

Aboriginal reserve 2031 A in Strathalbyn

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www.christinaanddonaldmclean.com

In 1842 Donald McLean took up the lease of an Aboriginal Reserve 2031A. This was 54 acres leased at one pound per acre for seven years from 1st Jan 1842. He started work on the land a few months before the lease had been executed (signed). In December of that year Donald wrote that he intended to give up possession and also stated that, *"I have fenced a greater portion of the land to the amount of 64 pounds adjoining the public road and have also cleared away the greater part of the scrub and grubbed a great quantity of trees. The expense of the fence being for a substantial stringy bark fence, 16 pounds and 10 shillings and the expense of the clearing and grubbing 14 pounds and 5 shillings."* So he thought he should be able to offset these costs against the rent which had become overdue.

Dr Matthew Morehouse, who had been appointed the Protector of Aborigines in 1839 (see Time Line xxxx) , inspected the site about a week later and reported that he *"found from measurements that the quantity of fencing the north side, the east side joins his private property is not fenced, whilst the south and west boundaries have been fenced by the proprietors of the adjoining sections."* A drawing was attached. He continued, *"it is completely cleared of all e trees, thus it would in consequence be improved much in value, but I don't think it could be leased again at one pound per acre, if the present lessee is permitted to give it up. Mr McLean says that the lease was never executed as the required security could not be given."* So Dr Morehouse was generally acknowledging what work Donald had done but was not agreeing about offsetting the costs of this work.

Amazingly, within a few days, Governor George Gray, in his own hand writing, took the matter further by stating, *"While I feel the desire to assist Mr McLean, I do not think that the Government can with propriety do more than allow him to throw up the lease for the 23rd December, the date of his letter and then lease land can again be put up for auction. Mr McLean can then again become a tenant of the government if he chooses to bid higher than anyone else."* The Governor then went on to warn public servants to lift their game : *"In future no tenant nor person must be allowed to enter into possession of Government property until all the documents connected with his tenancy of the said property have been clearly executed"*. (H p15)

This is an intriguing inside peek into the workings of the governing of this new colony. The Governor, George Gray, was certainly able to attend to details amongst what must have been an overwhelming range of duties. He was only 29 years old and had taken up his position in May 1841, the 5th year of the colony. He was the third Governor within a few years. It is said that he found the colony in financial straits but, by exercising strict economy he restored stability. (H, p15). This example of how he dealt with this little matter of 54 acres at a time when huge acreages were being opened up across the colony, is indicative of his skills.

No doubt Donald felt badly done by. He had put considerable sweat and expense into land which he expected would be his, only to be told that his efforts had raised the value of the property and that as he had opted to give it up, if he wanted it back again he would have to pay a higher price because the land was now more valuable. The Government was not going to reimburse his expenses and he still owed some arrears. The Government was still pursuing Donald for these arrears more than four years later.

Many questions arise:-

- Who were the original aboriginal clans in this area? - the Ngarrindjeri or Peramangk people.
- Why was this particular piece of land set aside as an aboriginal reserve?
- Was it ever used as an aboriginal reserve?
- What presence did aboriginal people have in the area – before 1836, in the 1840s, and subsequently?
- Where were they living at that time?
- Did we push aside indigenous interests to this land?
- Is there any significance in the fact that Morehouse and Gray, as people with such demanding responsibilities across the whole colony, would have got so personally and quickly involved in this little bit of land? Why did they give it such priority?)

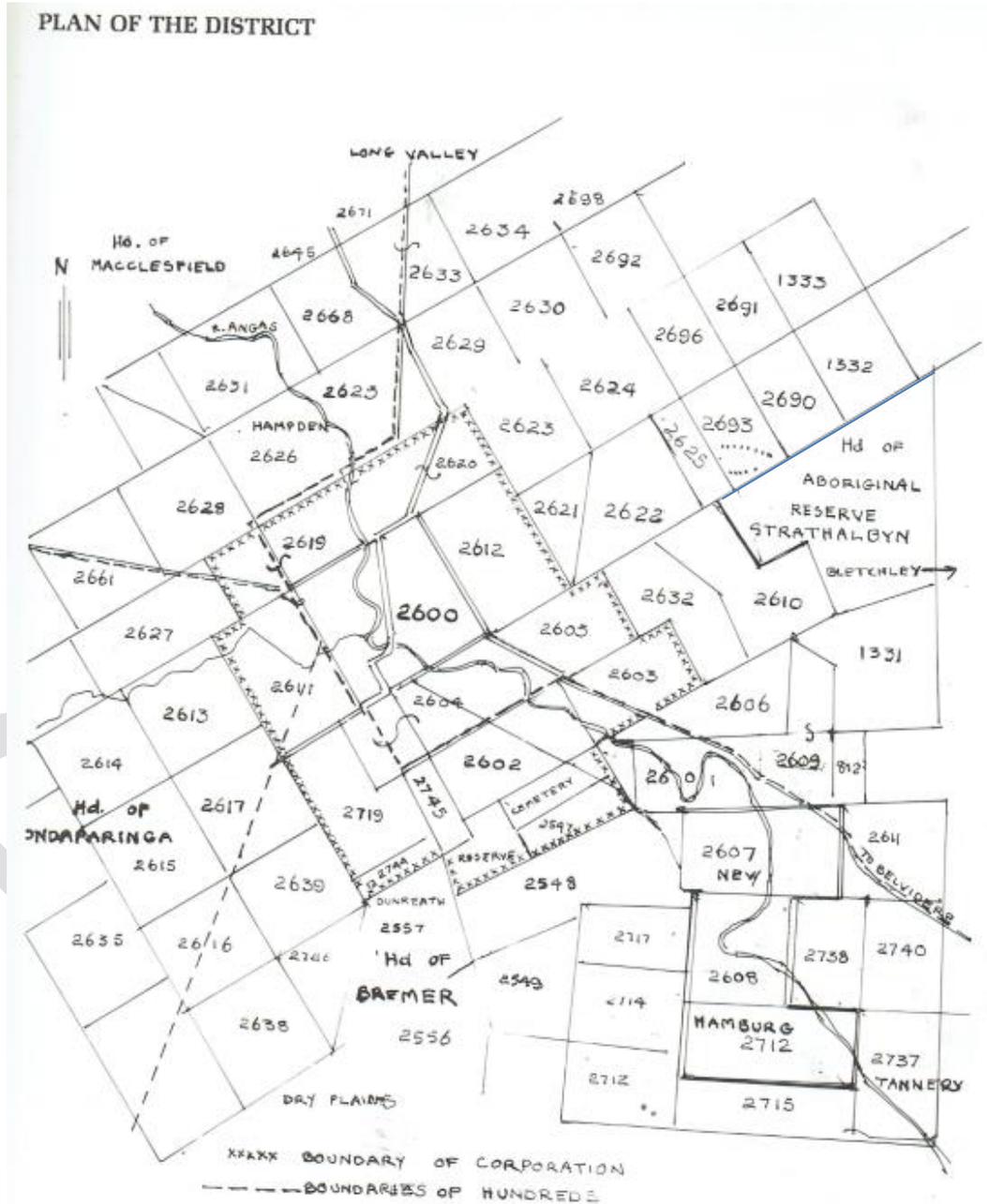
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DRAFT

Appendix A

Source:-

Nancy Gemmell – Old Strathalbyn, p51



I drew this plan from a combination of old damaged ones now in the S.A. Archives and an earlier map which shows the sections before they were lost under Burnside and the later Burnside blocks.

Source:

‘Donald & Christina McLean and Their Descendants’
BRB - pages 13 to 14

From 1842 to 1846 Donald McLean was the lessee of an Aboriginal Reserve. He made a claim for fencing and grubbing in 1842 but was in arrears for rent for the Reserve 1842-43 so was denied.

The correspondence of Donald concerning land leases gave his address as "Duskey Farm" undoubtedly poor spelling of the Duiskie or Duiskey Estate of Argyllshire from whence the family emigrated. Whether this applied to the new property at Strathalbyn from 1841 or the one at Hilton, has not been ascertained. According to the 1841 Census they were definitely already at Strathalbyn.

Correspondence from Mortlock Library:

Aboriginal Reserve 2031 A. - 54 acres Donald McLean - annual rental at 54 pounds (one pound per acre) \$108 - for a term of 7 years from January 1st 1842. (Donald signed his name variously as - McLane - MacLean - McLean - McClean.) Rent paid to September 30th/1842. Recorded by Robert Gouger, Colonial Treasurer. There had been some months occupation before the date when the lease commenced for which a quarters rent had been paid in advance - thus a whole years rent would be paid on 30/9/1842 and a further quarters due on 1/1/1843.

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Ref. CSOK 1842/128: - to Donald McLean.

Sir,

The Colonial Treasurer has reported that you have not paid the whole amount of the half years rent due by you on the first of July last, on the following Aboriginal Reserve let to you - No. 2031 District A.. The Advocate General has also reported that you have not yet executed the lease of the same which was notified in the Gazette for the period of two months, as being ready for executor and delivery at the Crown Solicitor's Office in Rundle Street. His Excellency the Governor, has accordingly directed me to request that you will lose no further time in executing the lease and paying the balance of rent due. I am at the same time to acquaint you that another Quarters rent will fall due on the first of next month.

I am etc. J. A. Jackson. 27th September 1842.

Ref. CSOP/1842/212: Dated 19/11/1842. To Donald McLean.

Sir,

In reference to my letter of 27th September last, I now beg to inform you that the Colonial Treasurer and Collector of Internal Revenue has reported that the sum of 27 pounds (\$54) due by you on September last (30th) is six months in arrears on the Aboriginal Reserve let to you, and is as yet unpaid, and to express the hope of his Excellency the Governor that you will see the necessity of Forthwith paying the same to that office,

I am etc. J. A. Jackson.

Ref. 451/1842: - To the Resident Commissioner of Lands in the Province of South Australia. Dated 23/12/1842.

Your Excellency,

I beg leave most respectfully to intimate my intention of giving up the possession of the 54 acres of the Aboriginal Reserve which I now rent under your Excellency. And also to state that I have fenced a greater portion of the land to the amount of 64 pounds (\$128) adjoining the public road and have also cleared away the greater part of the scrub and grubbed a great quantity of trees. The expense of the fence being for a substantial stringy bark fence, 16 pounds 10 shillings (\$33) and the expense of the clearing and grubbing 14 pounds 5 shillings (\$28.50). I have therefore most respectfully to request that your Excellency will take my statement into your kind consideration and grant me any relief your Excellency may think proper.

I have the honour to be your Excellency's Obedient Servant,
DONALD McLEAN - Dusky Farm.

Note the spelling of "Duisky" varied considerably.

Ref. CSC 1061/42: To A. M. Mundy Esq. Private Secretary - dated Jan. 5th 1843. Aboriginal Location.

Sir,

I have the honour to inform his Excellency the Governor that I yesterday visited the aboriginal Reserve mentioned in Mr McLean's Memorial and found from measurements that the quantity of fencing as stated by Mr McLean is correct but the rate of 5 pounds (\$10) per road at which he has calculated it, is decidedly higher than the current price for a three railed fence. Mr McLean has only fenced the north side, the east side joins his private property and is not fenced, whilst the south and west boundaries have been fenced by the proprietors of the adjoining sections as shown in the annexed diagram. (A drawing was alongside.) It is completely cleared from trees, thus it would in consequence be improved much in value, but I don't think it could be leased again at one pound (\$2) per acre, if the present lessee be permitted to give it up. Mr McLean says that the lease was never executed as the required security could not be given.

I have the honour to be Sir, your obedient servant,
J. Morehouse, Protector of Aborigines.

Ref. CSC 1061/42:
Memorandum from Governor George Gray - dated Jan. 7th 1843.

Mr Jackson,

While I feel the desire to assist Mr McLean, I do not think that the Government can with propriety do more than allow him to throw up the lease from the 23rd December, the date of his letter and then the lease land can again be put up for auction. Mr McLean can then again become a tenant of the Government, if he chooses to bid higher than anyone else. In the future no tenant nor person must be allowed to enter into possession of Government property until all the documents connected with his tenancy of the said property have been clearly executed.

G. Gray.

George Gray was the 3rd Governor of South Australia from 15/5/1841. His handwriting is most difficult to decipher. He was only aged 29 when he took office. He had found the Colony in financial straits but by exercising strict economy he restored stability.

Note: Donald did not get away with his proposal for remuneration as the last letter and the next directly show. In this Duisky is incorrectly "Dunshey" and section No. 50 is proof of the Hilton farm being so named.

Ref. 501/1842/308:
To Mr Donald McLean, Dunshey Farm - No. 50. Dated Jan 9th 1843.

Sir,

With reference to your letter of the 23rd ultimo I am directed by his Excellency to inform you that with every desire to assist you, he does not think that the Government can with propriety do more than allow you to throw up the lease of Aboriginal Reserve of 54 acres (No. 2031) District A. as from the 31st December last, and then to have the section again let by public auction, when, if you chance again to become the tenant of the Government, you would the opportunity of becoming such by bidding higher than any other person.

I am, etc. J. A. Jackson. (Colonial Secretary).

January 14th 1843 - the Colonial Secretary J. A. Jackson received the list and which he passed on to the Advocate General's Office of "unexecuted Aboriginal Reserves". This included that of Donald McLean. He allowed the lease to lapse, but on May 9th still owed 13 pounds 10 shillings (\$27) in rent and headed the list sent to Robert Gouger, the Colonial Treasurer. On June 30th Donald had still not paid up together with 13 others whose names are well known in the early history of South Australia.

Ref. CSOM/1846/49:
 Nothing further appears concerning Donald's lease until 12/9/1846.
 The handwritten copy from the Government Letter Book has not photocopied clearly so may not be exact. The letter book kept handwritten duplicates.

Sir,

I have the honor to acknowledge the receipt of your memorandum of the 27th ultimo, transmitting to me statement of the returns of rent due to the Local Government by the indebted lessees of the Aboriginal Reserves, and in reply I am directed to answer you with the following information, thereon, which, through some misdirection in this office was not supplied as it might be, to name mine as (in?) an earlier record.

Donald McLean.

The office of the Auditor General noted:- The consequence of an application made by the individual for permission to give up the lease of Section no 2031 and was allowed to be 31st December 1842.

The rather obscure wording of Donald's letter, if correct, appears to be an objection to being still billed for part rental of the 54 acres he had ceased to lease nearly 4 years earlier.

Ref. CSO/439/1846:
Approved applications by the Commissioner of Crown Lands 17/4/1846.

Donald and Allan McLean - Mundoo Island, bounded on all sides by Lake Victoria (the original name of Lake Alexandrina) containing more or less one square mile. Lease no 122. Repeated on 28/6/1847.