

# **TIMELINES**

The Quarterly Newsletter of Murwillumbah Historical Society Inc.

ISSN 2208-1909 January 2026 Vol. 13 No. 3



## **Welcome**

This issue of *Timelines* contains an article by Henry James, 'A short history pastoral runs in the Tweed'. But be warned, it is what is called 'long-form' writing. Misquoting that fount of all wisdom, Wikipedia, *Timelines* presents 'historical writing characterized by in-depth reporting and storytelling that has more substantial content than the average article'. Be prepared for a long read, albeit full of drama as well as enlightenment.

The cover illustration depicts three of Henry's protagonists: Joshua Bray, Samuel Gray, and Charles Fawcett. (Henry wrote about Fawcett as a botanist in the July 2025 *Timelines*.) These men were instrumental in using the system of pastoral runs to exploit the tail end of the cedar-getting on the Tweed as well as positioning themselves to take full advantage of the implementation of closer settlement and freehold title in the Tweed Valley. Fawcett could be called the grandfather of the Tweed pastoral runs, while Gray and Bray realised the profits to be made in buying land. I commend Henry's work to you and trust you will find it an interesting read.

'The Back Page ...' has an item arising from the Tweed Regional Museum's 'Summer Holiday Trail'. A policeman's lot is not an easy one ...

Enjoy your reading!

## **Remember, we're on Facebook**



## **WE WANT TO COPY YOUR OLD PHOTOS!**

If you have come into possession of any old family or historic photos, please lend them to us to copy! Please contact the museum on (02) 6670 2493 by email at [trm@tweed.nsw.gov.au](mailto:trm@tweed.nsw.gov.au)

# A short history pastoral runs in the Tweed

*Henry James has come up with a cracker. He calls it 'an unsentimental account'.*

## Introduction

The alienation of land from its Aboriginal custodians was a process initiated by squatters for a very large part of New South Wales. This was the case even in some of the coastal zone, which was not sheep country, the archetypical realm of aforesaid squatters. For instance, large parts of the Richmond and Clarence valleys were claimed by squatters in the early 1840s. They drove their livestock to the region from the tablelands to the west. Government granted licences and then leases to these squatters soon after - and a bundle of rights that gave them advantages in the process of securing freehold title. The leasehold lands were called 'pastoral runs', or simply 'runs'. The Tweed was largely an exception to this history because, apart from the activities of cedar getters, its colonisation started relatively late (early 1860s), it had very little land naturally suitable for livestock, and the politics and administration of crown lands were rapidly changing. A number of squatter runs were pegged out in the Tweed prior to major land reforms in 1861, but their claimants came and went without taking up residence or converting any of their interests into freehold title. Three of those runs were taken up again soon after 1861, and two more were added in following years. In 1884 there was another major land reform which effectively brought an end to the pastoral run era in the Tweed. The Tyalgum and Upper Walumban runs were held under lease for a number of years between 1861 and 1884. Others were taken up for only relatively short periods despite repeated efforts by government to find lessees. Having the lease of a pastoral run was not quite the advantage it had been before 1861, but laws that operated between 1861 and 1884 provided alternative opportunities for those in the know. If you were a squatter and a magistrate, which was often the case in those days, one tool in the box was the strategic application of laws prohibiting illegal occupation of crown land.

## Early Tweed squatter runs

The earliest records for pastoral runs in the Tweed are from the 1850s, prior to the land reforms of 1861 and a little over ten years after squatters first

arrived in the Clarence and Richmond. Charles Hugh Fawcett appears to have staked out the Tyalgum run sometime before July 1852 and the Walumban and Upper Walumban runs before April 1858. There are also passing references in NSW government files to two more runs. 'Cobiquoi' was claimed some time before 1857 by, variously, Oliver Fry, Barnes (probably Henry Barnes) and Charles Hugh Fawcett. At the time, Oliver Fry was Commissioner for Crown Lands for the Clarence region – which included the Tweed. Barnes and Fawcett were squatters from the Richmond. The Cobiquoi run is likely to have included modern day Cobaki, given the phonetic similarity of the names. 'Tullibadgery' – probably modern day Tallebudgera – was claimed by Oliver Fry around June 1856. It is possible the Tullibadgery run straddled what was about to become the border between NSW and Queensland. Queensland government records show that a claim for a run made by Fawcett in 1859 was rejected in part because it crossed the soon-to-be border, but also because it overlapped an existing run in the Currumbin valley called 'Dungogie'. This claim may have been what was called the Cobiquoi run in the NSW government records. None of the claimants of these runs appear to have ever taken up residence, probably because their interest was solely to do with unrealised plans for cedar-getting, which had been underway in the Tweed since the early 1840s.

## The cedar getting squatters

Samuel Gray and Joshua Bray were the first colonists in the Tweed to combine the tenantry of pastoral runs, the exploitation of cedar, and the freehold acquisition of large areas of land, effectively paying the deposits for the latter with the profits from their cedar getting. Joshua Bray was a second generation squatter whose father owned land near Campbelltown and Goulburn but also pioneered pastoral leases on the Riverina. Joshua had assisted his father with management of the Riverina runs before coming to the Tweed. Gray came from the Illawarra which, like the Tweed, had large areas of rainforest and cedar. His father was one of a number of worthies who were owners of grants of land made in the early days of the colony by governors Macquarie and Brisbane. The first thing most did was to have the cedar harvested. Many then had the rest

of the rainforest cleared by tenant farmers. By the time Gray and Bray arrived on the Tweed in the early 1860s there was already a recognisable, coastal-based subset of the landed classes and those with pastoral leases in the coastal zone might be called 'the cedar getting squatters'. There was also a class of largely city-based cedar merchants and speculators inspired by the success of the likes of Alexander Berry. From his base in Sydney, Berry exploited the cedar resources of exceptionally large grants of land that he gained in the Shoalhaven in the 1820s. Having tenure over lands with cedar, even if it was only a pastoral lease, could be an advantage, particularly if the rent was low. But the hard work that followed was too much for many speculators. In the Tweed, Gray and Bray were the first squatters to actually live and work on a run. Until they arrived in the early 1860s and leased the Upper Walumban run, it had been in the hands of a series of non-resident and seemingly ineffectual speculators. Gray and Bray also leased the Tyalgum run for a number of years and had a passing interest in the Murwillumbah run.

## Mapping the Tweed squatter runs

So where were the pastoral runs of the Tweed?

**CLARENCE.**  
**No. 61**

Tyalgrun.

**Estimated Area—61,440 acres.**

The Crown Lands within the following boundaries: Commencing on Macpherson's Range at the junction with it of the Spur, which divides the head waters of the Richmond River from those of the Tweed; bounded thence on the south-west by a line bearing south-east 8 miles; thence on the south-east by a line bearing north-east 12 miles; thence on the north-east by a line bearing north-west about 8 miles to Macpherson's range; and thence by that range south-westerly to the point of commencement.

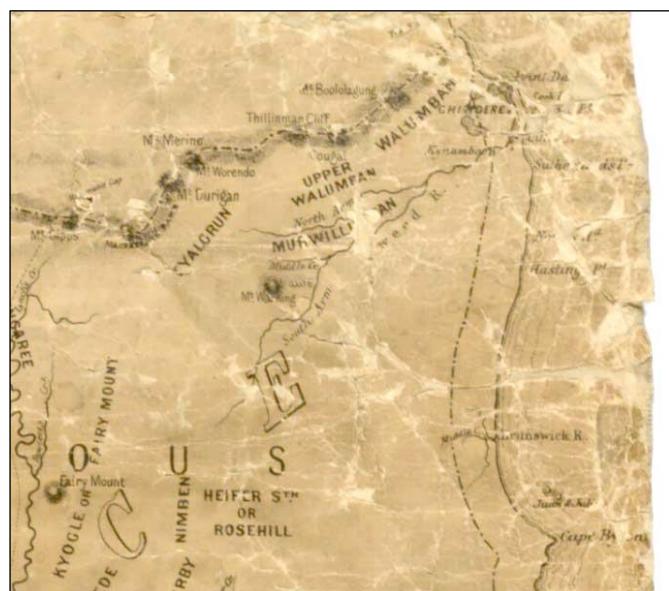
Rent—£96.

Figure 1. Extract from the Government Gazette of 8 September 1868. This was the description of the Tyalgum run that was published when W. Gray revived the run that was first proposed by Charles Fawcett in 1852. This description was modified to an extent over subsequent years. See Figure 4 for a depiction of the main changes.

Image: 1868 'SALE OF LEASES OF RUNS.', New South Wales Government Gazette, 8 September 1868, p. 3168.

A small part of the problem in determining the boundaries 150 years later is that the spelling of their names was often quite haphazard, even in official documents. (See Table 1 for a list of alternative spellings.) The original definitions of the boundaries were text-based and were published in the *Government Gazette*. Features used in the

descriptions were: streams; mountain ranges; place names that have been lost in the annals of history; lines with compass bearings and lengths; estimates of total area; and occasionally features on some of the earliest trigonometrical survey maps. (See Figure 1 for the first description of the Tyalgum run published in the *Government Gazette* on 8 September 1868.) It was only later that maps of pastoral runs were made. One is a fascinating map of NSW published in Melbourne by Alexander McDonald in 1883 that labels the many then-existing pastoral runs and depicts the boundaries for the larger ones. It does not depict the boundaries of runs in the Tweed and Upper Richmond, but the position of labels appears to accord with government records relatively well (see Figure 2).



*Figure 2. Extract from a map of NSW published in Melbourne in 1883 by Alexander McDonald. Pastoral runs are one of the principal features depicted on the map. The position of runs is relatively accurate for the Tweed region.*

Image: State Library of NSW.

Many runs were not mapped in any detail until the lessees were required to under the provisions of the 1884 land reforms if the tenants wished to continue leasing their runs. In the Tweed, only the Murwillumbah run was mapped as part of this process (see Figure 3). Nonetheless, if the descriptions in the *Government Gazette* of runs in the Tweed are read together, a reasonably coherent map can be assembled. There is just one inconsistency of note - the overlap of parts of the Tyalgum and Murwillumbah runs. (See Figure 4 for the location of the runs and Table 1 for a summary of their history).

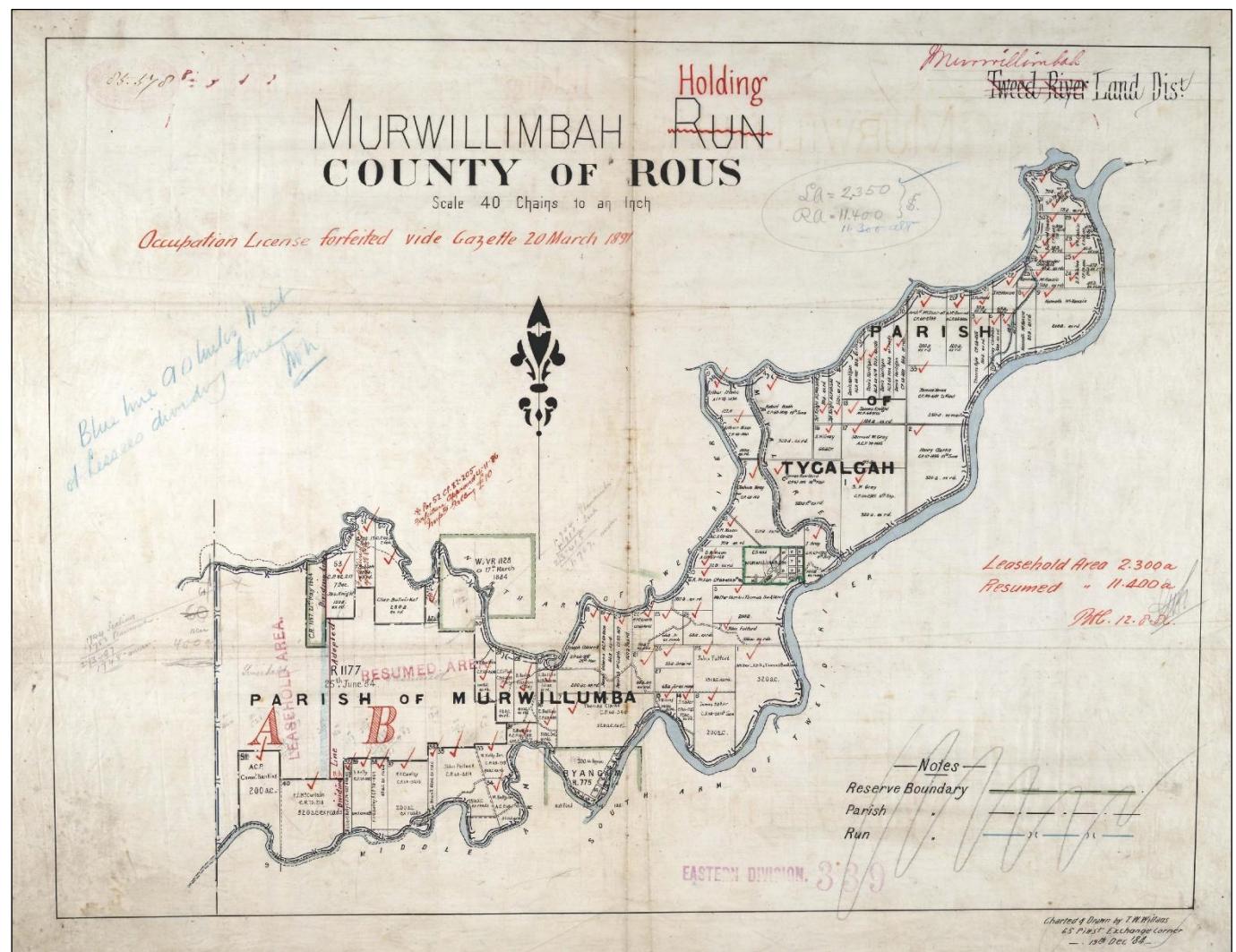


Figure 3. Plan of the Murwillumbah Pastoral Run. This plan was prepared late in 1884 by a contract draftsman (T. W. Willans) who was presumably hired by the lessee of the run at the time. It was probably the only formal plan ever drawn of pastoral runs in the Tweed. As part of the process of enacting the 1884 reform of laws with regard to pastoral runs, lessees who wished to continue their lease were required to submit a plan so that the run could be more or less equally divided into 'leasehold' and 'resumed' areas (see the western end of the run). The division required that account be taken of the land that had been 'conditionally purchased' over the years since the pastoral run was first created. As can be seen, only a small part in the west of the run had not been alienated by 1884. It seems odd that there should have been any remaining interest in this run. The explanation may be that the far western end was the site of remaining, very hard-to-get-at cedar. No one sought to continue the lease of the other four runs, even though they had been much less affected by alienation. Government had been unable to find a tenant for the Murwillumbah run from at least 1877 to 1883 when it appears that Robert Hardy took up the lease just prior to the division of runs in 1884. He took up the lease of the leasehold area after the division and perhaps also the resumed area. By 1887 he was behind with his rent. In 1890 his lease was terminated as part of a state-wide process and the era of 'Occupation Licenses' for this and other lands in the Tweed was about to begin. But that is another story which is foreshadowed in a note added to the plan above which reads: 'Occupation License forfeited vide Gazette 20 March 1891'.

The origins of this run are an example of one aspect of the system after 1861 when new runs of unoccupied crown land were initiated by members of the public. A notice of the acceptance of a tender by S. Gray was posted in the Government Gazette on 3 November 1863, setting the rent ('assessment') at £20 pa. Gray presumably did not like the price, and the run was then advertised for auction in the Government Gazette on 8 February 1864 with the minimum annual rent set at £25. The notice included the first published description of the run. There were no takers. When it was offered again on 1 July for £13 pa, a H. S. Cooper took up a five year lease.

Image: Lands Records Service of NSW.

An estimate of the extent of two of the runs - Walumban and Upper Walumban - was mapped by N. C. Keats in his 1988 publication Wollumbin (see Figure 5). The map appears to have serious flaws and there appear also to be errors in the text with regard

to a number of aspects of these and other runs in the Tweed. The Walumban runs were first described in the Government Gazette in July 1858, a few months after government accepted the application of Charles Fawcett to bring them into being. Keats'

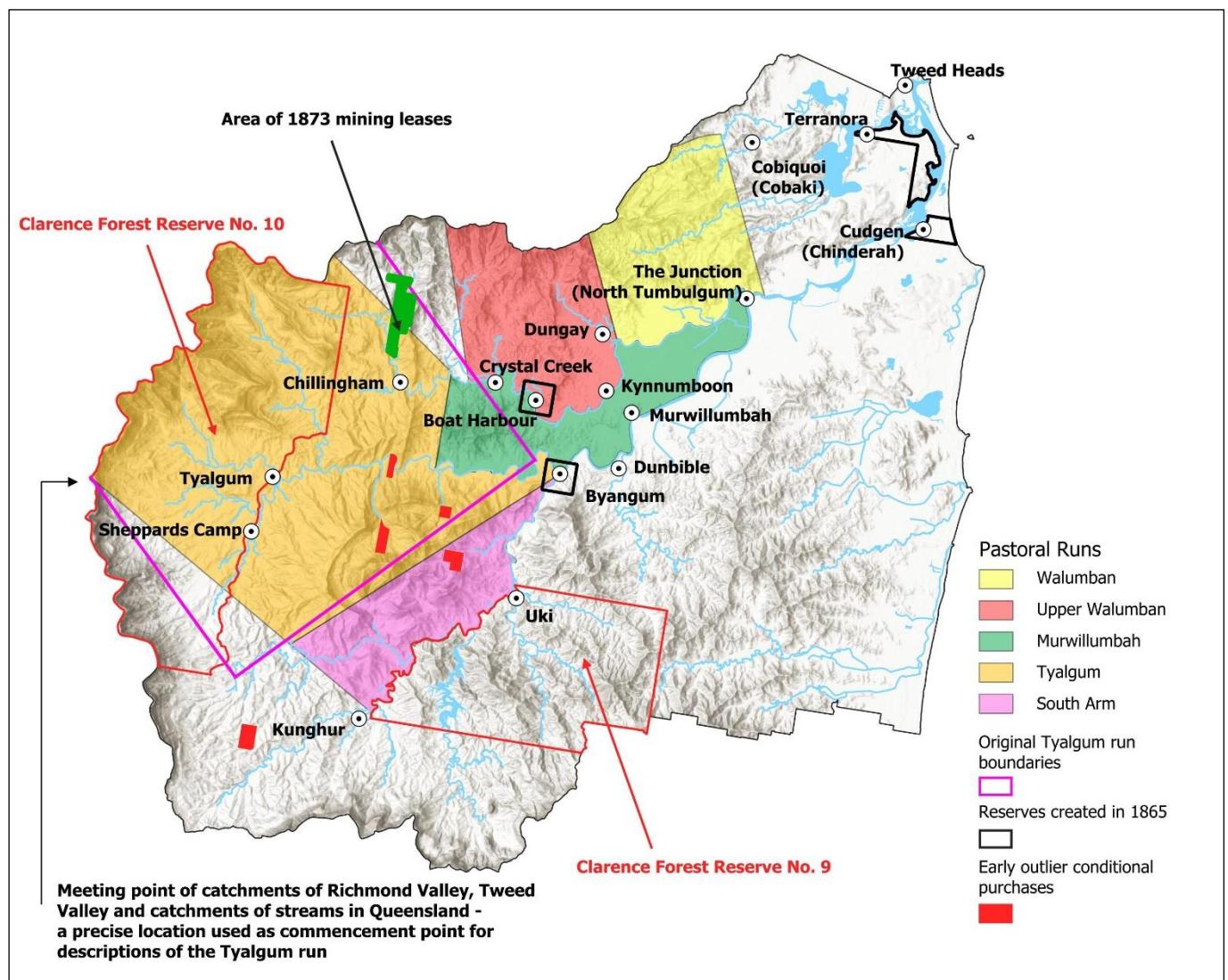


Figure 4. A depiction of pastoral runs in the Tweed.

Also illustrated are:

- Reserves declared in 1865;
- Mining leases north of Chillingham approved in 1873;
- A number of freehold selections (conditional purchases) made in early years in outlying and sometimes inaccessible areas;
- The boundaries of the parts of Clarence Forest Reserves No. 9 and 10 within the Tweed – declared 1871; and
- The original, strictly interpreted boundary of the Tyalgum run prior to its modification with the publication of the description of the South Arm run in 1881.

The original description of the boundaries of the Tyalgum run consisted of the Queensland border and lines of set distances at 45 degrees to magnetic compass points. When the description of the South Arm run was published it said the southwest boundary of both runs was a single line between two points of precise location, one on the Queensland border and the other at the southwest corner of Clarence Forest Reserve No. 9. It also set a precise location for the northeast end of the boundary between the two - the junction of the middle and south arms of the Tweed River. Both variations of the description of the Tyalgum run have a large overlap with the Murwillumbah run.

Image: Author provided.

most obvious failure is to ignore the definition of the southern boundary of the runs, which was the north arm of the Tweed River. He also ignores all the evidence that Samuel Gray and Joshua Bray built their homes at Kynnumboon on the Upper Walumban run - not the Walumban run - in the mid 1860's soon after Gray gained a lease to that run. Given the

Walumban run was adjacent to and downstream of the Upper Walumban run, the south west corner of the Walumban run was at the junction of Dungay Creek and the North Arm, not on the northwest flanks of Mount Warning. (See Figure 4 which depicts the position of Kynnumboon in relation to the runs.) Keats also failed to consider that the runs were

described as being roughly square in shape and about the same size - about 25 square miles (16,000 acres).

Another of the more serious errors Keats makes is that he proposed that the Tyalgum run may have been created in the 1870s from parts of the Walumbans. According to the official descriptions of these three runs, they never overlapped to any extent. Furthermore, the record shows that the Tyalgum run was actually the first to be staked out in the Tweed, in 1852, once again by Charles Fawcett. There are apparently no records of the location or extent of the land he sought to lease at that time. The earliest description came as a result of an application made by Gray in 1868. It seems extremely unlikely Gray would have staked out and applied for a run that overlapped a run he was currently leasing. It is also significant that Gray and Bray used the name Tyalgum at least as early 1865 to describe a locality well to the west of their homes in the Upper Walumban run and near the centre of the Tyalgum run as described in the *Government Gazette* in 1868.

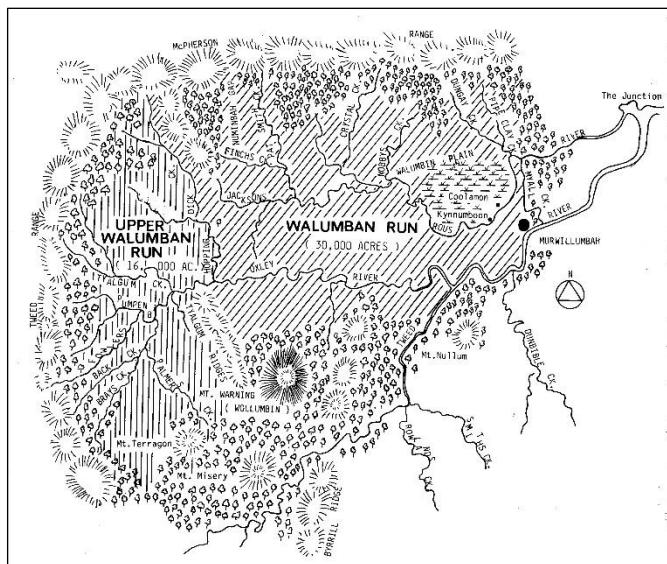


Figure 5. N. C. Keats estimation of the position of pastoral runs in the Tweed.

Image: N. C. Keats, Wollumbin, 1988.

For some inexplicable reason Keats completely ignored the Murwillumbah run - which appears in the records at least as early as 1863. It is somewhat understandable that he did not concern himself with the South Arm run, given it did not appear until quite late (1880), did not survive very long and has a very thin documentary record.

It is possible that Keats relied heavily on the memories of early colonists and their descendants to

form an impression that Gray and Bray had leasehold control of a much larger area for much longer than was the case. It would have suited Gray and Bray at the time for the local community and city-based speculators to have had that impression (see below).

## Squatter squabbles on the floor of parliament

The hazy definition of the boundaries of pastoral runs was a source of dispute from the outset. Before 1849 it was official policy to leave it to the squatters themselves to sort out the boundaries. Government merely invited squatters to pay a nominal annual licence fee, the aim being mainly to send signal that the only right they had to the land was to occupy it a year at a time. After 1849 government got more involved in regulating the land grab, including the determination of boundaries. With the commencement of self-government and the institution of a NSW parliament in 1856, the topic of run boundaries was regularly aired in the houses. This was to be expected, given many members and ex-members of parliament were squatters. One exchange in 1869 was with regard to the boundaries of the Tyalgum run. Thomas Garrett, who was to become the Minister for Lands a number of years later, asked 'whether the Government intend[s] to legibly mark and define the boundary lines of the Tyalgrun Run'. (Coincidentally, Garrett was to travel through the Tyalgum run with the Premier John Robertson and Samuel Gray on a journey through the wilds from Lismore to Kynnumboon a few months later in August 1869. See below and Vol. 13 No. 2, November 2025 of *Timelines*.) The question was asked on behalf of J. C. Laycock, a former member of parliament for the seat of Clarence, whose tender for the run had been accepted a few months before. Depending on assumptions the relevant run holders presumed to make at the time, the Tyalgum run could have had a long boundary with the Upper Walumban run on which Gray and Bray had been resident since 1863. Gray was another former member of parliament (the member for Kiama from 1859 to 1864) and from soon after their arrival Gray and Bray had treated the Tyalgum run as part of their own realm. They could get away with that because the Tweed was at the fringes of government control and the run had been without a paying tenant from 1852. By their own account, Gray and Bray had been busy harvesting cedar in the Tyalgum area from 1863

onwards, regularly camped and grazed cattle there. It is possible that Gray thought he had been gazumped by Laycock. As noted above, the government accepted a tender from Gray for the Tyalgum run in 1868, setting the rent at £30 per annum. Gray and Bray presumably thought it would be wise to formalise their sway over that ground. However, it was soon back on the market because Gray had failed to follow through, perhaps expecting the price might come down. By January 1869 the lease was on auction and the minimum rent had indeed come down to £10 per annum, but Laycock bid a very high price of £90. The Minister for Lands at the time, William Forster, deflected the question about the position of the boundary by replying that 'it was not usual for the Government to take the course suggested, but it was open to the lessee to have the boundaries of his run defined at his own cost.' If Laycock had actually occupied the run or if the boundary had been surveyed, the area Gray and Bray could credibly treat as their own would have been greatly reduced. Fortunately for them, Laycock almost immediately lost interest and probably never paid any rent. The lease was advertised a number of times between 1871 and late 1873, but there were no takers until the price again dropped to £10 per annum and Gray and Bray took it up. They hung on to it until about 1883.

## Carving out a run – the process

One thing that changed little with the land reforms of 1861 was the way pastoral runs were created. Both before and after 1861 the initiative was effectively in the hands of squatters, and government struggled to control their land grab. The terms 'beyond the limits of location' and 'unsettled areas' were used by government itself and are indicative of its struggle. In one respect, the process became less transparent as a result of the reforms. Before 1861, when a squatter lodged an application to create a new run, or an abandoned existing run became available, it would then be open to auction or competitive sealed tender, not automatically leased to the applicant. After 1861 a lease was automatically granted to the applicant for a new or long abandoned run if he agreed to pay the rent set by government. The difference can be illustrated with examples from the Tweed. A notice that government had accepted Charles Fawcett's proposal to create the new runs of Walumban and Upper Walumban was published in

the *Government Gazette* on 27 April 1858. An invitation to submit sealed tenders for the lease of these runs was published in the Gazette soon after on 8 July 1858. J. S. Johnson was the successful applicant, not Fawcett. (Johnson was a journalist, publisher and politician from Melbourne, and very busy speculating in pastoral runs at this time.) On the other hand, as described above, Gray could have become the tenant of the Tyalgum run in 1868 even though there had been no immediate prior unsuccessful attempt to sell the lease at auction or by public tender. It was only because he did not accept the specified rent that it was put up for auction. Under the post-1861 rules for dealing with unsolicited tenders, officials still had a means for testing the market price, but it was open to corrupt conduct because it depended on lowly administrators setting a relatively high minimum rent in the first instance, risking the ire of one or other of their political masters.

## The administrative hurdles and opportunities for a cedar getting squatter

The most significant change to the rules with the 1861 reforms was that anyone, not just the holder of a run, could make application for freehold title of up to 640 acres on almost any part of a run, whether it was created before or after 1861. (The application for freehold title was called a 'conditional purchase' - or colloquially - 'free selection'.) Exclusive use of a pastoral run was seriously diminished. It also became more common for government to create reserves for various public purposes that limited lease or sale or both, thus reducing the realm to which squatters had access to create new runs. Furthermore, it became an easier process for government to create reserves over existing runs.

Other rules regarding pastoral runs were also important in the context of heavily forested regions such as the Tweed. These rules applied both before and after 1861. In theory at least squatters never had exclusive use of their land. They were permitted to cut timber only for their own building and other purposes (i.e. not for sale) and were permitted to clear forest for cropping purposes sufficient only to supply their own households. Clearing of forest merely to create pasture was prohibited. Ringbarking was prohibited. Government could license any

person to cut timber for sale on any crown land including areas under pastoral lease. If a squatter's intention was to cut timber for sale from his own run, he was in theory required to obtain a timber licence. One way to view the rules for pastoral runs was that they were made simply to allow pastoralists to undertake their enterprise on land with a significant existing area of native grasslands. The Tweed had a very limited area of native grasslands, but lots of forest with red cedar. This was the realm of the cedar getting squatter, not the pastoralist.

Being the lessee of a pastoral run did not give you exclusive rights to exploit its resources of cedar, but it did give you and your employees rights to reside on a very large area – rights that others did not have unless they made special arrangements. In the Tweed, the Tyalgum run was over 40,000 acres and the others about 12,000 acres. It would be difficult if not impossible for cedar getters to exploit the resource on these areas if they could not readily camp within them for extended periods. The practice of camping on crown land to harvest cedar could be a problem even if it was not part of a run, because it could also amount to illegal occupation. The owner of a run, who was often also a magistrate or closely connected to one, was well placed to protect the resources of cedar on his run. A notorious case of the practice was reported by a correspondent to the *Empire* in February 1867.

## **Unpaid timber licences and the illegal occupation of crown land – who is in charge?**

The first white man's court ever held in the Tweed occurred on 17 December 1866, according to the correspondent. There were only two cases, and they resulted in the fining of two cedar getters, James Jones and George Hopkins, for 'illegally occupying crown land'. Jones was fined one shilling and also ordered to pay for a timber licence. Hopkins was fined £3/10/0. James Bray presided, along with his brother Joshua. (The rules required the judgement of a minimum of two Justices of the Peace – also called magistrates.) Both had been appointed a year or two before. James Bray had also been appointed acting Clerk of Petty Sessions on 1 January 1866. It is not clear if the crown lands in question were under pastoral lease at the time. The timber licence regulations at the time explicitly provided that having

a licence did not grant a right 'to reside upon, cultivate, improve, or erect machinery upon any Crown Lands ... save as to the timber ... actually in process of being cut or removed'. They further provided that 'any person who may desire to occupy land in connection with [timber getting] will be at liberty to [separately] apply for a lease'. The justices apparently properly applied the law, but as the correspondent put it: 'one cedar cutter prosecuting another must appear absurd in the opinion of any straightforward man'. Not only was there clearly a conflict of interest, but also a good deal of hypocrisy and highly selective application of the law. By their own account, Gray and Joshua Bray and their team of cedar getting contractors had regularly camped on the Tyalgum run in the two or three years up to the time of the trial in late 1866 and they were not lessees of the run at the time. James Bray was also involved in cedar getting. John Robertson, Premier of NSW, and fellow member of parliament Thomas Garrett, stayed overnight in a cedar getters hut on the Tyalgum run in 1869 at the invitation of Gray and Joshua Bray. Joshua Bray had a hut built in January 1866 at what he called 'Pumpunbill', a place that is described as 'Sheppards Camp' in the plan of a road from Casino to the Tweed that surveyor Isaiah Rowland completed in June 1866 (see *Timelines* Vol. 13 No. 2, November 2025). Samuel and Robert Sheppard (or Shepherd) were cedar getters in the district at the time and quite possibly worked for Gray and Bray on occasion. In Gray's and Bray's *Kynnumboon Diaries*, S. Shepperd, is said to 'have come down from Tyalgum' on 11 February 1866, quite possibly after having put finishing touches to the hut.

The timber harvesting regulations also provided that '[a] separate license must be taken out by every person actually employed in felling, cutting, sawing, splitting, or removing timber....on Crown Lands.' Gray and Bray were quite actively involved in the day-to-day tasks of cedar getting and arguably were required to have licences. For the years 1863 to 1869 inclusive, Joshua Bray had a licence for 1865 only. Gray and James Bray appear to never have had a licence. Of Gray and Bray's principal field contractors, Patrick Smith had a licence in 1865 and 1867 only and Henry Skinner in 1867 only. Henry and Thomas Clarke worked in the Gray and Bray cedar getting enterprise between 1863 and 1869 but were not licensed at all. A number of other cedar getters

mentioned in the *Kynnumboon Diaries* that passed back and forth to Tyalgum via Kynnumboon did not have a licence in this period. Not all of them would have been in the employ of Gray and Joshua Bray, but James Bray was Land Agent for the Tweed River from early 1866 and so was responsible for oversight of timber cutting licences for the district from then. Before 1866, the nearest Land Agent was stationed in faraway Casino and only a few of the cedar getters known to have worked in the Tweed before that time appear to have had licences.

It was well known at the time that cedar getting squatters were taking advantage. A few months before the trial of Jones and Hopkins in late 1866, the *Empire* reported a parliamentary debate about the cost of timber licences in which the member for Shoalhaven Thomas Garrett observed that 'a sawyer [is] charged £6 a year [for a timber licence], while a squatter who had 16,000 acres for £6 a year [rent] might cut timber as much as he liked [but only for his own purposes on the run] ... [and] ... the squatter might employ as many men as he chose without additional payment [of even a single timber licence] ... and though it was not legal for the squatter to sell [timber from the run], it was often done.' There was only oblique reference in the debate to the fact that there was no direct provision for the payment of royalties for cedar or other timber from crown land, and that fees for timber licences were meant to serve as a substitute. One wonders whether Garrett raised the topic with Gray when just three years later in 1869 they spent two days travelling together from Lismore to Kynnumboon through cedar forests then being exploited by Gray.

The correspondent to the *Empire* was unlikely to have been the only one in the Tweed concerned with the Brays' decision to prosecute illegal occupation of crown land. The correspondent claimed to be from the 'nice little township [of] Terenora', which, along with 'Coogen' (present day Chinderah), had been the headquarters of the cedar getting enterprise in the Tweed for 20 years before the arrival of Gray and Bray. Their residents, including notables such as Thomas Boyd, whose base was at Chinderah, almost certainly were in illegal occupation of crown land both before and after the trial of Jones and Hopkins, as was almost everyone else in the region.

The *Empire* published a letter on 16 April 1867 which was a response to the letter from 'Terenora'. This correspondent signed his letter 'A' and claimed not

to have known the magistrates before he came to the Tweed. In addressing the matter of the prosecution for illegal occupation of crown land he said 'if [it was] of any importance at all, it is merely local, and it would be of little use contradicting what is known, to every one in the district, to be notoriously false'. It is unclear whether the correspondent was trying to give the impression that the cedar getters were not fined for illegal occupation of crown land or if the correspondent from 'Terenora' had made some other false claim with regard to the trial. He might have been referring to claims that James Bray had told James Jones some time before the trial that he need not have a timber licence on account of his old age. It seems odd that correspondent 'A' should try and divert attention from the facts of the case (whatever they may have been) by claiming the matter was 'merely local'. It may or may not be a coincidence that James Jones purchased a timber licence soon after the trial, just as the magistrates were said to have ordered. Jones had one in 1864 but had not bothered for two years until the time of the trial. It may similarly be coincidence that Jones made a conditional purchase of 250 acres at Tyalgah fairly soon after in 1869. It was possibly the site of his illegal occupation. In any event he was now relatively safe, even if he was now officially a neighbour to one of the magistrates and quite a number of his extended family (see Figure 6).

Correspondent 'A' was perhaps even more concerned about the general issue of illegal occupation of crown land than the magistrates, writing: 'about half a dozen cedar choppers have illegally located themselves [at Terranora], without having either purchased or rented the land'. He also wrote: 'the old cedar cutters here.... appear to dread the free selector quite as much, if not more than the large squatters' and 'nor can we wonder that men who have been so long used to a semi-savage life, hitherto free from the unwelcome intrusions of either Crown lands bailiff or constables ... should view with displeasure the influx of a totally different class, bringing with them the steady industry and settled habits of civilised life'. He goes on to say: 'I have known here what has seldom or never occurred since the advent of free selection - a squatter [Joshua Bray or Samuel Gray] assisting an utter stranger, and a free selector, to choose and survey his land'. The reference to what even at the time was called 'class warfare' is significant. It is also notable that he

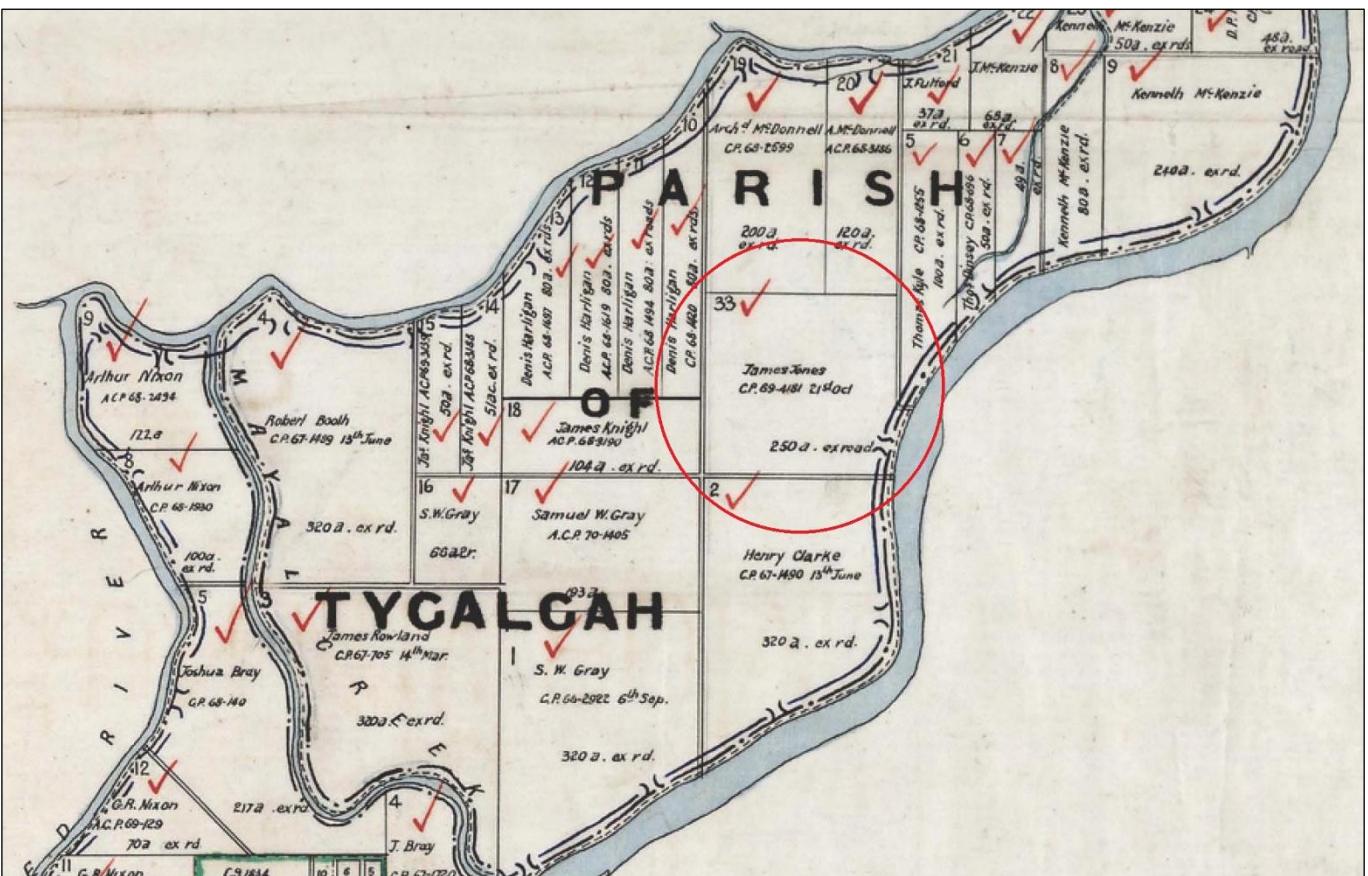


Figure 6. Location of conditional purchase made by James Jones in 1869. His neighbours from the Gray/Bray clan included S. Gray and J. Bray themselves, James Rowland (no relation to Isaiah Rowland), G. R. Nixon and Arthur Nixon. Henry Clarke worked for the Gray/Bray cedar getting enterprise at the time. The year of the application for conditional purchase is recorded after the letters 'CP' or 'ACP'. This image is a detail from the plan in Figure 3.

Image: Lands Records Service of NSW.

regarded the local magistrates as members of the squattocracy. The correspondent seemed to be of the view that the magistrates and those in the dock that day were not just different types of cedar getters, but also very different types of squatters.

News items, letters and editorials about illegal occupation of crown land were common in newspapers in the 1860s. These were the early years of free selection, and commentators like correspondent 'A' thought there was now no excuse for living illegally on crown land as had been the practice of many colonists until then. Other commentators observed that squatters had leasehold title to large areas that in the view of some of the Governors in charge at the time had at first been illegally occupied (not to mention stolen from its Aboriginal custodians) until government was forced to grant leases, but only to those whom the Land Commissioners thought worthy. When Gray and Bray arrived in the Tweed, most of the existing European population were engaged in the cedar business one way or another. Apparently, unlike Gray and Bray, none had thought to use the lease of

pastoral runs as a means for securing their position. In the Tweed, it was near the end of the era when pioneering colonists could ignore the requirements for timber licences and to at least have a lease of the land on which they lived and conducted business. It appears there may have been no further prosecutions for illegal occupation in the Tweed in the years immediately after the findings against Jones and Hopkins. The magistrates may have been somewhat chastened by the adverse reaction to their prosecutions. They may have also thought that one shot across the bow was sufficient for the time being.

## The free selector and would-be miner strike back

Historians of land management and forestry in NSW have observed that after 1861 cedar getters had the then more readily available option of conditionally purchasing land. The primary advantage was that exclusive rights to significant stands of cedar were secured. Another was that the expense of a timber licence was avoided. (A licence to cut cedar cost £6

per annum, nearly as much as a £10 deposit for a minimum size portion of 40 acres and a licence was not required to cut and sell timber from private property.) In some cases, the cedar getters would abandon purchase of the land and forfeit their deposit after they had finished with their exploitation. In a paper published in 2012, Mark Allen describes three such portions with sizable stands of cedar selected in 1883-4 in remote, mountainous country in what are now Washpool and Gibraltar Range National Parks. He observes that the selections were made within large pastoral runs but does not explicitly observe that the purchases also secured the right to stay long enough to undertake the harvest of cedar on the land purchased. Nor does he explicitly observe that the conditional purchases created a safe haven from which to undertake the harvest of cedar on the surrounding pastoral runs, though in theory, timber licences would have been required for that part of the enterprise.

Similar strategic purchases of land were made in the Tweed to secure a right to residence and exclusive rights to stands of cedar. Temporary occupation was clearly part of the plan for a few, given they were in very mountainous country, well-removed from existing areas of occupation and in many cases the purchases were simply abandoned or passed on. See Figure 4, which illustrates the location of two selections that were made within the Tyalgum run in 1884, just as the pastoral run era came to an end in the Tweed. Other selections that are illustrated in Figure 4 were made in very mountainous locations on the northern and eastern flanks of Mount Warning between 1886 and 1889. One of those selections and part of another are now in Wollumbin National Park. Another early, very remote selection was made upstream of Kunghur in 1887. When a plan of the portion at Kunghur was made the same year, the surveyor noted that cedar had already been harvested. Further research would be likely to identify many more. It was certainly the case that before about 1890 and the dawn of the dairying industry in the Tweed, the opportunities for making an income from the land were very limited. Apart from exploiting cedar, sugar was the only other industry of scale and could only be undertaken on land with ready access to the sugar mills at Condong and Cudgen. Even in the case of land that would be good for cropping or high quality pasture once cleared of forest, just sitting on a conditional

purchase for a few years after the exploitation of cedar until infrastructure and economic conditions improved was probably not an option in many cases for those without the backing of capital. The problem was in part that the conditional purchaser was required to make 'improvements' to the land within a certain time, including the expensive tasks of fencing and clearing of forest. This was one of the advantages for a cedar getting squatter – he was not required to fence or clear his leasehold. This was also likely a reason for the popularity in the Tweed of the successor to the squatter run – the 'occupational licence' of 'resumed areas'. In the period between 1890 and 1910 the occupational licence was one means of obtaining a secure base for the exploitation of the remaining cedar in remote parts. But that is another story.

The mining lease was another option for outsiders to create a secure base for the exploitation of cedar on crown land generally or within pastoral runs. This may have been the motive, at least in part, for the application for mining leases over a considerable area upstream of Chillingham. The leases were granted in 1873 and were within or close to the Tyalgum run to which Gray and Bray were about to obtain official tenure. (See Figure 4 for the location of the mining leases.) According to the applications, the leases were for the exploitation of mercury ore (cinnabar). They were abandoned by 1876.

## What goes on at Tyalgum

Two years after Gray and Bray took up the lease of the Tyalgum run in 1874 they put it up for sale. In an advertisement for the auction it was claimed that 'being included in Clarence Forest Reserve No. 10 [it] is therefore safe from [freehold] selection [by others]'. This was true only for the part of the run that was within the reserve, for not all of it was (see Figure 4). What the advertisement did not say was that the forest reserve was also 'specially exempted from the operation of timber licences' – i.e. harvesting of cedar and all other timber had in theory been entirely prohibited within its boundaries since September 1871. (It is to be noted that leases for grazing in forest reserves were allowed.) There was no house on the run in 1876, and improvements consisted only of 'a yard and a small paddock'. It was said there were 200 cattle, the minimum required by government under the terms of the lease, and that the run 'form[ed] almost the only pasture land in [the Tweed]'. The

auctioneer claimed the offer should be of especial interest to 'capitalists or persons seeking investment'. Though there was a formal mechanism for transferring the lease of runs, Gray and Bray had little more to sell than 200 cattle and a yard. There was no sale. Capitalist speculators seemed to have completely lost interest in out-of-the-way pastoral runs in the Tweed. Gray and Bray remained the tenants until just before the next round of land reforms in 1884. It is notable that they apparently had no interest in gaining freehold title over any part of the Tyalgum run, because that was an option for the very large part that was not within the timber reserve. As to the hype in advertisements, one could perhaps blame the auctioneer, Thomas Bawden, yet another member of parliament.

## Reserves from sale or lease – a peculiar Tweed example

Even before the land reforms of 1861, government reserved powers to itself to protect the public interest, including the power to create reserves from sale or lease of crown land. As already mentioned, reserves could be created over not just vacant crown land but also existing pastoral runs. The practice became more common after 1861. Strictly speaking, the purposes of reserves could be to provide for: 'sites of cities, towns or villages'; 'the preservation of water supply'; or 'other public purpose'. (The preservation of water supply was mainly to secure access for watering of stock of nearby owners of land who did not have frontage to permanent watercourses.) In practice, the nomination of the purpose of any particular reserve seems to have been somewhat arbitrarily applied; the purposes all had more or less the same effect – no sale of the crown land and perhaps also no lease until further steps were taken.

Squatters quickly worked out that if they could persuade government to create reserves from sale over key parts of their pastoral runs, it would prevent third parties purchasing them, giving squatters time to organise capital for their own purchase. The abuse was widespread, controversial and often the subject of acrimonious exchanges on the floor of parliament, but it does not appear to have been used in the Tweed by lessees of pastoral runs to assist with freehold acquisition. However, there is an example of its use that was somewhat unusual and illustrates the

distinctive economic geography of the Tweed at that time.

Reservations 'from sale ... for the preservation of water supply or other public purposes' were notified on 30 December 1865 for two areas 1 mile square at Byangum and Boat Harbour. (See Figure 4.) Larger reserves over tracts at South Tweed and present day Chinderah/North Kingscliff were notified the same day. The latter two included the sites of the two main cedar processing and loading encampments. It has at times been assumed that all these reserves were from the outset intended to be the sites of villages (see Vol. 10 No. 3, January 2022 of *Timelines*). This is unsurprising, in part because Terranora and Cudgen (Chinderah) were in reality already villages. It is clearly the case that official village status was under consideration for the reserve at present day Chinderah as early as 1865. A plan for the village was posted to Sydney by surveyor Isaiah Rowland in December of that year. (See Figure 7. Rowland called it 'Cudgen'.) The boundaries of all four reserves are drawn on surveyor Rowland's 1863 plan of the lower reaches of the Tweed River, and they are all labelled VR, i.e. village reserve. However, the village boundaries and labels were not originally on Rowland's 1863 plan. They were added around the time of the declaration of the reserves in 1865, probably by a draftsman in Sydney. Also, apart from the notations added to Rowland's 1863 plan, there was no official notice of intention for villages at Byangum and Boat Harbour until years later, though it appears rough plans of subdivision for Byangum may have been made some years before official notice of its village status in 1888. If the official purpose of the reservations at Byangum and Boat Harbour was not to provide for villages in 1865, then, in the words of the 1865 declaration, what was the 'other public purpose'?

When the Boat Harbour and Byangum reserves were first declared, they overlapped parts of Gray's Upper Walumban run and H. S. Cooper's Murwillumbah run (though there must be some doubt Cooper was up to date with his rent at the time). It is notable that though the Boat Harbour reserve overlapped part of the Upper Walumban run, it was well removed from the homes of Gray and Bray and the parts of the run over which they sought freehold selection. Both of these reserves straddled the respective arms of the river, were at the 'head of navigation' and included locations where the rivers could be forded. (See



Figure 7. The first ever plan of subdivision for Cudgen (now Chinderah) – drawn by Isaiah Rowland in 1865. It was the first plan for a town in the Tweed. It has a number of errors, some of which were corrected on this original, presumably at head office in Sydney. For instance: the position of the shoreline in relation to the blazed tree on the foreshore (the correction is marked with a black solid line within the river); and the angle of the reserve boundaries which Rowland drew parallel to the boundaries of the town (the red lines to the far left and right). The reserve boundaries should have been drawn at right angles to the (magnetic) north arrow. Crosses in pencil have been drawn through the incorrect reserve boundary lines, and the correct position of the lines has been drawn in faint pencil. Also, in this plan Rowland said the tree blazed broad arrow over III was an 'Apple Tree'. In his plan of the lower reaches of the Tweed River of 1863, he said the same tree was a 'Tea Tree'. The first freehold lots purchased in Chinderah township (by Thomas Boyd) have also been added to this plan a number of years after it was drawn (on the right hand side of the township and partly in what was marked-up as river by Rowland). These lots were surveyed by Frederic Verdon Hunter for a plan he made in 1877, and they convey the extent to which the position of the foreshore was marked in error by Rowland. This town plan was cancelled before any of the portrayed lots were sold. Presumably some number of people continued to illegally occupy this crown land well after 1865-66. Thomas Boyd selected two lots of 40 acres about 1.5 km upstream in 1868, so possibly could have avoided illegal occupation of crown land by moving house to there. It was not until sometime after 1877 when he purchased the two lots in Cudgen Village that at least some of his enterprise there was no longer on crown land. Three street names on the plan memorialise arguably the three chief men of the Tweed at the time – Samuel Gray, Joshua Bray and Thomas Boyd. Two other streets are named after the Premier of NSW at the time, Charles Cowper, and surveyor Rowland himself.

Image: Lands Records Service of NSW.

Figure 4.) In the *Kynnumboon Diaries* (which is a record for the years 1865–66) frequent mention is made of using a chain stretched across the river to catch cedar logs floating down. Unimpeded access to both sides of the river was required to secure the chains. Probably more importantly, land on the foreshore was required to mount floats of lightweight timber to the chains at a regular spacing prior to dragging them across the river, so that the chains

were close to the surface of the water for the full width of the river. Publicly accessible land on both sides of the river also created options for processing of timber on the banks and mooring and loading ocean-going vessels. Gray and Bray record first setting up their own chain near Murwillumbah in February 1865, but just a few weeks later they had moved it 'to the junction of the South & Middle arm'. It is possible it was just below the junction because

by mid-1866 there is mention that it had been moved again - upstream to the Middle Arm. It is likely the reserves at Byangum and Boat Harbour were created at the initiative of Gray and Bray to preserve public access for this purpose at these sites. Gray's status as a former member of parliament and his close relationship with Surveyor Rowland would have helped secure their creation. The reserves at Chinderah and Terranora served a similar purpose, maintaining public access to locations at which the processing of cedar and its loading onto ships had been underway for decades. Their creation would have met little or no local resistance, especially from those who like Gray and Bray were in the cedar business. As already mentioned, what did meet resistance were attempts by magistrates to exercise partial application of the rules of occupation of these reserves and crown land generally. Parts of the reserve at Byangum were used for the conveyance of timber to market until at least the beginning of the 20th century as illustrated in the photos at Figures 8 and 9.



*Figure 8. The barquentine 'Lismore' at Byangum in 1884 about to be loaded with cedar*

*Photo: Tweed Regional Museum.*



*Figure 9. Hoop Pine logs assembled on the Byangum reserve at the end of the 19th century. By this time the reserve had been declared the site for a village, a plan of subdivision had been surveyed and published and a number of lots either side of the road to Uki had been sold. (The road to Uki is visible on the left, beyond a gate.) The log dump was on land that was a section of road reserve that still exists today and is the location of the old and new bridge approaches. The junction of the south and middle arms is visible on the right side of the photo. It appears from other photos taken on this occasion that the logs were about to be launched into the river and assembled into rafts for transport further down river to be loaded on ships bound for Sydney. Unlike the practice in early years of cedar harvesting, these logs had not been floated down river to get to this point but had been hauled by bullocks from locations relatively close by.*

*Photo: Tweed Regional Museum.*

## Conclusion

Of the five pastoral runs in the Tweed, rents were paid only for the Tyalgum and Upper Walumban runs for more than short periods – Upper Walumban from 1862 to 1872 and Tyalgum from 1874 to 1883. Samuel Gray and Joshua Bray were the tenants of both. (See Table 1.) Almost all the other parties who are on the record were non-resident speculators who very quickly lost interest and paid little or no rent. Gray and Bray took up the Upper Walumban run so that they could legally occupy their homes and farms at Kynnumboon until they got freehold title of part of the run. Soon after – in 1872 – they abandoned the lease. By that time they had also made freehold selections over a considerable area in the Murwillumbah and Walumban runs. Their interest in the Tyalgum run was probably more to do with cedar getting than cattle grazing. It is interesting that others did not effectively pursue the same tactic to gain advantage in exploiting cedar resources, for not only were there existing runs available to lease, but large areas of the Tweed remained available to create new pastoral runs. (See Figure 4 for a depiction of the area

never subject to pastoral runs. The South Arm run could be the exception that proves the rule. Its creation came very late (1880), but as it turned out, no-one was interested in taking it up.) There are a number of reasons for the lack of interest in pastoral runs in the Tweed. Firstly, and probably most importantly, there was generally insufficient natural grassland to feed the minimum prescribed number of cattle for an average size run (200 head). Secondly, after 1861 there were means to step around the one great advantage of the cedar getting squatter – being able to reside on crown land near cedar resources for long enough to do the job. Conditional purchases or mining leases at strategic locations could secure the right to reside and were options for those with just a modest amount of capital. Thirdly, it is likely Gray and Bray did not encourage others to take up pastoral runs, unless they could sell rights to one of their own. City-based speculators seemed discouraged. The few that did dabble rarely held leases longer than it took for government to cancel them for failure to pay the rent.

## Addendum

A prosecution for illegal occupation of crown land in the lower Richmond took place at the court in Grafton around the same time as the prosecution in the Tweed in 1866. The circumstances were quite similar. Unfortunately, the only readily available record was not made at the time but is part of a reminiscence of the life of Pearson Simpson published in the Northern Star on 29 and 30 August 1929 upon the death of his son Pearson Hudson Simpson. However, the facts of the case seem credible. Simpson was one of the earliest cedar getters on the lower Richmond, arriving in the early 1840s. By the time of the 1861 land reforms he had taken up residence in the Uralba / Duck Creek area south of Alstonville and soon after he and a number of others were 'summoned for living on Government land' and ordered to appear in court at Grafton. It is not clear who initiated the summons and why the court at Grafton was specified, because an alternative much closer court was available at Casino. Around that time Lismore and Ballina also became venues for Petty Sessions. The case was heard by a Police Magistrate, probably Rowland Broadhurst Hill, who served at Grafton

from 1862 to 1870. Police Magistrates were semi-professional, salaried, law officers and to be distinguished from the justices of the peace who heard the case in the Tweed. The Richmond also had a Police Magistrate by then, one Charles Hugh Fawcett, who also served from 1862 to 1870. According to the story, the magistrate at Grafton was sympathetic, apparently accepting the proposition that those on trial had nowhere else to live, and imposed fines of only one shilling. However, it appears the summoned men were ordered to stake out free selections as soon as possible and surveyor Frederick Septimus Peppercorne came soon after to make plans that could be registered with the Department of Lands.



## Summary of the history of pastoral run leases in the Tweed

Tyalgum (Also spelt Tyalgrun)	Created 1852 on application by Charles Fawcett but not taken up by him. No lease until February 1868 when it was effectively re-initiated with an application by Samuel Gray. Government set rent at £30 pa. Gray presumably thought the price too high and failed to pay rent. Put on auction January 1869. Won by J. C. Laycock with an offer of £90 pa. He almost immediately lost interest. Lease not taken up again till late 1873 - by Gray and Bray - by when the asking price had dropped to £10 per year. Held until about 1883.
Upper Walumban (Also spelt Upper Walumbar)	Created 1858 on application by Charles Fawcett who was presumably outbid by J. S. Johnson when it went to tender. Interest transferred to Garland and Bingham in 1859, but lease forfeited by 1860 due to failure to pay rent. Lease purchased at auction late 1862 by Samuel Gray. Rent £11 pa. Allowed to lapse in 1872. Lease taken up briefly by J. H. Heaton, then George Tout and then W. J. and T. Watson between 1874 and 1876, but no interest after that.
Walumban (Also spelt Walumbar)	Created 1858 on application by Charles Fawcett who was presumably outbid by J. S. Johnson when it went to tender. Interest transferred to Garland and Bingham in 1859, but lease forfeited by 1860 due to failure to pay rent. Long period of no interest in the run from 1860 to 1874. Lease taken up briefly by J. H. Heaton, then George Tout and then W. J. and T. Watson between 1874 – 1876, but no interest after that.
Murwillumbah (Also spelt Murwillimbah, Murwillimba, Murwillumba, Murrwillimba)	Created on application by Samuel Gray, whose tender was accepted November 1863. The rent (assessment) was set at £20 pa. Gray presumably thought the price too high and failed to pay the rent because a five year lease was offered for sale by auction in March 1864 for £25 minimum pa, and again July 1864 for £13 minimum pa. H.S. Cooper secured the lease for £13. The lease was back on auction December 1866 for £25 pa. Briefly held by Robert Holmes 1868. Briefly held by J. H. Heaton in 1874 and E. M'Manus and J. Healy in 1876. Lease taken up in 1883, probably by Robert Hardy, but terminated with the division of pastoral runs in 1884. After 1884 Hardy took up a lease for the leasehold area and perhaps also a licence for the resumed area of the run until about 1890. The era of annual “Occupational License” of large areas of crown land commenced in the Tweed in 1891 and lasted about 20 years.
South Arm	Created 1880, nominally at initiative of Ferdinand Falconer who successfully tendered for the lease that year but apparently did not follow through. Run offered for lease in 1881. No record of lease offered or taken up after 1881.

## Movers and shakers of the early Tweed



From left to right: John Connell Laycock (1818-1897); John Robertson (1816- 1891); Thomas Bawden (1833-1897); Thomas Garrett (1830-1891); and William Forster (1818-1882). All these men at one time or another were members of the Parliament of New South Wales.

## The Back Page ...

### The annals of research

If you are following the Tweed Regional Museum's 'Summer Holiday Trail', the question for the 'Justice' location asks: 'What crime was twenty year old Harold Bullen charged with at Murwillumbah Courthouse?' Spoiler alert – the answer is that he stole 'one pony mare and one saddle at Murwillumbah'. But the name Bullen was incorrect. That was a typo on the part of the *Tweed Daily* in its report on 9 December 1919. The correct spelling appeared in the *Daily* on 27 December, when it reported that Harold Buller was still at large after escaping from the lockup at Murwillumbah five days earlier. In the end he was caught and fronted the Police Court on 2 January 1920 to answer a fourth charge within a month, to wit, while on the run having stolen goods 'including a towel, razor, razor strop, shaving soap and a purse'. His defence: 'Buller: Just because I was caught before for "pinching" I get blamed for everything.'

The story doesn't end there. Lo and behold, on 21 January who had to front the Police Court but Constable John Joseph Fogarty on a charge of 'neglect of duty in that he did (1) allow a prisoner (Harold Buller), then in custody, to remain in the exercise yard without supervision; (2) fail to ascertain that the said prisoner was in the cell at the time that the door was locked on the 22nd December; (3) fail to lock the door of the exercise yard on that day.' Inspector E. S. Woods, from Lismore was prepared to throw the book at Fogarty, producing a copy of the Police Regulations at the trial. To no avail. Evidence was presented about the police

staffing levels at Murwillumbah; the hours of duty, from 9:00 am to 11:00 pm, including four hours of street duty; that it was 'inhuman to lock a prisoner in the cells all day, considering the climate'; and some murky evidence about sanitary pans and the circumstances under which the gates of the exercise yard were left open for the nightman/sanitary contractor to remove nightsoil. Fogarty's evidence as reported by the *Daily* was that 'he went to the cell which Buller occupied. On looking in he saw what he took to be the prisoner sleeping in his usual way. He used to lie full stretch on a blanket, with another blanket over him and a face towel over his head. Witness asked a question, but received no answer. He then locked the door, thinking Buller was in, and left the exercise yard door open. Next morning he went to get prisoner out to send him to Grafton, but discovered that he had escaped.' The Police Magistrate and two Justices of the Peace

No. 16163		Name Harold Claude Buller	
Date when Portrait was taken 17.5.1918			
Native place Adelaidia SA		Arrived in State 8.8.99	
Year of birth 6.7.99		Year 1918	
Trade or occupation Labourer		Previous place of residence	
Religion C. of E.		Education, degree of R.W.	
Height, without shoes 5 feet 2 inches		Weight, in lbs. On Commitment 90	
Weight, in lbs. On Discharge		Color of hair Light brown	
Color of eyes Blue		Marks or special features Scar on left ear	
27.10.10 (No. of previous Portrait)			
CONVICTIONS			
Where and When	Offence	Sentence	
Murwillumbah 5.7.17 P.C.	Stealing	For 1 day go to Grafton Time paid at bush	
Lismore 22.12.18	Stealing	6 months H.P.	
17.8.80 27.10.10 H.C.BULLER 11.5.21			



Harold Claude Buller, goal inmate/prisoner photos, 17 May 1918 and 11 May 1921.

Images: MHNSW State Archives Collection

dismissed the information, accepting the summation of Mr Hynes, who represented Fogarty: '[I]t was impossible to comply with the instructions and regulations set down. In this case there was no doubt that a confidence trick had been played on Constable Fogarty, and the latter had done all that could be reasonably expected of any man.'

For Fogarty this ended an eventful two months, as Buller's escape was not the only crisis in which he had been involved. Earlier, in December 1919, the lockup was the scene of a 'death in police cells'. The coroner found that George Noble Hetherington 'had died from injuries caused by knocking his head against the walls of the cell while in an insane condition due to heavy drinking'. Hetherington had been admitted to hospital after taking 'chlorodyne [a patent medicine containing laudanum (an alcoholic solution of opium), tincture of cannabis, and chloroform] and a drink'. There 'on the doctors' instructions, he was treated as an alcoholic patient and given stated quantities of liquor at intervals'. At the hospital he became unmanageable and Matron Southward rang Fogarty to ask the police to take him into their custody. Fogarty said he couldn't take responsibility for this without consulting his Sergeant but by then Hetherington had upped and left the

hospital. Later that day he was detained in an 'excited and nervous' condition on Main (Murwillumbah) Street by Fogarty. Doctor Goldsmid examined him at the police station, and thinking he was likely to be sunstruck, instructed that he was to be put in a cell out of the hot sun. He was fed and ate his meals but in Fogarty's opinion was 'very ill' and that evening he was advised 'to lay down on his bed'. The next morning Fogarty found him dead. In Goldsmid's opinion Hetherington has 'died from concussion of the brain, which he had produced by banging his head on the stone walls of the cell'. The coroner did not blame the hospital staff or the police, but 'could not express himself, as he would wish about the callous manner in which the man had been treated because of this neglect of proper facilities'.

As for Buller, born in south Australia, he returned there and died in 1949 at the age of fifty. The last reports found about him are from 1942. He was sent to gaol for 18 months on a charge of shop breaking and larceny. The judge noted that 'Buller had a bad record in other States'.

*Do you have stories to share? Timelines would love to hear them and share them with our readers. The Society's contact details appear below.*

**ABOUT THE SOCIETY:** Formed on 16 March 1959, the Society's aim is to research, preserve and promote the rich and unique history of our town of Murwillumbah and its surrounds in the picturesque Tweed River Valley of far northern New South Wales. The Society operates out of our Research Centre in the Tweed Regional Museum's historic Murwillumbah facility. The Society is proudly supported by the Tweed Regional Museum, a community facility of Tweed Shire Council.

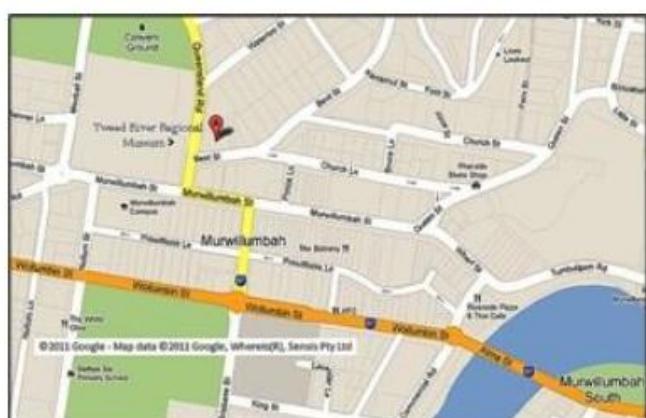
**CONTACT US:** Phone: (02) 6670 2273

Web: <http://www.murwillumbahhistoricalsociety.org.au/>

FB: <http://www.facebook.com/murwillumbahhistory>

Email: [editor@murwillumbahhistoricalsociety.org.au](mailto:editor@murwillumbahhistoricalsociety.org.au)

Mail: C/- Tweed Regional Museum, 2 Queensland Rd, Murwillumbah NSW 2484 or PO Box 373, Murwillumbah NSW 2484



**ABOUT THE MUSEUM:** The Tweed Regional Museum is a Tweed Shire Council community facility, established in 2004, with the signing of a Memorandum of Understanding between Tweed Shire Council and the Murwillumbah, Tweed Heads and Uki and South Arm Historical Societies. It is one museum that operates across three branch locations; Murwillumbah, Tweed Heads and Uki, and in association with these three local Historical Societies. The three locations connect the Tweed Shire from the coast to the mountains, providing a unique journey into the history, people and places of the majestic Tweed Valley. For information about the Tweed Regional Museum please visit: <http://museum.tweed.nsw.gov.au/> or phone on (02) 6670 2493.

While every effort is made to provide accurate and complete information in our Timelines newsletters and research, Murwillumbah Historical Society cannot guarantee that there will be no errors. The Society makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of the contents of our newsletters and research and expressly disclaims liability for errors or omissions. The views and opinions expressed therein are solely those of the author and do not necessarily reflect those of the Society.

To preserve maximum space for content, sources and references will not usually be listed. These are available from the Editor upon request.