

William Stewart Caswell, Police Magistrate. Part 1.

by Wendy Simes

With special thanks to Helen Taylor the current owner of Tanilba House

William Stewart Caswell was the first Police Magistrate at Moruya. He started work in Sydney as a Clerk of the Court before becoming the Clerk at Tumut. In 1853 he became the Clerk of Court at Moruya where in 1857 it was decided there was a need for a permanent Police Magistrate in the area and he was promoted to the position. He remained in this position for 22 years. He bought land at Mynora where his 9 children were born. However his job was not an easy one and was dogged by controversy with the community polarised into those who supported him and those who wanted him removed. This first article deals with his early life before he came to Moruya.

William arrived in Australia on the 9th of May 1829 aged 13 months. He had been born in Walworth, Surrey on the 29th March 1828. The journey to

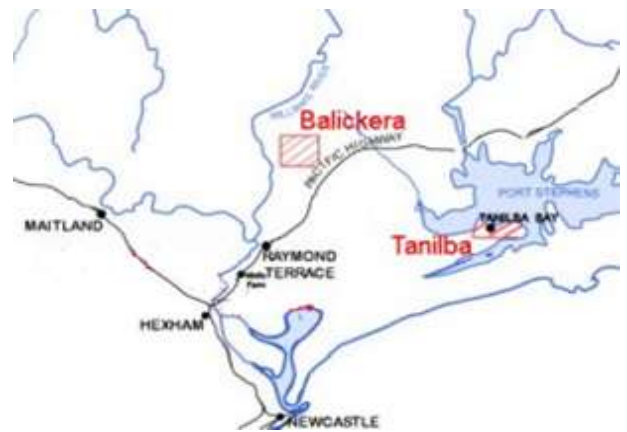


The Portraits above are of Lt William and Susan Caswell. They are images from portraits that are on display at Tanilba House, Port Stephens.

As a retired naval officer William's father Lt William Caswell¹ was entitled to a land grant of 1000 acres when he arrived. The major part of his holding was 920 acres on the Williams River, a property which he called Balickerra. He also selected 50 acres on Nelson's Bay, Port Stephens which was known as

¹ William was the son of John Caswell and Ann Strangewig. He was born in 1789

Tanilba. He was of course assigned convicts to work the land and quickly set about having accommodation built at Tanilba for his family, while at the same time regularly travelling to Balickerra to check on work there. The first hut built at Tanilba was reported to be of slab construction and was quickly expanded to a cottage. This was where the family were to live while he had constructed a much more substantial home.



Adapted from a map at <http://members.pcug.org.au/~pdownes/sharp/#caswell>

Sir Edward Parry from the AA Company across the bay at Carrington recorded a visit to the Caswell's in 1832 –

"In the afternoon I went over with Captain Moffatt and Mr Stacy to Mr Caswell's and I certainly never saw so much misery in a family of the same class – one child dead, another dangerously ill and an infant very poorly, and the mother like a walking skeleton – I fear not long for this world. Mr Stacy is rather apprehensive that the complaint of the children is of a typhoid nature." (Mr Stacy was the AA Company doctor).

The child who died was George, he was born in 1830. The baby also died and both are reported to be buried at Tanilba. Fortunately Susan was tougher than Parry realised and survived, going on to have 5 more

² Susan was the daughter of Robert Hoddle and Elizabeth Marsden. She was born in 1805.

children and outlived her husband, dying in England in 1886 aged 81.

The foundations for the main house were not laid until 1837 by which time young William was away at school at Parramatta.

Before he was sent away to school William and his sister Emily when they could escape from their mother or the Governess's watchful eyes would have played on the foreshores of the bay which surrounded their home. Little is known of the governess except that she died of typhoid

The family home his father planned to construct was a solid construction of quartz porphyry stone quarried locally. His mother was concerned about the escalating costs and how she would find the servants needed and the furnishings. The house however was completed and still stands today.



Tanilba House, Port Stephens as it stands today



However by the 1840's the family could not afford to live there any longer and moved to their property on the Williams River sometime between 1841 and 1844. Young William would have been able to enjoy life at Tanilba into his early teens though most of his



Balickerra House as it exists today

time would have been spent away at school. A letter from his mother to Catherine Jackson³ of Lambeth records in 1837 that William is away at school in Parramatta and reported to be doing well. Later in his education he was boarding in Maitland and tutored privately.

William had other Caswell relatives in Australia as his father's brothers James and Lt Thomas Caswell had also come to Australia. His mother's letter in 1837 makes a comment which suggests that the brothers may however have had a falling out. She says

"You will hear from my mother how Mr Caswell's brothers have behaved to us what with one thing and another I am quite in a dull mood."

Thomas was William's younger brother and early records show him also in the Hunter region. The first records of convicts being assigned to him is in 1837. By 1840 however he had moved to the Hastings River, Port Macquarie where it was reported his eldest daughter Fanny aged 12 years and 3 months died. Thomas remained at Port Macquarie and died there in 1862 aged 64. Of James little is known, he wasn't a naval officer so he would not have had the same entitlement to land as his brothers.ⁱⁱ

However their Hoddle Cousin Sarah who came out with them on the ship did continue to have close contact with them, as Susan writes in her letter to Catherine that Sarah is about to be married to Henry Stacy who she had introduced her to.

The Caswell's seem to have quickly made a viable farm at Tanilba. Susan reported in 1837 they had large bunches of table grapes on the table from their grape vine plantings and that they were receiving 1/9 per lb for their butter from the dairy herd which was above the going market value. The grapes were not just used for enjoyment at the table but also to make wine, The Colonist 2nd March 1839 reported

Lieutenant Caswell, of Tenilla, (sic) has six or seven acres, and that three of them are six years, and two fours years old. He makes ten hogshead, and would have made twenty but for the hot winds about six weeks ago, which cut his vintage in half.

So on his holidays from school William not only enjoyed grapes with the family meals but maybe also a taste of some of Australia's early wines.

The main worry for the family at this time was a case of defamation coming up before the courts. Lt Caswell after hearing rumours of inappropriate behaviour of Mr Whitfield, an AA company

³ Catherine Jackson was Emily's Godmother

employee to a man named Howarth reported the situation to Colonel Dumaresque. The Colonel dismissed Whitfield who then proceeded to prosecute Caswell for defamation. This was perhaps young William Caswell's introduction to the legal system with the case being decided on a point of law rather than the truth of the allegations.

The early years at Tanilba were difficult ones for William's mother. She had trouble finding and managing suitable domestic help and reports:

I have been quite a slave since I came to this country & now find my health suffering from it since I have had my last baby. I have kept two women servants one of them has been in the cells for the last fortnight & vows she will never do anything more for me. This is quite a common case. The other a stout masculine woman fancies herself killed with work and I am obliged to do the best share to keep her at all quick.

On a happier note she reports:

I have now five children my last is the finest baby I have had she did nothing but cry till she was three months old. Since then she has been tolerably good, is as fat as a little pig.

William's parents eventually returned to England with his sister Emily and her husband Andrew Lang. Unfortunately Lt. Caswell died on the voyage home. By this time William had become a clerk and was appointed to Tumut where he met his future wife Maria Pentland who was acting as a companion to Mrs Shelley. The couple married at Richlands near Goulburn by special licence on 22nd February 1853. Maria's sister Alicia was the wife of George Martyr

ⁱ **Lieutenant Caswell's naval record** was recorded in O'Bryne's Naval Biography and reprinted in the Empire 5th June 1857 p.6. William was given the rank of commander in February 1857.

William Caswell entered the navy in September 1805, as A.B on board *Fox*, (under various captains) on the East India Station, where he remained until his return in 1811, previous to which he had been taken prisoner as midshipman, in a conflict with the Malays, and detained a prisoner among them from September 1807, to April 1808, and then had commanded Fox's barge at the capture, March 28, 1809 of *La Carvanne*, French Privateer, of 8 guns and 100 men under the batteries of Sappers. In November 1811, he joined, as master's mate, *Maidstone*, Captain George Burdett, and on proceeding to the Mediterranean, commended her launch at the capture of a privateer of 5 guns and 59 men. For his subsequent conduct on August 3 1812, at the taking in the Bay of Fundy of the American cutter, *Commodore Barry*, of 6 guns, by the boats of *Maidstone*, one of which he again had charge. Mr Caswell was appointed April 26 1813, Acting Lieutenant of *Spartan* under Captain Edward Pelham Brenton, and on November 13 following, was confirmed into the *Plantagenet* under Captain Robert Lloyd. He was afterwards, on September 25,

the manager of Richlands Estate which was part of the Macarthur estate at Taralga.

Maria had grown up in a large family in Rathmacknee County Wexford where her father was the Rector. The 1837 Topographical dictionary of Ireland describes it as a glebe comprising 12 acres of cultivated land with the Glebe house, the residence of the Rev. Francis Pentland. The church is now in ruins



Rathmacknee Rectory. Source Department of Arts and Heritage Ireland

but the rectory built in 1809 is still standing though unoccupied at the time of the photograph above.

Four Pentland sisters are known to have come to Australia, Maria, Alicia, Eliza and Emily. The exact date of their arrivals is unknown to date. Their father Francis Pentland is reported to have died in 1840 and their mother Mary Anne Blanchois in 1844. Alicia married in 1848, which means that Alicia must have arrived between 1844 and 1848. An elder sister Eliza Pentland was said to have arrived in 1855 and spent a few months in Queensland before coming the NSW. The youngest sister Emily Jane married Rev. David Evans Jones in 1873.

To be continued

1814, wounded in a sanguinary attack on the American privateer General Armstrong. On his return home after visiting the West Indies, he joined, September 7 1815, *Superb*, Captain Charles Ekins, one of Lord Exmouth's ships, at the bombardment of Algiers, in which he continued until paid off, October 1818. He was subsequently appointed, November 23 1820, to *Surinam* sloop, Captain William McKenzie Godfrey, on the Jamaican station, in November, 1821, as First Lieutenant to *Bann*, Captain Phillips, on the coast of Africa, and March 5, 1825, to the coast blockade, as Supernumerary of *Hyperion*, Captain William James Mingaye. He has been on half-pay since 1828.

A medal with two clasps has been awarded him, one for coast service, and one for Algiers. Naval and Military Gazette February 21.

ⁱⁱ The Maitland Mercury of 25th May 1850 reported the marriage on 20th December 1849 of Eliza Esther Caswell at the Bombay Cathedral to W.T.B. Evans esq, reporting Eliza as the only daughter of the late James Caswell, Esq Hunter River, and niece of Lt Thomas Caswell, Port Macquarie.