

## Chapter Three

### The Local Context: Colonial Road Construction - Policy, Politics and Practice

The establishment of a permanent road system extending from Sydney to the north, west and south was the major infrastructural development of the period from 1825 to 1840. It was an important economic initiative, made necessary by the movement of colonists to the Hunter, Bathurst and Goulburn areas and beyond. On the opening of Victoria Pass in November 1832 the Sydney-based newspaper, *Currency Lad* enthused:

... the settlers of that place [Bathurst] now derive the most essential advantage, especially the great wheat-growers, who are at this season busily engaged, pouring their weighty and valuable loads to Sydney for shipment, and whose teams are now enabled to ascend this stupendous mountain with comparative ease to what they had to encounter on the old and dangerous route by Mount York.<sup>1</sup>

The opening was the product of years of searching for an alternative route to the Mt York descent. The original road across the Blue Mountains to Bathurst which had opened in 1815 had been considered dangerous and inconvenient for wheeled transport for many years. With an inclination of one in four, the descent from Mt York was particularly hazardous. It had been constructed by William Cox in six months with 30 convict labourers, all of whom were promised emancipation should they meet the contractual obligations satisfactorily.<sup>2</sup> After the ascent from Emu Ford

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1 Quoted in W. L. Harvard, 'Along the Road to Bathurst in 1832' *JRAHS*, Vol. 26, Pt. 4, 1940, p. 351.

2 William C. Foster, *Sir Thomas Livingston Mitchell and His World 1792-1855*, Sydney, Institution of Surveyors NSW Inc., 1985, p.140; Cox's Journal, in George Mackaness (ed.), *Fourteen Journeys Over the Blue Mountains of New South Wales, 1813-1841*, Pt.1, Australian Historical Monographs, Sydney, 1951; Croft & Associates in assoc. with Meredith Walker, 'Blue Mountains Heritage Study Final Report', 1982,

(continued...)

the road followed the direction of the range to the highest point, the Kings Tableland, turned northward to Mt York and descended into the Vale of Clwydd, near Collit's Inn. The road then proceeded from Collit's across the plain to a military station on the Cox's River (near latter-day Hartley).<sup>3</sup>[Figures. 3.1 and 3.2]

Built prior to advances in road making theory that were to inform the construction of later lines of road, Cox's Road had become an important highway as European settlement spread westward. Although Archibald Bell had discovered a new line of road from Richmond via Mt Tomah to Cox's River in 1823, Bell's Line remained secondary to Cox's Road. William Lawson, of Blaxland, Wentworth and Lawson fame, constructed a new line down Mt York, c.1823-1824, which was known as Lawson's Long Alley, but an alternative and less precipitous descent remained a constant on the agenda throughout the 1820s.<sup>4</sup>

The construction of Mitchell's line of road to Bathurst involving the construction of a pass down Mt Victoria took place in an environment fraught with political and practical conflicts. This chapter examines macro-management issues associated with the construction of the Western Road. There is a particular focus on the impact of the breakdown of the relationship between the Governor's office and that of the Surveyor General on the management of the road-works and on the control and penal supervision of the convict labour force. This conflict was impelled by pressures from Britain emanating from the transportation and penal reform debates. One particularly onerous development was the involvement of the military in an ill-defined supervisory capacity in a deployment they considered to be degrading. Overarching these circumstances was the constant prevailing pressure from Britain to keep the costs of the colony as low as possible and as was discussed in the previous chapter,

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p.34.

3 T.L. Mitchell, 'Report on the New Line of Road towards Bathurst' 29 November 1827 in *Report upon the Progress In Roads and In The Construction Of Public Works In New South Wales From the Year 1827 to June, 1855*, By Colonel Sir T.L. Mitchell, Surveyor-General, Government Printer, Sydney, 1858, p.6.

4 Croft & Associates, *op. cit.*, p.37.

from the perspective of those on colonial soil, a desire to provide infrastructure for the advancement of the colony.

### Scientific Road Making and its Implementation in the Colony

Road making as an engineering discipline was given a development fillip in the early years of the nineteenth century when a number of House of Commons select committees investigated means of improving road design and construction in Great Britain. In 1819 Thomas Telford gave evidence which emphasized the need for drainage, minimum convexity and the use of cuttings to avoid steep gradients. John MacAdam advocated the use of drains and culverts and in agreement with Telford, graduated layers of broken, angular stones rising to the surface. With no institute for the training of road engineers in England, civil engineers in this field were trained on the job. They included a number of surveyors who oversaw road construction in the colony.<sup>5</sup>

Percy Simpson adopted MacAdam's principles on the Great North Road in 1828. Assistant Surveyor Lambie, who supervised work on the Western Road in 1831, had worked with MacAdam in Great Britain. Assistant Surveyor Elliot, who also worked on the Western Road, had been recommended by Telford. David Lennox, who was engaged to design the bridge over Cox's River at the site of the No. 2 Stockade, had been trained by Telford. The appearance of MacAdam's *Remarks on the Present System of Road Making* in 1824 also added to a broader understanding of the process. Charles Darwin, who travelled along the Western Road in January 1836, noted the MacAdam principles employed in the colony.<sup>6</sup> Scatters of large angular stones, still to be seen along the line of road above Rydal (Solitary Creek), are evidence of this practice as are the series of cuttings, drains and culverts as the road rises westward

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5 Grace Karskens, "'The Grandest Improvement In The Country'" An Historical and Archaeological Study of the Great North Road, N.S.W., 1825-1836', MA Thesis, University of Sydney, 1985, p.162; Grace Karskens, "'As good as any in England': The Background to the Construction of the Great North Road", *JRAHS*, Vol.68, Pt.3, 1982, pp. 199-200.

6 Charles Darwin, 'A Journey to Bathurst in 1836' in George Mackaness (ed.) *Fourteen Journeys Over the Blue Mountains of New South Wales, 1814-1841*, Pt. III, Australian Historical Monographs, Vol. XXIV (new series), Sydney, 1951, p. 36; Hugh Hamilton Newell, 'Road Engineering and its Development in Australia, 1788-1938', Pt. 1, *The Journal of the Institution of Engineers*, Vol.10, 1938, p.52.

from the Cox's River crossing at the No. 2 Stockade site. [Figures 3.3, 3.4, 3.5 and 3.6]

However 'scientific' the road making, the constraints of the reform and punishment ideology of the penal system ensured that, while lasting infrastructure was eventually created, it was a slow and tedious process. Construction efficiencies were hampered by penal concerns associated not only with security and discipline, but also convict welfare issues, for which the assistant surveyors were often held accountable, yet had only limited powers to control. Despite attracting the wrath of Surveyor General Thomas Mitchell and compromising his career prospects, it is no wonder that Assistant Surveyor Percy Simpson, who had a large family and successfully oversaw the construction of the difficult Wiseman's Ferry section of the Great North Road, did all in his power to avoid a posting to the Western Road. Mitchell wrote of Simpson:

He has finished very respectably my new Northern road - but in attempting lately to employ him in the same manner on the Western road - he carried on so many schemes to avoid that duty - and to be stationed in an inhabited district - that I do not value his future services much in the only capacity in which he is available at all.<sup>7</sup>

In January 1830, after the Department of Roads and Bridges was abolished, its responsibilities were transferred to the energetic, but querulous, Mitchell, who had succeeded John Oxley as Surveyor General in 1828.<sup>8</sup> This was a cost saving measure, on the instruction of Mitchell's patron, Secretary of State for the Colonies, Sir George Murray. The decision, imposed from Britain, also had the effect of undermining the administrative reforms, outlined in Chapter Two that had previously been implemented by Darling. On accepting responsibility, Mitchell immediately set

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7 Surv. Gen. to the Colonial Office 22 Sept. 1832, Colonial Office, Typed Transcripts: Miscellaneous Letters, NSW, 1833, p.286. ML: A2146.

8 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 1 Jan 1830 - 21 May 1830, 4/3907, pp.28-30. R.301; Brian Fletcher, *Ralph Darling A Governor Maligned*, Oxford University Press, 1984, Melbourne, pp.142-143.

about reorganising road construction and the supervision of the convict gangs. The services of the military, except for escort duties, were dispensed with. The general supervision of road work remained the responsibility of an assistant surveyor who was placed in charge of a particular line of road. Immediate supervision of ironed gangs and road parties was the responsibility of overseers, many of whom were ticket-of-leave men.<sup>9</sup> Establishing a hold on the bureaucratic territory, Mitchell informed Darling ‘... any other officers who may be required for this service may be found in this [i.e., the Surveyor General’s] Department.’<sup>10</sup>

### **Governor Darling, Surveyor General Mitchell and the Mt Victoria Descent**

Conflict between Darling and Mitchell, the two most powerful authorities in the colony, that developed over the construction of Victoria Pass had a resonance well beyond the geographical confines of the pass. Chronologically its influence extended well beyond the 12-month period from mid 1830 when the dispute was at its height. Elements of these tensions over authority and control were still evident after Governor Bourke succeeded Darling at the end of 1831, and continued until responsibility for roads was transferred to the Royal Engineers at the end of 1836.<sup>11</sup>

The surviving documentation from this dispute provides an insight into road making theory and indicates the awareness of both Darling and Mitchell of current methodologies in Great Britain. The dispute provides insights into the New South Wales colonial government’s inter-departmental politics and the repercussions and influence of British policy locally. It also provides an insight into the politics which affected life on the ground for those associated with the road’s construction and convict supervision. The following account demonstrates the impact of the clash of personalities and authority on the road building process. It illuminates the ‘high wire’

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<sup>9</sup> *Sydney Gazette*, 12 January 1830; SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 1 Jan 1830 - 21 May 1830, 4/3907, pp.28-33; 104-105. R.3015; Surv. Gen., Letters Received from Surveyors, Nicholson, 2 Jan 1830 - 25 Jul 1831, 2/1561.2, p.64. R. 3080.

<sup>10</sup> Mitchell to Col. Sec., 2 January 1830, NSW Governor’s Despatches to the Secretary of State to the Colonies, Vo. 44, Jan - Apr 1844, pp.219-222. ML SLNSW: A1268.

<sup>11</sup> Sir Richard Bourke to Lord Glenelg, 29 December 1836, *HRA*, Vol. XVIII, The Library Committee of the Commonwealth Parliament, Sydney, 1923, pp.624-625.

act required to manage the dual objectives of penal policy and infrastructure development.

In the late 1820s, alternative descents to Mt York were sought and several were briefly endorsed. In November 1827 Mitchell reported on possible lines of communication between Sydney and Bathurst. He recommended a new line of descent from Mt York which would join a line of road proposed by Hamilton Hume. Work on the new descent was commenced under Major Edmund Lockyer in 1828.<sup>12</sup> However, after an inspection of the line of road in early 1830, Darling complained that there was 'considerable deviation from the direction intended' and that it would be difficult for heavy drays. He instructed Mitchell to correct it.<sup>13</sup> Mitchell re-examined the route and decided on yet another line of road 'along the tongue southward of Mt York by which a gently inclined road could be made by lowering a narrow crest of loose rock which joins two parts of the ridge.'<sup>14</sup> Despite being under instruction from the Governor to mark out the entire line and to seek approval prior to commencing work, Mitchell ordered Assistant Surveyor Elliot to move No. 2 and No. 6 Iron Gangs from Mt York to commence immediately at the new locality which he had named Mt Victoria.

The route from Mt Victoria proceeded to the River Lett, which it reached about one and a half miles above its junction with Cox's River. This spot was selected as a bridge site and Elliot was instructed to remove the bridge over the Cox's priority on the former line of road and to re-use the materials there. From the River Lett, the line ran along a ridge until it crossed the recently cleared road from Mt York (near where Hassan's Walls stockade was later constructed). After crossing 'the hollow' (later named Bowen's Hollow) the road gained a ridge after crossing Farmer's Creek and proceeded to Cox's River at the foot of Mt Walker. The line then followed another

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12 T.L. Mitchell, 'Report on the New Line of Road Toward Bathurst, 29 November 1827', *op. cit.*, pp.6-9; SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 22 Jan - 27 Jul 1829, 4/3905, p. 177. R.3014; Col. Sec., Copies of Letters Sent to Surv. Gen., 20 May 1830 - 7 Oct 1830, 4/3908, p.343. R.3015.

13 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 1 Jan 1830 - 21 May 1830, 4/3907, pp.31-33. R. 3015.

14 Mitchell, Diary entry, 4 June 1830 cited in Foster, *op. cit.*, p.140.

ridge to cross Solitary Creek (where the village of Rydal was later established). After traversing Honeysuckle Hill and Stoney Range it then descended and continued west to Bathurst. Collit's Inn would now be off the main line of road. In a detailed report dated 23 June 1830 Mitchell informed Governor Darling of the new line of road and of the alternative to the Mt York descent, which he had named Mt Victoria.<sup>15</sup> He requested that Clement Doughty, a convict who had assisted him in marking the entire line and had been briefed on the design and proposed work sites, be appointed as an overseer at Mt Victoria where work had commenced.<sup>16</sup> [Figures 3.7 and 3.8]

The change in plan came as a surprise to Darling and a bitter dispute arose. Darling insisted that the new descent of Mt York to Collit's Inn be completed and the work at Mt Victoria be discontinued. The Colonial Secretary conveyed Darling's curt response in a letter of 21 July 1830 viz.:

His Excellency feels it quite impossible to sanction the alteration which you propose in the Neighbourhood of Mount York.

He laid down the general principle that:

... unless the disadvantages of any existing line of road are of a very serious nature, it is better, under present circumstances, to put up with them than commence a New Line, which cannot be completed but at considerable expense, and the abandonment of which has been accomplished at the Cost of years of Labour.<sup>17</sup>

Darling instructed Mitchell to complete the line of descent from Mt York to Collit's and reminded him that he should have waited 'for the necessary authority' before moving the iron gangs from Mt York.

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15 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 24 Jul 1829 - 31 Dec 1829, 4/3906, p.441. R.3014; Mitchell to Alexander Macleay, 23 June 1830, *HRA*, Series I, Vol. XVI, Library Committee of the Commonwealth Parliament, Sydney, 1923, pp.135-137.

16 Mitchell to Col. Sec, 23 June 1830 in *Report upon The Progress Made In Roads ...*, p .8.

17 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 20 May 1830 - 7 Oct 1830, 4/3908, pp. 255-256. R.3015.

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Contemporary road design theory called for roads to be straight, level, smooth and hard. The best roads were those that crossed the shortest distance between two points, subject to obstacles, existing towns and traffic requirements. The gradient of a road was at times considered to be a higher concern than straightness. The expense of cutting through hill sides was also a factor in the best road design. Roads that contoured along the slope were superior to those with a direct descent. Ideally, the construction process was to avoid large geological formations wherever possible, but ultimately the line was a matter of compromise between practicality and cost.<sup>18</sup> While Mitchell was adept at using any argument that would suit his purpose and justify his decisions, as can be seen in figures 3.1 and 3.9 he had a strong preference for straightness. This was the principle that dominated in laying out the line of road.

Darling and Mitchell had enormous scope for disagreement. The new descent from Mt Victoria, while promising to be of an improved gradient, also entailed expensive cutting and the formation of enormous walls. Replying to Darling from Collit's Inn, Mitchell quickly challenged the Governor's authority over areas that Mitchell considered to be part of his jurisdiction. Citing his expertise, he defied the Governor to find a line superior to his.

Determinedly noting that he had been placed in charge of the roads department by the Secretary of State, Sir George Murray, Mitchell stated that if the Governor insisted on the abandonment of the new works, then the matter was to be referred to the British government for adjudication. He argued that the new line of descent at Mt Victoria was superior to that down Mt York and would not be superseded. Mitchell pointed out that prior to his taking responsibility for the colony's roads (and bringing his considerable skills to the task), years of labour had been spent on two lines of road to Bathurst, including 40 miles cleared by mistake, with the result being an ill-laid out road, and a descent from Mt York which had yet again collapsed. He argued

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<sup>18</sup> Grace Karskens, *"The Grandest Improvement in the Country": An Historical and Archaeological Study of the Great North Road, NSW 1825-1836*, MA Hist. Arch Thesis, University of Sydney, 1985, pp.169-176.



that the Mt Victoria descent had to be adopted because it was shorter, straighter, ran over drier ground and was of better gradient than any other lines that had been proposed. He also claimed it would be less expensive than to continue with the Mt York descent.<sup>19</sup> [Figure 3.9]

Darling, on the other hand, as outlined in Chapter Two, was under pressure from the British administration to keep to a minimum the costs of the convict system then under sustained attack in Great Britain.<sup>20</sup> He was concerned about the waste of effort and funds that had been expended on modifying the line from Mt York. As Brian Fletcher has pointed out, Darling, in implementing administrative reforms had also faced resistance to his authority from Mitchell's predecessor, Surveyor General Oxley, and other senior officials who were reluctant to co-operate with the Governor. In the words of Darling there was:

An indisposition on the part of the Departments in general to conform to the Regulations laid down. They have been so long accustomed to act for themselves, that any attempt to establish system appears to be considered an unnecessary and burdensome restraint.<sup>21</sup>

Mitchell however, was the most obstructive.

On 23 August 1830, the Colonial Secretary responded to Mitchell's letter of 27 July and pointed out that Mitchell had been instructed by the Governor to lay down a line of road 'from Collit's to Bathurst'. That descent was based on Mitchell's report of 1827 and no alternative was under consideration. While the letter was less strident than that of 21 July, it nevertheless concluded that the works at Mt Victoria were to be abandoned and the Mt York descent repaired.<sup>22</sup> But in a memorandum to the Governor of 30 August Mitchell persisted, and again reiterated his arguments for the

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19 Surveyor General Mitchell to Colonial Secretary Macleay, 27 July, 1830, *HRA*, Series I, Vol. XVI, pp.138-139.

20 As outlined in Chapter 2.

21 Cited in Fletcher, *op. cit.*, p.100.

22 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 20 May 1830 - 7 Oct 1830, 4/3908, p.343. R.3015.

new line and optimistically (and falsely) claimed the descent of Mt Victoria could be practicable in six more weeks. He further claimed that the current swampy route via Mt Blaxland was nearly impassable and ten miles longer. Mitchell again sought permission to continue with the Mt Victoria descent as the iron gangs 'are already huddled there' and that only three other points on the new line would require extensive work.<sup>23</sup> In defiance of the Governor, Mitchell continued the work at Mt Victoria and finally in September 1830, Darling capitulated and gave permission for the Mt Victoria descent.<sup>24</sup> **[Figure 3.10]**

At that time, Darling was attempting to cut costs by reducing the number of convicts in government employment, using only the worst offenders in the gangs, convicts whom settlers were unwilling to take on assignment. Darling's attitude to Mitchell's unilateral decision to discard years of investment without clearance from the Governor, who was ultimately accountable to the authorities in Britain, has to be understood within the context of the agenda of the British administration. That agenda was cost minimisation and the implementation of the penal reform philosophies of punishment, deterrence and reform. Goals which, at times, were contradictory in their implementation.

Evidence of this pressure can be found in Darling's attention to the minutiae of the works, an interest that Mitchell viewed as intrusive. For example, in January 1830, Darling expressed the wish to be informed of the distribution of 'the parties on the several Principal Roads under the respective Surveyors' and put forward the view that a few men should be placed permanently at Lapstone Hill to repair damage after heavy rain. He directed Mitchell's attention to the state of the drains, complaining that 'invariably the Barrel Drains were choked by the rubbish and loose stones ... His Excellency thinks that Surface Drains, if judiciously constructed, may be substituted with much advantage'.<sup>25</sup>

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23 Mitchell to Darling, *HRA*, Series I, Vol. XVI, pp.141-142.

24 Foster, *op. cit.*, pp.140-142 Fletcher, *op. cit.*, pp.172-173.

25 SRNSW: Col. Sec., Letters to Surv. Gen , 1 Jan 1830 - 21 May 1830, 4/3907, pp.31-33. R. 3015.

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This involvement in the day-to-day management issues also characterised Bourke's administration. For example, when William Field, John Breilsford and James Shea escaped from a messenger escorting them to the hospital, Bourke ordered that the messenger be deprived 'of whatever indulgence he may receive in that situation'.<sup>26</sup> Another security measure almost obsessively followed up by Bourke was the use of French basil irons, which had been made compulsory in October 1831. These feature prominently in the correspondence across 1832 as the Governor insisted on their use, despite the fact that by mid February 1832, only 378 of the required 500 pairs had been delivered by the Commissariat. Bourke was still chasing up irons with the Commissary mid-year.<sup>27</sup> Such attention to detail is a testament to the intense pressure emanating from Great Britain with regard to the deterrent qualities of transportation and the security of the system. The governors needed to keep Mitchell's decision making within the overall fiscal and policy constraints imposed on them from Great Britain. As Governor Bourke later tersely informed Assistant Surveyor Nicholson:

The intention of the Government in authorizing the employment of convicts upon the roads especially in the ironed Gangs is to provide a place where they may be subject to Penal Discipline, but where their labour may be rendered more immediately useful than at a distant settlement.<sup>28</sup>

The control of expenditure in the colony generally was a long-standing bone of contention between the colonists and the British administrators. As early as June 1826 the issue of tolls on roads, raised in the *Sydney Gazette*, reveals some of the tensions emerging in the colony concerning the funding and development of colonial infrastructure. The article irately observed:

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26 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 13 Mar 1832 - 7 Sept 1832, 4/3912, p.123. R.3016.

27 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 13 Mar 1832 - 7 Sept 1832, 4/3912, p.344. R.3016; Col. Sec., Copies of Letters to Surveyor of Roads and Bridges, 3 Jan 1831 - 31 Mar, 1832, 4/3935, p. 156. R.3002; Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, pp.29-33, R. 3080.

28 SRNSW: Col. Sec., Copies of Letters to Surveyor of Roads and Bridges, 3 Jan 1831 - 31 Mar, 1832, 4/3935, pp.56-57. R.3002

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The people of Parramatta, we understand, are completely hemmed in with toll-gates. If these barriers to free and untaxed exercise and recreation are thought necessary to exist, it would be a pleasing prospect to open the Government Domain as a public promenade ...<sup>29</sup>

In the mid 1830s the British Solicitor General, Horace Twiss, rejected an argument from the New South Wales Chief Justice that the objects of the Transportation Acts were the punishment of criminals rather than to save government expense, stating that ‘...the Acts of Parliament, relative to transported Convicts had in view the saving of Expense to the Government, and not the dispensation of mere boons to the Settlers ...’<sup>30</sup>

While the Mt Victoria descent saga was being played out, Darling, in an attempt to curb Mitchell, resurrected the Department of Roads and Bridges and appointed Surveyor Nicholson to head it. Instructions were issued that surveyors were to take instruction from Nicholson, rather than Mitchell. Mitchell, having only obtained control of Roads and Bridges six months previously, was incensed and by December was complaining to Murray of unfair treatment at Darling’s hands. From Darling’s point of view, Mitchell was a megalomaniac who wished to control roads, land grants and exploration. Darling felt Mitchell was jealous of any of his staff receiving recognition for their achievements. He justified Nicholson’s appointment on the basis that Nicholson, who was employed to work in the Road Department of the Surveyor General, could not get out of the office to view and report on work, and that no information on the progress of road works was available in Mitchell’s frequent absences. According to Darling, it was the convict overseer, Clement Doughty who was instructed by Mitchell as to the construction of the new line, despite the presence of an assistant surveyor on the spot. Darling felt this was because Doughty, as a convict, was unlikely to take any glory from Mitchell. On 25 October 1830, Darling ordered the dismissal of Doughty, but Mitchell appealed and Doughty’s employment

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<sup>29</sup> 5 June 1826, p.2.

<sup>30</sup> *HRA*, Ser. I, Vol. XV, The Library Committee of the Commonwealth Parliament, Sydney, 1922. p.350.

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at Mt Victoria was extended until the end of the year when the work there was expected to be more advanced.<sup>31</sup> Mitchell was yet again victorious and Doughty was employed on the road until mid 1833 when he was (falsely) charged and convicted of a violent rape at Bowen's Hollow.<sup>32</sup>

The administrative, economic and political climate reflected in the above episodes provides some insight into Darling's reaction to the abandonment of a year's work on a line of road, originally endorsed by Mitchell, on the discovery of an alternative. In justification, Mitchell later claimed to Murray that he was correcting the deficiencies of the line of road constructed in 1829 by his predecessor in the Roads and Bridges Department, Major Lockyer. He claimed that when he took up his position, the road works were so flawed as to be useless.<sup>33</sup>

By mid 1831, some 18 months after the removal of gangs to Mt Victoria, the old road was practically impassable and Governor Darling instructed Nicholson to open the new line of road between Mt Victoria and Bathurst as soon as practicable and to perfect it later. A permanent military station was to be erected at Meadow Flat and police stables at Cox's River (near Hartley).<sup>34</sup> Shortly after these events, control of the Road Branch reverted to Mitchell when Viscount Goderich, who had succeeded Murray, backed Mitchell in the dispute with Darling.<sup>35</sup>

#### **Convict Management and Road Making - Incompatible Bed Fellows**

In September 1830 in the midst of the acrimonious tussle over ultimate authority in the road department, Governor Darling issued detailed regulations for the management of convict road workers. While these pertain specifically to the gangs at

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31 Mitchell to Sir George Murray, 15 December 1830 *HRA*, Series I, Vol. XVI, pp.131-134. Darling to Sir George Murray, 28 March 1831, *ibid.*, pp.119-130; 142; Harrington to Mitchell, 25 October 1830, *ibid.*, pp.119-130; 142-144;147; Mitchell to Sir George Murray, 28 March 1831, *ibid.*, pp.131-134.

32 SRNSW: Supreme Court, Criminal Jurisdiction, Informations and other papers 1824-1947, CGS 13477, T 35, No. 24; Supreme Court, Criminal Jurisdiction, Clerk of the Peace, Papers and depositions, 1824-1836, CGS 880, T.157; Cook, *op. cit.*, p.29-31. The 'setting up' of Doughty is discussed in Chapter 7.

33 Mitchell to Sir George Murray, 28 March 1831, *HRA*, Series I, Vol. XVI, p.132.

34 SRNSW: Col. Sec., Copies of Letters to Surveyor of Roads and Bridges, 3 Jan 1831 - 31 Mar, 1832, 4/3935, p.75. R.3002; Surv. Gen., Letters Received from Surveyors, Nicholson, 2 Jan 1830 - 25 July 1831, 2/1561.2. R.3080.

35 Viscount Goderich to Governor Darling, 24 April 1831, *HRA*, Ser. 1, Vol. XVI, p.246.

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Portland Head under the supervision of Assistant Surveyor Percy Simpson, there is evidence of their later implementation on the Western Road. For example, the stockade at Cox's River, which was constructed in 1832, generally conformed to Darling's prescribed design. From that time, all runaways from ironed gangs were to be worked in heavy irons on their recapture and those from road parties were to be sentenced to an iron gang.

Both the assistant surveyors and the military officer in charge of the guard were jointly responsible for the prisoners wearing appropriate irons. Irons were to be flat, two inches in breadth and with the chain about nine pounds in weight. There were heavier versions for ironed men under an additional sentence. The prisoners were to be mustered in the presence of the military three times daily and, while the military's responsibility was to act as a guard, they were required to point out to the overseer idleness and irregularities. Parties of soldiers were to pursue absconders. The most serious offenders were to be considered as a 'distinct class'. An assistant surgeon linked with each military detachment was to have responsibility for the convicts' health.<sup>36</sup> The regulations reflect a tightening of controls on the gangs, while the use of terms such as 'distinct class' reflects the language of the British debate concerning crime, punishment and reform. The operation of penal discipline and particularly security as well as regulations for convict welfare were overriding concerns in the management of the road gangs on the Western Road. The meeting of these concerns and the technologies and exigencies of road making produced various conflicts that were not conducive to smooth or speedy road making. The ambiguities of responsibility embedded in the joint management of the road gangs by the surveyors and the military are further discussed below.

The convict administration and the penal regulations associated with convict welfare and reform had the potential to hamper road construction and defeat genuine efforts

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36 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 20 May 1830 - 7 Oct 1830, 4/3908, pp.477-481. R.3015.

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to manage the effective deployment of labour and ever-scarce resources. For example, ironed gangs were only allowed to work at a distance of less than three miles from their accommodation. When Assistant Surveyor Nicholson moved the iron gangs from No.1 Stockade Mt Victoria to No. 2 Stockade Cox's River the prisoners celebrated with a riot. The accommodation at the No. 2 Stockade was badly damaged and Nicholson repaired it with materials removed from Mt Victoria. Nicholson's decision to dismantle the Mt Victoria stockade was to cause a great deal of angst and ultimately contributed to his dismissal.<sup>37</sup> He had acted in good faith, attempting to resolve the problems of repairs to No. 2 when materials were scarce and with the understanding that the Mt Victoria Stockade was redundant. But the collapse of a wall at Mt Victoria raised the possibility of reoccupation of the stockade in early 1833. Nicholson had to admit to the demolition of the Mt Victoria Stockade and the necessity to rebuild it. He anticipated it would take at least '...three months, if any definite period could be calculated upon, in the present inefficient state as to the supply of Tools and Implements that exists in this District'.<sup>38</sup>

The No. 2 Cox's River Stockade was intended to improve efficiency and economy by retaining the heavier security arrangement in this one location. The problem was the restrictions on the distance gangs could be marched and the type of work required in the vicinity. A move back to Mt Victoria would resolve the distance issue, but prisoners from Cox's River were unlikely to be happy in the less spacious housing available at Mt Victoria, so that more destructive, riotous behaviour could be anticipated. For Nicholson it was a 'no win' situation.

The assistant surveyors were largely dependent on ticket-of-leave overseers for the implementation of the work. The overseers were sometimes difficult men who indulged in petty politics of their own. Their precarious status as convicts made them

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37 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, pp.268-269. R. 3080.

38 SRNSW: Nicholson to Surv. Gen., 24 January 1833, Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, pp.214-216. R. 3080.

vulnerable to the vagaries of penal justice and had the potential to complicate their employment on the Western Road. The effect was reduced consistency and continuity in the management of the road gangs. For example, No.6 Iron Gang and No. 2 Iron Gang, which were stationed at Mt York in 1830 were under the alternating immediate supervision of overseers Christopher MacDonald and William Bruton. In early 1830 Bruton assaulted MacDonald in a disagreement over the exchange of gangs. As a consequence, Bruton was deprived of his ticket-of-leave by the Bathurst Bench of Magistrates and became ineligible to retain the position of principal overseer of a gang.<sup>39</sup> Despite the protestations of Lieutenant Kirkley who was in charge of the works, that MacDonald was the original aggressor and the assertion that Bruton was 'one of the best overseers I have on the mountains',<sup>40</sup> Bruton was sacked. Confirming Kirkley's low opinion, it was not very long before MacDonald was dismissed. In that instance, he was charged by Mitchell for falsely obtaining a pass from Assistant Surveyor Dulhunty and for gross insolence towards Assistant Surveyor Elliot. Although the charges were less serious than Bruton's conviction for assault, McDonald's ticket-of-leave was also rescinded by the Bathurst bench. Fortunately for Macdonald, Governor Darling intervened and ordered that while he could be sacked he could not be deprived of his ticket-of- leave.<sup>41</sup>

These circumstances were only a temporary inconvenience to Bruton and MacDonald, who were both lifers from Ireland. It did not take them long to recover from the professional set back. By 1832 Bruton was back in charge of an ironed gang at Mt Victoria and in 1835 MacDonald was lock-up keeper at No. 2 Stockade.<sup>42</sup> The records reveal numerous opportunities for a variety of officials to intervene in the

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39 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 2 Jan 1830 - 25 Jul 1831, 2/1561.2, p.63. R. 3080; Courts of Petty Sessions; CGS 2772, Bathurst, Bench Books, 28 Dec 1832 - 19 Mar 1833, 2/8324, pp.147-150. R. 663; Clerk of the Peace, Quarter Sessions, Depositions and Other Papers, CGS 845, Bathurst, 4/8369, pp.47-59. R.2395. A few years later, convict status did not inhibit occupation of this position.

40 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 2 Jan 1830 - 25 Jul 1831, 2/1561.2, p.64. R. 3080.

41 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 1 Jan 183 -21 May 1830, 4/3907, p.485. R.3015.

42 SRNSW: Surv. Gen., Copies of Letters Sent to Col. Sec., 21 Feb 1835 to 31 Dec 1835, 4/5401, pp. 69-72. R.2840.



management process and just as many opportunities to subvert that intervention. The assistant surveyors juggled the repercussions on all fronts.

Another example of the inconsistencies and frustrations involved in the management of a convict workforce is presented by Assistant Overseer John Skeen. About the time of the Bruton-MacDonald altercation, Skeen was found using a government cart to transport settler George Cox's wool. Yet, after Bruton's dismissal Skeen was promoted to overseer of No. 2 Iron Gang and later took charge of No.9 Road Party. This party, while under his supervision, was responsible for numerous robberies and cattle slaughter at Mt Victoria. They were renowned for their poor behaviour and the subject of a lengthy, but ineffective, diatribe by Mitchell in October 1833. Skeen married the daughter of Collit, who was opposed to the abandoning of the Mt York descent and to whom Mitchell had a particular antipathy. To Mitchell's annoyance Skeen, with the assistance of Collit, later established an inn at the foot of Mt Victoria within range of the gangs working there.<sup>43</sup> Mitchell, with the power and status of Surveyor General, was unable to prevent it. **[Figure 3.11]**

On other occasions effective overseers were 'set up' to lose their jobs and more seriously, their liberty. On 15 November 1834 Ephraim Whiting, the overseer of the Bridge Party, was in Nicholson's opinion, falsely charged with highway robbery. The charge may have been a means of sabotaging the progress of work or a personal vendetta against Whiting.<sup>44</sup> He had arrived in 1829 on a 14 year sentence for theft but had quickly bettered his position. Whiting was a carpenter by trade and had accompanied Mitchell on one of his expeditions into the interior and was rewarded with a ticket of leave in March 1832. In July 1832 he was appointed an assistant overseer and in December of that year was made principal overseer of the Bridge

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43 SRNSW: Surv. Gen., Letters from Surveyors, Nicholson, 2 Jan 1830 - 25 Jul 1831, 2/1561.2, p.317. R. 3080; Col. Sec. Papers Regarding Bathurst and Southern Roads, 1827-1849, SZ 854, pp.110-112. COD 207; Fletcher, *op. cit.*, p.173.

44 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, pp.482-483. R. 3080: The possible reasons for Whiting's 'set up' are discussed in Chapter 8.

Party.<sup>45</sup> The charge was referred to the court at Bathurst as, while Nicholson believed the accuser to be of very poor character, he did not believe he could deal with the matter himself. Whiting was convicted and a new overseer had to be found.<sup>46</sup>

Despite the opening of Victoria Pass in November 1832, construction on the pass continued over the next six years.<sup>47</sup> The regulations concerning the management of convict labour prevented the assistant surveyors and the Surveyor General from managing the work force as effectively as possible. Good workers such as Bruton, could be lost (albeit temporarily) because of relatively minor infringements and altercations; influential private settlers could illegally use government resources; effective overseers could be undermined, indeed ruined; and punishment of schemers, such as MacDonald and Skeen who were not trustworthy, could not always be achieved.

### **Governor Bourke's Reforms and the Military Presence on the Western Road**

Governor Bourke, who came to power at the close of 1831, was in favour of further increasing the military's control of the convicts and during his administration gradually enhanced their power until, as noted earlier, full responsibility for road construction was transferred to them. In the interim, continued wrangling over control of the road construction process and the supervision and management of the convict workers characterised the construction process. The conflict was a constantly debilitating factor that undermined the efficiency of both infrastructure development and penal policy.

By mid 1832, relations with the military and security provisions were seriously hampering the progress of work on the road. For example, when Captain Church,

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45 SRNSW: Principal Superintendent of Convicts, Convict Indents, 4/4015 p.20. R. 398; Surv. Gen., Copies of Letters Sent to Col. Sec., 7 Jun 1831- 17 Nov 1832 , 4/5398, pp.319-320. R.2839; Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, p.211. R. 3080;

46 SRNSW: Surv. Gen., Register of Letters Received from Roads Branch, 1833-1836, 1846-1850, 2/1417. R.2804.

47 SRNSW: Courts of Petty Sessions, Vale of Clwydd Bench Books, 16 Feb 1836- 2 June 1839, 4/5673, p.323. R.669.

commandant of the military detachment at Mt Victoria, reported the escape of John Lomas and Buchanan Wilson he attributed their escape to the negligence and disobedience of orders of Overseers George Morley and Thomas O'Neill. As a consequence, Governor Bourke ordered that both were to be sacked.<sup>48</sup> Assistant Surveyor Nicholson was sympathetic to the position of the overseers who were responsible for the daily implementation of works which, in his view, were hindered by the military. The ironed gangs were required by the military to be worked so closely together that they could not be efficiently deployed. Worse, despite the military's sole responsibility being only to watch the men, the overseer, whose role was to direct and guide the works, suffered greater penalties than the soldiers should an escape occur. The soldier, said Nicholson, lost his ration of grog, but the overseer lost his job. In Nicholson's opinion, the best overseers were the most vulnerable on this count due to their greater practical involvement and interest in the work. The loss of good overseers and the difficulty of finding competent replacements further delayed progress. In his words, '... the fact is that the military who have only to watch the men throw the blame of every escape on the overseers'.<sup>49</sup> **[Figure 3.12]**

Mitchell took up Nicholson's concerns and wrote to the Governor requesting that Morley be reinstated because 'his services are highly useful'. However, the Governor concluded that both Morley's and O'Neil's conduct had been 'very improper' and that he would not consider their re-employment. Bourke also disputed the account of the disparate treatment of the soldiers and overseers in such circumstances. He did, however, recognize the inconvenience caused by the loss of skilled overseers and suggested that Mitchell propose a means by which the superintendence of work and the custody of the gangs could be separated. He stated that he would be 'glad to accede' to an arrangement that did not involve 'too great an expense'.<sup>50</sup> Nevertheless, the gangs continued to be kept in one body and sometimes when there was only

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48 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 13 Mar 1832 - 7 Sep 1832, 4/3912, p. 318. R.3016

49 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1824, 2/1562, p.151. R. 3080.

50 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 13 Mar 1832 - 7 Sep 1832, 4/3912, pp.406-407. R.3016

enough work for a few men, the remainder were idle. At times they were so crowded that they could not even freely move their arms.

Nicholson was still attempting to resolve this predicament in 1834 when he discussed the inefficient work situation with officers at the stockade. To no avail, he recommended that idle gang members should be worked elsewhere within sight and hearing.<sup>51</sup> Mitchell was equally ineffective when he again took up the issue with the Colonial Secretary, drawing on the efficiencies 'at Emu [Plains] where no similar inconvenience has been imposed by the Military Officer much more work has been accomplished with less than half the men in half the time', to bolster his case.<sup>52</sup>

Relations between the surveying department and the military were often strained. The military viewed their involvement with the convicts as degrading and they were adamant about the limitations to their involvement and the degree of responsibility they would accept. The assistant surveyors were often by-passed by the military when problems arose in situ. This situation was not appreciated by the governor's office, which expected those 'on the ground' to work out the logistics of the work process. From an assistant surveyor's point of view, the attitude of the other departments made this difficult.<sup>53</sup> Even when there were no complaints concerning security, there were issues concerning the state of the accommodation and the slow progress of the road. The issues were exacerbated by the acrimonious relationship between the Governor and the Surveyor General. With the Governor's office alienated from that of the Surveyor General, the military could generally rely on the Governor's backing. Meanwhile, road parties which were unironed, not stockaded and not under a military guard were the instigators of crime in their localities. At times they operated in association with, or at the behest of, their overseers.

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51 SRNSW: Surv. Gen., Letters Received from Surveyors, Nicholson, 14 Feb 1832 - 22 Dec 1834, 2/1562. R.3080.

52 SRNSW: Surv. Gen., Copies of Letters Sent to the Col. Sec., 25 Nov 1833 - 21 Feb 1835, 4/5400, p.137.

53 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 6 Sep 1832 - 15 Feb 1833, 4/3913, pp.409-410. R.3017.

### Continued Marginalisation of the Surveyor General's Department

In September 1832, Bourke further segmented control by placing the overall supervision of the gangs under the control of the Principal Superintendent of Convicts. The surveying department was to be responsible only for supervising road construction and facilities maintenance. Each morning the convicts were to be handed over to the military guard who escorted them to where the overseer directed.<sup>54</sup> Bourke complained that it:

... was a general and well founded complaint that little labour was performed by convicts and that frequent escapes from the gangs filled the roads with robberies.<sup>55</sup>

From Mitchell's point of view as Surveyor General, tensions between the demands of the surveying department concerned with road construction; the military concerned with security; and the superintendent of convicts concerned with welfare and reform, lengthened and complicated the road building task. Lieutenant Colonel Breton, a regimental commander in New South Wales in the early 1830s, gave evidence to the Select Committee on Transportation in 1837. His evidence provides an insight into the attitude of the military, their arrogance, their ambiguous view of their role and their resistance to the perceived demeaning of their status from soldier to gaoler. The difficulties such attitudes posed when expressed on the ground in the course of work were considerable. While acknowledging that the gangs were under civil overseers, Breton's contradictory evidence overstated the military's responsibilities, claiming they were head managers with overall superintendence. However, when it came to responsibility for escapes, or the convicts going into public houses, or refusing to work, he was cautious, stating that the instructions were:

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54 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 6 Sep 1832 - 15 Feb 1833, 4/3913, pp.495-496. R.3017; Col. Sec., Special Bundles, Convicts, SZ 79. COD 182.  
55 Bourke to Goderich, 3rd November 1832, *HRA*, Vol. XVI, p.788.

... unclear on that point .... I said I would have nothing to do with the convicts beyond the mere circumstance of guarding them ....<sup>56</sup>

Under Breton, the duty of a soldier was fulfilled if a full complement of prisoners was returned at the end of the day. His soldiers guarded but did not speak to them. Nor would he allow them to be involved in the retaking of absconders as this was the responsibility of the mounted police. He further claimed that the nature of the duty imposed upon the military in guarding the gangs had the worst effects upon the character and discipline of the soldiers who became demoralized and reckless. This was partly from drunkenness, which was rife, but also because of their association with prisoners. Although many of the military were accompanied by their wives and children, the isolated conditions must have been irksome. According to Breton many soldiers found their fathers, brothers and other relations amongst the convicts. Finding relatives in the degraded situation of the gangs was a reminder of the fine line that separated the military from their charges. Another unpleasant reminder was the disproportionate representation of military prisoners in the gangs, soldiers who had deserted, been insubordinate or convicted of some other military offence.<sup>57</sup> The soldiers, in a practical sense, had little more freedom than the prisoners.

The fractured nature of authority and responsibility in this area continued to be unresolved. It appeared from the Governor's point of view:

... that the officers of your Department consider the Act of the Governor and Council 3 William IV No.3 relieves them of all responsibility as to the safe custody of the Convicts under their order, I have further the honour to request that you will inform them, and through them the Overseers, and assistant Overseers, that although the legal custody of the Convicts on Ironed Gangs is in the Superintendent, yet the former are bound to use their best endeavours

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<sup>56</sup> 'Minutes of Evidence taken before the Select Committee on Transportation', *British Parliamentary Papers Crime and Punishment Transportation 3*, Irish University Press, Shannon, Ireland, pp.135-136.

<sup>57</sup> 'Report from the Select Committee on Transportation', p.xiv in *British Parliamentary Papers Crime and Punishment Transportation 3*, Irish University Press, Shannon, Ireland.; See Chapter 6 for a discussion of who were the convicts on the Western Road.

### Chapter Three: Colonial Road Construction: Policy, Politics and Practice

to prevent the escape of a convicted Felon; and that if it shall be made known to His Excellency that the escape of such a man has been precipitated by the carelessness, or neglect or failure of any obvious and necessary precaution on the part of any Overseer, or Assistant Overseer, such person will be immediately dismissed from his employment.<sup>58</sup>

Despite what appears to be an inequitable division of responsibilities, in February 1832 Governor Bourke instructed that the principal overseer of a gang would lose three day's pay for every escape. In a more positive vein, a bonus of a month's salary was to be awarded to the assistant overseer who lost the least men. At the same time to increase surveillance and security, the number of overseers was increased with an assistant appointed for every twelve men.<sup>59</sup>

The problem posed by continuing escapes on the Western Road had convinced Bourke that a military guard was essential, not only while work was being performed on the roads but at the stockades where the gangs were accommodated. By December 1834 because of the conflict between the civil superintendent and the military, Bourke wanted to attain unity of operation 'by placing under one head the stockade or appelage of wooded Huts in which a Gang of these men is confined'.<sup>60</sup> He also intended making the military officers commissioners of the peace so that they could apply immediate punishment.

Deployment of men between gangs and road parties and along the road was also an issue. Although it had been requested in December 1834 and again in June 1835 that 40 men be transferred to the quarry at Bowen's Hollow under military supervision, by September 1835 no men had yet been stationed there to cut the stone for the

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58 SRNSW: Col. Sec., Copies of Letters Sent to Surv. Gen., 6 Sep 1832 - 15 Feb 1833, 4/3913, pp.200-202, R.3017

59 SRNSW: Col. Sec., Copies Letters to Surveyor of Roads and Bridges, 3 Jan 1831 - 31 Mar, 1832, 4/3935, pp.231-232. R.3002

60 PRO: Bourke to Spring Rice, 34 December 1834, T 1/4347.

bridges which were well behind schedule.<sup>61</sup> Assistant Surveyor Dulhunty, who had replaced Nicholson, was struggling with insufficient numbers in the road parties. He complained of:

... having no authority whatsoever with respect to disposal of the ironed Gangs ... the principal part of the labor employed upon the line of Road is centred in the Iron Gang at Cox's River over the movement of which I have no control.

Dulhunty explained this was because:

I had not the power of locating part of the Ironed Gang now at Cox's River this duty entirely resting with Captain Faunce who is placed solely in charge of the Ironed Gangs.<sup>62</sup>

Problems with the arrogant attitudes of the military plagued the system until the transfer of responsibility for road works to the Royal Engineers in 1837. In one of the last confrontations in late 1836, Overseer Taylor of the No.11 Road Party, a free immigrant and according to Deputy Surveyor General Perry, one of the best overseers in the country, was dismissed because he had failed to salute Major Messiter. That the major was not in uniform, but dressed in leathered overalls and a straw hat, was unknown to Taylor and had addressed him abusively, was beside the point. Taylor was accused of having 'put his hands in his pocket' and 'assumed an insolent air'. In a creative argument Perry pleaded for Taylor's reinstatement on the basis that Taylor was naturally uncouth and therefore had not been deliberately insulting.<sup>63</sup>

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61 SRNSW: Surv. Gen. Letters Received from Surveyors, Nicholson, 2 Jan 1830 - 25 July 1831, 2/1561.2, p 509. R.3080; Surv. Gen., Letters Received from Surveyors, Dulhunty, 1832-1837, 2/1532 pp.254-257. R.3063.

62 SRNSW: Surv. Gen. Letters Received from Surveyors, Dulhunty, 1832-1837, 2/1532, p.286. R. 3063.

63 SRNSW: Surv. Gen., Copies of Letters Sent to Col. Sec., 7 Feb 1836 - 20 Dec 1836, 4/5402, pp.426-427; 442-443. R.2840



## Conclusion

During the construction of the Western Road there were numerous tensions which hindered its completion. Such tensions include:

- The Surveyor General's desire to build lasting roads and the pressure for roads to be expeditiously completed.
- The conflict between the labour requirements of the road making process and the requirement to implement current penal methodologies.
- The challenge of motivating and controlling a workforce suffering a sentence of penal servitude
- The management conundrums created by split jurisdictions within which there was no culture of co-operation or sense of a common achievable goal, that is, the construction of the road. This was most pronounced, between the convict, military and surveying departments, but could also include the commissariat, public works and hospital departments.
- The logistical problems of providing adequate and secure housing and supplies for the convicts, military guard and civil administration drawing on the same workforce that was allocated for roadworks. And
- Pressures from Britain to keep the costs of the penal system to a minimum.

These tensions will be explored more fully in Chapter Four, which looks at the practicalities of managing the road works, and Chapter Five, which examines the convict infrastructure associated with the road work. In detailing road construction and infrastructure development, these chapters will demonstrate the ways in which these tensions were manifest 'on the ground'.

Significantly, however, it was the conflict between the two key government officers, the Governor and the Surveyor General that underpinned the damaging impact of these tensions to the success of works. This was a situation fuelled by Mitchell's quest for recognition and power. Mitchell had won the initial battle with Darling. But

his recourse to intervention by the administration in Britain meant that Governors Darling and Bourke were wary of him and a relationship of distrust developed between the two most important departments of government. Over the history of the road's construction, Mitchell's control was incrementally eroded by administrative changes. His power was curtailed under the guise of refining the system to better meet the penal reforms and security provisions demanded locally and in Britain. Other issues noted above, such as the attitude of the military and the superintendent of convicts who showed little sympathy for the road building enterprise also played their role. To a large extent this was because the surveying department lacked the support and confidence of the Governors and as a consequence other departments were disinclined to work pro-actively with the road makers. The prerequisites of road building were never a dictating factor in reforms to the road gang system which were imposed from outside the Surveyor General's department, but rather it was the management and control of the convict work force that had priority. This situation compromised the efficiency of the road building process.

**Figures**

**Figure 3.1**

*Sketch of the Roads to Bathurst shewing the relative situation of the principal heights* shows the first station on the Cox's River on the road in use in 1827, it also shows both Hume's (highlighted in blue) and Mitchell's (in red) suggestions for alternative routes and the principal landmarks of the region, including the Stoney Range, Honeysuckle Hill and Mt Walker. At this time a decent from Mt Victoria is clearly not under consideration - it is not even on the map. [T.L. Mitchell, 'Report on the New Line of Road Toward Bathurst, 29 November 1827', in *Report upon The Progress Made In Roads and in the Construction of Public Works in New South Wales From the Year 1827 to June 1855 By Colonel Sir T.L. Mitchell, Surveyor General*, Government Printer, Sydney, 1856.]







**Figure 3.2** August Earle's *View from the summit of Mount York, looking towards Bathurst Plains, convicts breaking stones*, c. 1826. The military man (in the red jacket) gesticulating toward the men indicates that this depicts the time when the veteran companies and staff corps oversaw the works. The view shows the perilous drop of the road as it descended the mountains and explains the search for an alternative route. [Source: National Library]