elizabeth's half-sister, Catherine Humphries appears to have been living and working with the Browns about this time, for Catherine married a John Hopkins on 24 April 1824 at St Matthew's, Church of England and settled at Wilberforce.²⁹⁵ Catherine, like her sister married very young, she was only 16 years and four months of age. She is likely to have come to Cattai in 1823 to help with the household chores as a consequence of her sister being pregnant for most of that year.

Catherine would have been escorted to Cattai. It is probable that her brother, George, then about 20 years old, accompanied her. For George soon became employed by the Browns. He and his family are known to have had a working association with the Browns that lasted close to fifty years.

²⁹⁴ BDM Reference V1823 6480 Vol 1B 0. NSW SR Reel 5001, p.334. (NLA 229)

²⁹⁵ BDM V1824 3334 3B refers