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## **CONTENTS**

### **PREFACE.**

### **EDWARD CAPPER : HARDWARE AND SOCIETY.**

by Ian Bowrey 1

### **DANGAR'S DISMISSAL.**

by Russell Seton 9

### **THE 'WANTED COLUMNS' OF THE MAITLAND MERCURY, 1850-55: EMPLOYMENT PATTERNS DURING THE GOLD RUSHES.**

by Jan Horne 15

### **WORKING CLASS WOMEN AND THE SUFFRAGETTES : A STUDY OF URBAN NEW SOUTH WALES AND VICTORIA, 1890-1900.**

by Noeline Williamson 21

### **AUSTRALIAN THEATRE : A REFLECTION OF THE NATIONAL SELF- CONSCIOUSNESS.**

by Judi Harris 29

### **THE 1929 COLLIERIES LOCKOUT AND THE ROTHBURY INCIDENT.**

by William Hill 35

## P R E F A C E

In 1976 five research papers in Australian history, written by second year students in the ordinary History IIB course, were presented in this format. The favourable response that they received suggests that the project is a worthwhile one and it will therefore be continued annually. This year, however, publication of the papers has been undertaken by students under the auspices of the History Club and the S.R.C.

Each year students in this course are asked to investigate some aspect of Australian history, preferably through research in primary sources. They are encouraged to look wherever possible at questions through which light can be thrown on significant problems by the study of local history. Over a hundred such projects were undertaken this year, and the variety of topics as well as the quality of the papers presented was very encouraging.

The papers published here were chosen not only because they are good papers, but also to show the variety of issues that interest students. Many other papers could have been chosen.

Peter Stephens :	Morpeth in the era of the Steamship.
Mary Livingstone :	The First General Strike in the Coal Industry
Adelle Harding :	The Copeland Gold Rush
Mark Holmes :	The First Battle Honour — Australians in the Boer War
Baronya Croft :	Rothbury Dilemmas
John Charleston :	Maitland-Morpeth — The Forgotten Artery
Peter Crotty :	Henry Dangar, Pioneer Explorer, Surveyor and Pastoralist
Gregory Gamage :	Attitudes of the People of Newcastle towards the Chinese 1978 - 1888
Lynda Allomes :	A Study of Bushranging in the Hunter Valley
Susan Murray :	The Robertson Land Acts
Lynn Rutherford :	The Bellbird Mine Disaster 1923
Peter Jeffrey :	The Paul Bunyans of Cedar Arm

C. Bacchi

P. Hempenstall

N. Rutherford

The works presented in this collection are not only a tribute to their authors, but also to Carol Bacchi, Peter Hempenstall and Noel Rutherford who provided the opportunity, the support, and the encouragement that made it all possible. The History Club is pleased to be associated with such a worthwhile project.

History Club Executive

## **DANGAR'S DISMISSAL**

**BY**

**RUSSELL ERNEST SETON**

### **SYNOPSIS:**

Henry Dangar's valuable contribution to the development of the Hunter Valley in the role of surveyor and explorer has been the subject of a number of historical papers. Most writers, however, give but scant attention to the events which led to his dismissal from the post of Assistant Surveyor in the colony of New South Wales during the rule of Governor Sir Ralph Darling. This paper examines the evidence presented to the Land Board inquiry into the allegations made against him. It seeks to evaluate the justice or otherwise of the penalty imposed on him. Some attempt is also made to analyse the personalities and motives of those most closely involved and to assess their effect on the outcome.

The Land Board inquiry which led to the dismissal of Henry Dangar from the post of Assistant Surveyor resulted from allegations of 'misrepresentations and corrupt conduct' made by Peter McIntyre.<sup>1</sup> Following the inquiry, Governor Darling also suggested that Dangar should be deprived of the Hunter River Land to which he was entitled in addition to the land he had 'so improperly appropriated to himself'.<sup>2</sup> His punishment was to serve as 'an example to others'.<sup>3</sup>

McIntyre originally claimed that Dangar had continually placed obstacles in the way of his selection of suitable lands for his 'constituent', Mr T. Potter Macqueen, M.P., and for himself and his brothers. He accused Dangar of falsely claiming land to which Macqueen and/or McIntyre had a prior right of claim. Later he added further charges of breach of regulations in the splitting of sectional lines, an offer of a bribe, and an attempt to coerce him to accept Dangar's disposition of land grants and purchases by withholding completion of the survey of portion of Macqueen's grant.

A further accusation levelled against Dangar during the inquiry was that he had illegally purchased land orders from two men (Dunn and Rapsey) in order to extend his own land-holdings in the district under dispute. Darling conceded that Dangar was the first to draw attention to his dealings with these men. But he imputed to Dangar ulterior motives for his admission: a dishonest claim to merit for the making of it, and a desire to reduce the impact of a possible disclosure of the facts by McIntyre.<sup>4</sup> McIntyre never directly referred to these transactions but he did suggest that he had other information which he would produce at an appropriate time. This lends support to the Governor's assumption. Even if Dangar was not sure just what other revelations McIntyre might be in a position to make, he probably felt that the safest course open to him was to try to justify his actions in advance of any such disclosure.

Dangar's action in using the names of Dunn and Rapsey on the early map to disguise his own interest in the land only compounded his guilt and cancelled out any redeeming effects of his disclosure of these dealings to Oxley. Nor could his claim that such dealings were commonly practised by 'some of the highest officers in the Colony under the Crown, and openly sanctioned by the local Government' sufficiently excuse his conduct.<sup>5</sup> On the other hand if, as he claimed, he purchased the orders before 18th May, 1825, Governor Brisbane's public order of 10th November would appear to have closed the door to any right to reclaim the land on behalf of the Crown.<sup>6</sup> There was a further condition though that 'Fences, Clearings or Buildings shall have been completed'.<sup>7</sup> No attempt to verify the dates of purchase of the orders for grants, or to ascertain the extent of any improvements to the land is recorded. The fact that Dangar did not pursue this aspect suggests that he might not have been able to support his claim if it had been put to the test.

The dispute over priority of claims was relatively uncomplicated. Despite the efforts of McIntyre to cast doubts on ALL of Dangar's claims to land in the area, there was sufficient documentary evidence to establish the latter's right to his original reserve of 1,300 acres made by Governor Brisbane in March, 1825.

Dangar's answer to McIntyre's claim to priority over the remaining land appears to depend on McIntyre's indecision as to just what land he wished to select.<sup>8</sup> In this he was supported by Oxley, who said that McIntyre's choice of land was 'Governed by the opinions of others, and so cautious that he usually states his wishes for Reservations to be only until he had made a better selection'.<sup>9</sup> The obvious implication here was that if McIntyre could not make up his mind it would be unreasonable to expect others to withhold making a selection in the areas to which he had taken a fancy. The fact that Dangar was the chief beneficiary under this scheme weakened the force of their argument. Even so, the weight of evidence in the correspondence put before the Land Board inquiry substantially supports their opinion of McIntyre.

Apart from Dangar's original 1,300 acre tract, the Land Board was satisfied that Macqueen and the McIntyres had an 'indisputable claim' to choose their land 'before the Messrs. Dangar could be permitted to make any further selection whatever'.<sup>10</sup> The Board recommended that Dangar be allowed to retain the 1,300 acres but that he should be required to select the balance of the land to which he was entitled in some other area 'with the survey and distribution of the Lands in which he is totally unconnected'.<sup>11</sup> Governor Darling took a much harder line at first. In a letter accompanying the Land Board Report his meaning appears unequivocal:

... and I beg to submit to your Lordship that Mr. Henry Dangar may not be permitted to retain the 1,300 acres, . . . or be allowed to possess any land in the District of Hunter River.<sup>12</sup>

Darling took the precaution of reserving the 1,300 acres pending the decision of the Secretary of State, Lord Bathurst. He was not prepared to concede that McIntyre had any right to this land. No doubt also he was unsure of his ground in depriving Dangar of any title to it. At all events he had modified his stand by December, 1829. He then claimed to be unaware of any objection to the 1,300 acres remaining in Dangar's possession.<sup>13</sup> Dangar should be deprived of his right to this land as a grant without purchase. Instead, he should be allowed to retain it as part of the 2,000 acres reserved for him with a right to purchase. This interpretation might perhaps be applicable

to the rather vague suggestion of the Land Board that he be allowed to 'receive' the 1,300 acres. and that he should 'make his selection of the rest of the Land ordered in some other District.'<sup>14</sup> It is clearly contrary to the Governor's earlier recommendation. Possibly by this time he was having second thoughts about the severity of his treatment of Dangar and sought to use this means of mitigating the punishment.

The arguments used by Dangar and Oxley to rebut McIntyre's claim to the land selected by Dangar would appear to be a sufficient answer to the charges of obstruction and coercion. By his own admission, McIntyre had unsuccessfully sought to persuade Oxley to change the location of his own 4,000 acre selection. He wished to include in Macqueen's grant this land which he had originally selected for himself. But the substitute land he sought for himself included land already claimed by Messrs. Hall and Cox. Despite his 'remonstrances' Oxley 'pointedly refused' his requests.<sup>15</sup> McIntyre's continued efforts to force him to vary the boundaries originally agreed upon for Macqueen's land drove Dangar to cease his survey of this land pending further advice from Oxley.<sup>16</sup>

That regulations forbade the splitting of sectional lines for survey purposes, and that Dangar acted contrary to those regulations is not in doubt. The Land Board took a serious view of this behaviour. They saw the regulations as 'a very salutary check on the conduct of Surveyors', while failure to adhere to them 'would introduce endless confusion and complaint'.<sup>17</sup> Oxley defended Dangar's actions with the assertion that it was impossible to avoid section-splitting if they were to provide for necessary stream frontages.<sup>18</sup> But McIntyre took the attitude that Dangar had resorted to 'highly irregular and improper admeasurements of his own Land' to exclude him (McIntyre) 'altogether from the neighbourhood'.<sup>19</sup> No matter how much truth there may have been in any of these claims, the obvious conclusion is that Dangar was intent on reserving for his own use the choicest land in the area. Because of the clash of personalities which had developed between these two men, the exclusion of McIntyre from the land he sought would have been an added bonus for the Assistant Surveyor.

McIntyre contended that Dangar had attempted to bribe him with an offer of six hundred acres of choice land 'under an expectation that I would acquiesce in the boundaries which he had marked off for himself, facilitate his views of further acquisition and forego all public exposure of his scandalous breach of official trust'.<sup>20</sup> This was a most serious charge. But an examination of the available evidence suggests that 'bribe' was hardly the appropriate term, or that Dangar was openly attempting to buy his silence. However, bearing in mind Dangar's public office and the methods he had used to obtain the land he was seeking to protect, this was still a rather questionable deal. On the surface it appeared to be a simple arrangement involving the transfer of Dangar's claim to six hundred acres of land near Dart Brook in return for McIntyre's interest in land sought by Dangar elsewhere.<sup>21</sup> If they had been two private citizens vying for the land in question there would have been nothing unusual in this. But this was far from being the case here. Dangar quite obviously hoped to divert McIntyre's attention from this land in order to avoid any challenge to his claims to it.

Perhaps he might have succeeded if he had been more diplomatic in his dealings with McIntyre. But both men were hot-tempered and prone to speak their minds rather forcefully when they felt they had been slighted or unfairly treated. Dangar in particular exhibited this failing in a number of situations. With some justification, he expressed a 'very deep sense of injury' at being passed over by the appointment of three additional surveyors at a higher salary than that paid to him.<sup>22</sup> Lord Bathurst was not particularly impressed by Dangar's arguments at the time. But later (too late), he directed that Dangar should replace the retiring First Assistant Surveyor. Ironically Bathurst suggested when giving this direction that men holding such positions should receive sufficient remuneration to raise them above temptation.<sup>23</sup>

When he considered that he had been cheated over the purchase of a horse from Robert Lowe he wrote a letter of complaint to the Sydney Gazette. Lowe was not specifically named in the letter, but his identity was made clear enough. His honour, his principles and his right to the title of 'gentleman' were questioned. As a result, Lowe successfully sued Dangar for libel.<sup>24</sup>

Henry Dangar's clash with the Highlander was bound to strike sparks. When McIntyre demanded that Dangar send Oxley a map indicating the areas surveyed for each individual, including Church and Crown Reserves, 'upwards from the Forbes Lands', Dangar was provoked to respond in a manner which was far from placatory:

It is not, Sir, my duty or convenience to forward Maps to the Surveyor-General, at this time, as you are pleased to "demand" and which demand I must observe is another marked instance of your unreasonable ideas.<sup>25</sup>

McIntyre reflected the arrogant nature of the man he represented in the colony. Thomas Potter Macqueen at one stage harboured visions of himself as the first civilian governor of the colony.<sup>26</sup> Before McIntyre arrived Macqueen informed John Macarthur that the Governor had received 'strict orders' to make available to him a grant of 20,000 acres 'wherever my agent may require.' To forestall any attempt to circumvent these orders he had 'procured private

orders of a still more peremptory nature.<sup>27</sup> McIntyre's certainty that the full resources of the colony would be made available to him as Macqueen's agent, and that Surveyor-General Oxley would hasten to guide him in his selection of land was obviously based on Macqueen's inflated opinion of his own importance.

Both Dangar and Oxley reacted sharply to his imperious demands for assistance. Dangar 'refused to obey any order which did not come from the Surveyor-General.'<sup>28</sup> Oxley could not see why he should be 'called upon to state to a private individual the reasons which govern me in declining to suffer the employment of a public Officer of my Department in the private interests and concerns of individual Settlers.'<sup>29</sup> McIntyre apparently construed this attitude as an example of the type of obstruction which Macqueen had expected. He set in train the correspondence which resulted in the Land Board inquiry and Dangar's dismissal.

The personalities of two other protagonists also played a large part in the course of events. Governor Darling, because of his position in the colony, played a major role. Oxley, as Dangar's immediate superior, played a less obvious but quite important one.

Darling came to the colony fresh from a distinguished military career, culminating in the command of troops on the island of Mauritius. For eighteen months of this five-year command he acted as governor of the island. He appears to have applied military standards to this civil post. Naturally this did not endear him to the populace, particularly when he put an end to the lucrative slave traffic. Frederick Watson suggests that this 'profound respect for discipline' rather than valour under fire characterised his military career.<sup>30</sup> This authoritarian propensity probably influenced his choice as successor to Governor Brisbane who had failed to deal effectively with misconduct by and opposition from his subordinates. The severity of the penalty which Darling recommended should be applied to Dangar was an indication of this attitude. His insistence that the penalty should be sufficient to serve as an example to others was also typical of the man. Similar motives dictated his treatment of Sudds and Thompson, two soldiers who deliberately committed offences punishable by transportation in order to obtain their discharge from the army. Because this was not the first time disgruntled soldiers had used this ploy, Darling commuted their sentences to seven years hard labour in the chain gangs. As a salutary warning to others of a like mind they were publicly drummed out of their regiment in chains.<sup>31</sup>

Oxley's wholehearted defence of Dangar may have had an adverse effect on the latter's treatment at the hands of the Governor. Darling on several occasions demonstrated his antipathy towards the Surveyor-General. In a letter outlining his frustrations in dealings with Macarthur and the 'exclusives', he pointed out that the Surveyor-General, 'who is a clever Man and a Useful Officer is also of this Party.' <sup>32</sup> Several months later, in a letter proposing William Dumaresq for the position of Deputy Surveyor-General, he became even more critical of Oxley. <sup>33</sup>

McIntyre's complaint against Dangar was sent to the Colonial Secretary in August 1826. Dangar was not at that time Deputy Surveyor-General; no such post existed then. But he was being considered for the position of First Assistant Surveyor when William Harpur retired. Darling's attempt to place his brother-in-law in a senior position in that department may have operated, whether consciously or not, to influence his decision to remove a leading contender.

There is no escaping the conclusion that Henry Dangar used his public position for private gain. Equally plainly, the motives of the complainant, Peter McIntyre, were highly suspect. Not all of his charges were justified. Some of Dangar's actions, while not strictly honest, were commonplace in the colony. This was particularly true of the rather easy-going period of Governor Brisbane. Perhaps it was unfortunate for Danger that the complaint was made when the strict disciplinarian Darling was at the helm of the ship of state. Nevertheless, Dangar's attempt to shift the blame on to his superior does him little credit, particularly when Oxley was so staunch in his support throughout the inquiry.

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FOOTNOTES:

1. McIntyre to Colonial Secretary Macleay, August, 1826, N.S.W. Governor's Despatches, (G.D.), Vol.10 (1827). Mitchell Library A1199, p.537.
2. Darling to Bathurst, 11th March, 1827, Historical Records of Australia, (H.R.A.), (1), Vol. XIII. p.149.
3. Ibid.
4. Darling to Goderich, 10th August, 1827, Ibid., p.500.
5. Dangar to Under Secretary Twiss, 15th November, 1828, H.R.A. (1), Vol. XIV. p.528.
6. Ibid., p.529.
7. See H.R.A. (1), Vol. XIV, p.927.
8. Dangar to Oxley, 4th September, 1826, G.D. Vol. 10, p.641.
9. Oxley to Macleay, 8th September, 1826, Ibid., p.655.
10. Report by Land Board to Macleay, 28th February, 1827, H.R.A. (1), Vol. XIII, p.152.
11. Ibid., p.154.
12. Darling to Bathurst, 11th March, 1827, Ibid., p.149. (His italics.)
13. Darling to Murray, 19th December, 1829, H.R.A. (1), Vol. XV, p.296.
  
14. Land Board Report; H.R.A. (1), Vol. XIII, p.154.
15. McIntyre to Macleay, August, 1826, G.D. Vol.10, pp.569,570.
16. Dangar to McIntyre, 11th July, 1826, Ibid., pp.598,599.
17. Land Board Report, H.R.A. (1), Vol.XIII, p.153.
18. Oxley to Macleay, 8th September, 1826, G.D., Vol.10, p.665.
19. McIntyre to Macleay, August, 1826, Ibid., pp.572, 573.
20. Ibid., pp.579,580.
21. Ibid., p.581.
22. Dangar to Bathurst, 12th December, 1825, H.R.A. (1), Vol.XII, pp.495-497.
23. Bathurst to Darling, 12th December, 1826, Ibid., p.714.
24. E.C. Rowland, 'The Life and Times of Henry Dangar' in the Journal of the Royal Australian Historical Society (J.R.A.H.S.). Vol. 39 (1953), pp.11-14. (The dates given by Rowland for these events are apparently wrong. On 2nd January, 1828, when the letter was said to have appeared in the Gazette, Dangar would have been in England - Ibid., p.49.)
25. McIntyre to Dangar, 11th July, 1826 and Dangar to McIntyre, G.D., Vol.10, pp.602, 603 and 605.
26. Macqueen to John Macarthur, 12th July, 1824, Macarthur Papers, Mitchell Library A2900, cited by Rachel Roxburgh, 'Thomas Potter Macqueen of Segenhoe, New South Wales' in J.R.A.H.S., Vol. 58 (1972), p.178.
  
27. Ibid.
28. John Macarthur to Macqueen, 12th July, 1824, Macarthur Papers, Mitchell Library A2917, cited ibid., p. 180. 'Thomas Potter Macqueen of Segenhoe, New South Wales' in J.R.A.H.S., Vol.58 (1972), p.178.
29. Oxley to McIntyre, 12th May, 1825, G.D., Vol.10, p.562.
30. H.R.A. (1), Vol. XII, Introduction, p.xii.
31. Darling to Bathurst, 4th December, 1826, H.R.A. (1), Vol.XII, p.717.
32. Darling to Hay, 1st May, 1826, Ibid., p.256.
33. Darling to Hay, 4th September, 1826, Ibid., p.535.

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