

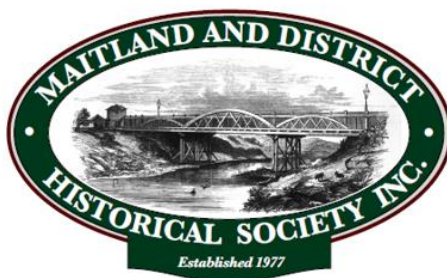
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COVID-19 **NEWSLETTER** N^o 47

31st January 2023

The New Year is well and truly with us now; the kids are back in school, we've had a couple of really hot days, they've begun to print the *Mercury* in 'hard-copy' it's as if we have to have Australia Day before we can truly say the New Year is 'properly' under way.

Ah, Australia Day! Hasn't it become a can of worms? There are some very firm views out there on the celebration of Australia Day and whether 26th January is the best date. *Facebook* abounds with some pretty venomous opinions, my observation being that the older generation, especially those of British origin although not exclusively, are in favour of retaining the date, the *Millennials* and those younger calling for a change. It would even be easy to argue that the political left supports a change, the right, demanding the status quo remain. Note, the vitriol is not exclusively the province of either side.

There are those who argue that the anniversary of Governor Phillip's declaration at Sydney Cove signals the beginning of modern Australia. It's hard to disagree but equally, there are those who see that date as Armageddon, the apocalypse, the beginning of the end.

Let's start with some facts, the *Facebook* debate seemingly void of much accuracy.

Monument Australia tells the story best:



The Monument commemorating where Governor Phillip first set foot on Australian soil at Kurnell.

Captain Arthur Phillip Royal Navy was a British admiral and colonial administrator. Phillip was appointed Governor of New South Wales, the first European colony on the Australian continent, and was the founder of the site which is now the city of Sydney.

In October 1786, Phillip was appointed captain of HMS Sirius and named Governor-designate of New South Wales, the proposed British penal colony on the east coast of Australia, by Lord Sydney, the Home Secretary. The First Fleet, of 11 ships, set sail on 13 May 1787. The leading ship, HMS Supply reached Botany Bay setting up camp on the Kurnell Peninsula, on 18 January 1788. Phillip soon decided that this site, chosen on the recommendation of Sir Joseph Banks, who had accompanied James Cook in 1770, was not suitable, since it had poor soil, no secure anchorage and no reliable water source. After some exploration Phillip decided to go on to Port Jackson, and on 26 January the marines and convicts were landed at Sydney Cove, which Phillip named after Lord Sydney.

What therefore were Phillip's orders?

Before his departure for New South Wales, Phillip received his Instructions (composed by Lord Sydney) from King George III, 'with the advice of his Privy Council'. The first Instructions included Phillip's Commission as Captain-General and Governor-in-Chief of NSW.

The original Instructions are not held in any Australian or international collection. The Draught Instructions for Governor Phillip is the only known physical remnant of the original document which set out the constitutional foundation of the Colony under Captain Arthur Phillip.

This Draught Instructions for Governor Phillip (dated 25 April 1787 is courtesy of the British Public Records Office) was apparently an amended Commission. It designates the territory of NSW as including 'all the islands adjacent in the Pacific Ocean' and running westward to the 135th meridian, that is, about mid-way through the continent.

The Instructions advised Phillip about managing the convicts, granting and cultivating the land, and exploring the country. The Aboriginal peoples' lives and livelihoods were to be protected and friendly relations with them encouraged, but the Instructions make no mention of protecting or even recognising their lands. It was assumed that Australia was 'terra nullius', that is, land belonging to no one. This assumption shaped land law and occupation for more than 200 years.

With this document came British Law, European concepts of land ownership and the political and social structures that would form the institutions and culture of modern Australia.

Today, the most contentious part of Phillip's instructions was that: "Australia was 'terra nullius', that is, land belonging to no one". I guess you could argue native peoples had no proof of ownership but to me, this was and is, so blatantly wrong.

I find some irony in that it was the 'British' legal system that determined through the *Mabo Case* in 1982, that the land was in fact owned and occupied prior to colonisation.

That this dispossession began on 26th January adds fuel to the fire that perhaps it is not the best date to celebrate our nation.

The next question is, when did we begin to celebrate January 26 as our national day?

Britannica provides some factual answers:

In the early 1800s the date, called Foundation Day, was celebrated by politicians and businessmen of New South Wales with private dinners. It then began to be called Anniversary Day, and in 1836 the first Anniversary Regatta, still held as the Australia Day Regatta and the oldest such sailing race in the world, was run in Sydney Harbour. In 1838, on the 50th anniversary of the settlement, official public celebrations were held for the first time. There were centenary celebrations throughout the continent in 1888, and in 1938, on the 150th anniversary, the day was proclaimed an official holiday. In 1988, January 26 became a national public holiday, and, in an effort to end the practice in some areas of celebrating the day on the closest Monday, agreement was reached in 1994 that the holiday would be observed on the actual date.

Although unrelated to this debate, 26th January, 1808 is also the date of Australia's only armed insurrection with the arrest of Governor William Bligh by Maj George Johnston in what's now known as the "Rum Rebellion".

As part of the uninformed commentary on Facebook, punters need to appreciate that the proclamation of nationhood by Lord Hopetoun at Centennial Park on 1st January 1901 is unrelated to the celebration of Australia Day. Likewise, changes to the Citizenship Act, firstly in 1948/49 and again in 1983/84, have no bearing or relevance to Australia Day.

Of course, the above in part, explains why there is understandable opposition to 'Australia Day' being celebrated on 26th January. To aboriginal peoples and their supporters, this date represents the 'invasion' of their lands and with it, dispossession and social depravation.

Whilst I understand both sides of the story, it has become obvious that 26th January has become untenable as our national day, the annual rhetoric and commentary concentrating on the conflict and confrontation rather than the unity that should come from a national celebration. Whilst I'm somewhat saddened that my heritage is being pushed aside, (I did after all have three of my direct ancestors among the passengers and crew), I'm realist enough to appreciate that the date must change although I do wonder if a change in date will satisfy the more radical of its critics?

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On the home front, we had some excitement at our Rooms over the weekend. When I went to 'open up' on Saturday I found some kind soul had kicked the door to the wash-room in. Did he do a good job? ... you betcha.

As well as the toilet door being demolished, the under-stair storeroom door was also kicked in and two gazebos stolen.

The forensic police attended and although they didn't find any usable finger prints, surprise, surprise, the police rang this afternoon (Monday) to say they've caught the alleged perpetrator. It seems at this stage it was a 30 year old homeless man looking for no more than somewhere to lay his head and who for some reason has returned to the scene. Apparently the Uniting Church building across Cathedral Square was also broken into. I think we can be grateful that the Rooms themselves escaped.



The damaged toilet door

Yesterday we conducted a BBQ at Bunnings. Many thanks to the hearty souls who helped. It was anything but an ideal day, the thermometer on my phone reading that the 'feels like' temperature was 41°.

It was that hot that Bunnings asked us to pack up by 3 pm as they were closing early, apparently too few staff available to remain open any later.

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Another note for those that don't know, secretary Steve has been somewhat out-of-sorts, being hospitalised for 3½ weeks with a crook leg. Even though he's now out of hospital and convalescing at home, he's far well yet, needing to use a walker to get around.

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Another signal that we have a New Year is Maitland Show, scheduled for 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> February, a bit under a fortnight away. We will be having a stall and we need your help to man it. It's not an onerous task, a display that the occasional punter will want to talk about and the occasional book sale. If we can get three persons on each 'shift' it will allow sufficient time to have a look around and even have a ride (if you're game).

Jennifer has been putting together a display of photos of the aftermath of floods, her aim is to remind people of the potential devastation and importantly, remind people of the critical river heights for those needing to evacuate etc.

Whilst not forecast, February is traditionally our worst flood month and the Show a beacon for rain, Jennifer's display photos as a timely reminder.

If you can help, please let either Jennifer (Buffier), Steve (Bone) or myself know.



Tuesday of next week sees the recommencement of our monthly talks. Following is the promotional flyer from Chas (Keys).

## **Helen Russell to speak to Maitland Historical Society on early Scottish settlement in Largs**

The Maitland and District Historical Society's first guest speaker for 2023 will be Helen Russell whose topic will be 'Scottish settlement at Largs in the nineteenth century'. Her talk will deal with the broader Scottish influence on early New South Wales before focusing on the ships *Portland* and *Midlothian* which arrived in Sydney in early 1838 and provided substantial numbers of settlers for Andrew Lang's estate in the Dunmore/Largs area.

Helen's talk will be given in the Society's Rooms, 3 Cathedral St, Maitland, on Tuesday, 7 February, beginning at 5.30pm. Helen is a retired science teacher who in recent times has become ensconced in the study of the history of the Largs area. Her second book on the area, 'My Largs', was published by the Paterson Historical Society late in 2022. The author is a lifelong resident of Largs who is descended from early Largs convicts who arrived during the 1830s as well as from free English and Irish settlers who came to the area shortly afterwards.

Community members are most welcome to attend the talk. There is no need to book in advance, but the Society asks for a donation of \$5 to cover the costs of light refreshments (tea, coffee, sandwiches, cakes and biscuits) before and after the talk.

People are also welcome to visit the Society's Rooms on Wednesdays and Saturdays between 11am and 3pm to peruse our collection of historically-significant items and discuss Maitland's history with members.

Until next time ...



Kevin Short  
President

More from Vice President Allan so don't blame me ...



# Mercury's account of bushranger cases – 1843

By Chas Keys

April 3 2022



STICK UP: Ben Hall was a bushranger born in Maitland but active in the Central West of NSW during the 1860s. PICTURE: Supplied.

Bushrangers, usually escaped convicts, were a serious problem from the earliest days of white settlement in the Hunter Valley.

Their depredations lasted for decades as they targeted inns, stores, settlers on their holdings and travellers on the roads.

At times their attacks were frequent, as the following *Maitland Mercury* account of events on the road between Maitland and Singleton early in 1843 indicates.

The bushrangers took whatever they could money, cheques, firearms, clothing and at times food.

The country between Maitland and Singleton in the early part of this year was in a considerable state of excitement and alarm from bushrangers.

A fellow well-armed entered the house of Mr Mark Green, known as the "Old Red House," on the old road to Black Creek, and plundered the premises. He took away with him a gun, two pistols, some of Mr Green's wearing apparel and all the money he could find. Mr Benjamin Singleton was stuck-up at Harper's Hill and robbed of £11.

A few days afterwards Mr Crawford, of the Wollombi, was coming to Maitland in his gig and was stopped by an armed man about a mile this side of the Red House.

The bushranger robbed a man named Smith a few minutes before, and Crawford who was informed of it, was advised not to proceed. He did so, however, but was followed by two men, who came up just as the bushranger was going through him. The men were armed and as soon as the robber saw them he made off. They fired

at him, and two shots took effect, from which he was not expected to recover. The man died a few days afterwards.



**SERIOUS PROBLEM:** Bushrangers waiting for their victims.

Next day the Singleton mail was stopped at the old Spread Eagle [at Rutherford, near the site of the present airfield]. While passing the road in this vicinity a man jumped out of the scrub with a pistol in each hand, and two others stuck in his belt. The coachman drew up, and the bushranger ordered him to carry the mail bags a short distance into the bush, where the robber cut the bags open with a knife and took what money he could find in the shape of cheques and orders from the letters, and placed them in his bosom.

While thus engaged a gentleman named Hentig came along on horseback and he was also ordered to turn out his pockets. In doing this Hentig turned out a pistol and fired at the bushranger, but the shot missed.

The bushranger returned the fire, and Mr Hentig's horse started bucking and threw him among some logs, where he lay stunned by the fall. While in this helpless condition he was stripped of his clothes, pistol, £5 in notes and some silver . . . Mr Hungerford then came along, and he too was stripped and robbed, and the robber then took to the bush.

In the 1840s none of this was unusual on the main road between Maitland and Singleton. What might have been rather uncommon was several victims being attacked in close proximity to each other in a short space of time as was described in this article. It made the point that local police were stretched in dealing with the problem.



# Our past: Hard labour at Old Banks opened up settlement

By Brian Walsh

April 10 2022



CONVICT PAST: Old Banks as it is now, nothing left from its original incarnation

Between Maitland and Paterson lies a vacant government reserve that was one of the earliest European outposts in the Hunter Valley outside Newcastle.

It originated soon after 1804 as a timber-getters' camp called "Old Banks" and by the mid-1820s it had become the hub of early European activities and settlement in the district.

The land sits on the west bank of the Paterson River at the end of Lemon Grove Road, south of Tocal and across the river from Woodville.

In 1804 a permanent penal settlement was established at Newcastle where convicts who had re-offended in the colony were to be punished by hard labour. The convict gangs mined coal, burned shells to make lime for use in mortar and cut timber up the valley.

The convict timber-cutters provided the first persistent European presence in today's Maitland and Paterson districts as they harvested the red cedar and other timbers that grew along the banks of the Hunter and Paterson rivers.

From their base at Old Banks, convict gangs cut a steady supply of timber from the rainforest. When they had cut their quota, they formed the logs into rafts and floated them downriver, living atop the rafts in makeshift shelters during the eight-day trip to Newcastle.





PLACE IN HISTORY: Old Banks in about 1831. Tocal Road and Lemon Grove Road are later features

In 1820 a military barracks was erected at Old Banks. It was staffed by a constable and four soldiers.

In 1822 the area was thrown open for large-scale colonisation and in the next few years many rural estates were established and farmed with convict labour. They included Duninald, Dunmore, Tillimby, Tocal, Wallalong and Woodville.

With the sudden influx of convicts, Old Banks became the centre for local justice in 1825 when Tocal's grantee, James Webber, was appointed as the district's first magistrate.

Prisoners were held in the lockup at Old Banks to await trial and a government scourger was stationed there to flog them according to Webber's sentences.

A wooden building at Old Banks served as courthouse and lockup until it was accidentally burnt down in 1826. A new wooden lockup at Old Banks was completed in 1827 and doubled as a rather unsatisfactory place of Sunday worship.

There were also one or two government cottages at Old Banks and a government pound where stray livestock were held. A punt operated at the site, allowing people to safely cross the river without swimming their horses.

Old Banks connected with roads to Maitland, Paterson and the Williams River.

Old Banks' role as the district hub of government administration and transport continued until the new township of Paterson, a few kilometres north, was gazetted in 1833. A new courthouse/lockup built in Paterson was in use by 1835 and the pound was transferred to Paterson in 1841.

In 1930 the land at Old Banks became Travelling Stock Reserve, which it remains to today.