Casual Expansion by Land Grantees in Van Diemen’s Land

Talk to any surveyor, conveyance lawyer, or farmer in Tasmania today and you will hear stories of troublesome property boundaries that date back to the colonial period. These complaints are nothing new—from almost the beginning of the British colony, accusations were made against the Survey Office about the quality of their work.¹ Two charges were commonly laid against the surveyors responsible for dividing, measuring and recording the alienation of land for the European settlers: incompetence and corruption. This article challenges this assertion by considering the actions of the European settlers within the colonial bureaucracy.

The roles of surveyors and governing powers have been discussed by a series of historians, but the influence of the settlers themselves is not often given very much time.² It is well understood that cartography played an integral role, one briefly discussed in this article, in locating a distant government on local soils. A biography of the Van Diemen’s Land Survey Office by Alan Jones details the timeline of development, while historians such as Sharon Morgan and James Boyce have considered the big picture of how the shape of the colony was influenced by a land granting system effectively overseen by the surveyors.³ James Drown considered the position of the survey departments of New South Wales and Van Diemen’s Land within the government bureaucracy, and some aspects of their practical operations.⁴ Differentiating between surveyor error, settler manipulation, and bureaucratic absurdity is crucial to understanding the cultural history of a British colony. As a core policy of British expansion, land grants reflect the conditions of their making and reveal new stories of life in the colonies.

This article starts with a whistle-stop tour of the history of the Van Diemen’s Land Survey Office, before considering three different ways settlers affected the system: accidental

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expansion, bending the rules, and blatant theft. What becomes apparent is that although the work of the Survey Office improved, the systems of obtaining land gave settlers many opportunities to adjust their allowances to better suit their aspirations.

**The Survey Office**

Ten years after the establishment of the Sydney Cove camp the British discovered that Van Diemen’s Land was, in fact, an island and therefore physically disconnected from the mainland Australia (and the New South Wales colony). Their response was to become anxious to legitimise their claim over the island today known as Tasmania. In 1803 the first official British settlement in Van Diemen’s Land was established at Risdon Cove. Lying on the eastern side of the Derwent River, this location had been chosen for its ‘much better Stream of fresh water’ and ‘very extensive Valleys laying at the back of it’. It was intended to be the focal point for settlements that would spread into the surrounding area. The next year, the British relocated the settlement to the current site of Hobart on the western shore of the Derwent. The earliest expansion therefore occurred on the opposite side of the river than originally intended, but due to foresight, the British had a chart of the entire region.

Convict-turned-assistant surveyor James Meehan was sent out from Risdon in 1803 to survey the land on both sides of the River Derwent. The resulting chart, at Figure 1, shows the preoccupation of the British with expansion. The river banks are scattered with evaluations of soils, undergrowth, and topography. From this small start, the Survey Office expanded and by the late 1820s there was a team of surveyors scattered across the island with assigned convicts and equipment in tow. In 1833 Surveyor-General George Frankland told the Colonial Secretary that there was a large map of all the island hanging in the Survey Office, as well as vast

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5 The influence of Indigenous resistance on the surveying of Van Diemen’s Land is highly complicated, as there is little evidence of direct influence but arguments can be made about the consequential effect of the pressures the Black War placed on surveyors and settlers and therefore their work. This will be discussed in a future article.


7 Bowen to King, 20 September 1803, HRA III (i), p 197.

8 Meehan learnt this trade as an assistant to Surveyor General Charles Grimes in New South Wales. It is likely that the convicts who were assigned to the survey teams were usually unskilled, and that the majority were trained in situ. ‘Meehan, James (1774–1826)’, *Australian Dictionary of Biography*, http://adb.anu.edu.au/biography/meehan-james-2443.

quantities of more detailed maps and documents recording land grants.\textsuperscript{10} The archival record shows this development, with the numbers of charts and surveyor log-books increasing steadily throughout the period.

Figure 1: New Norfolk redrawn from Monmouth 0, showing the landscape as recorded by Meehan in 1804.

On 12 October 1832, several teams of surveyors were working their way across the island of Van Diemen’s Land, measuring and marking out new grants, remeasuring old ones, and settling disputes about boundaries. Scattered showers fell on some of the teams, and from the central districts around Oatlands, Charles Wedge sent some of his assigned convicts back to Hobart for clothing as they had no shoes. Bare feet were common among the assignees, although not for want of complaints by their supervising surveyors. It would be a week before Charles Wedge saw his government men again, although much to his disgust only one of the three

\textsuperscript{10} Drown, ‘An Apparatus of Empire’, 75.
returned, after one received a ticket of leave and Abrahams was mysteriously neither returned nor replaced.\footnote{‘Assistant Surveyors’ Weekly Returns of Work Performed, With Quarterly Summaries’ 1832, TAHO LSD222/1.}

These details were included by Wedge in his weekly log to be sent to the Survey Office in Hobart’s Davey Street. In recording the activities of his team, he was participating in a routine followed around the British Empire. Van Diemen’s Land, may only be a small island off the south coast of Australia, but the operations of its Survey Office followed colonial instructions that were common around the British Empire. The acts of measuring, dividing, cataloguing the land have long been at the centre of European understandings of the world. As the British spread across the globe, measurements completed the dispossession of indigenous populations and maps brought the stories of colonial success to the breakfast tables of London. While colonists may have thought they were surveying and exploring an empty land, it is more accurate to envision their blank parchment as a snowfall entirely covering existing features. There was nothing blank or virgin about the land they were attempting to organise.

Locally, however, charts had a different significance as they enabled the systematic alienation of land by the British. Over the course of thirty years Van Diemen’s Land was divided between former convicts, soldiers, free settlers and the government. Paying scant heed to the property rights of the Tasmanian Aboriginal people who had lived on the island for at least 40,000 years, the British government ordered that a cadastral grid be laid down.\footnote{Lyndall Ryan, \textit{Tasmanian Aborigines: A History since 1803}, NSW, 2012, pp 3, 14.} Instructions on grant sizes and shape were received, and the surveyors were sent out into the Tasmanian bush to turn this theoretical allocation of land resources into physical reality.

Despite the improvements, there were still constants through these first decades—they were living for weeks out in the field, reliant on the goodwill of landholders for campsites and assistance. And the surveyors were still trapped between the bureaucratic will of the governing powers, and the concerns of the settlers. Van Diemen’s Land had become more hierarchical, as the divide between convicts, emancipists and free settlers grew, assisted by the introduction of large land grant schemes and the penal reforms of the 1820s. The previous policy of granting small (thirty to eighty acre) properties to former convicts was abandoned. Instead, large
acreages (320 acres and above) were given to free settlers in possession of the requisite assets. Convict labour was provided to these landholders, and consequently fine wool farming increased, trade expanded, more money came into the colony, and powerful dynasties emerged. Nevertheless, all landowners, whether small or large, had to consult with the surveyors to have their claim officially recognised.

Although Meehan was sent out by the colonial government to explore the region around the first British camp, the first official surveyor of Van Diemen’s Land was George Prideaux Harris. Arriving in 1804, very little of his surveying work survives today, but one of Harris’ first tasks was to follow the route of the Hobart Town Rivulet up into the hills of Mount Wellington. The purpose was to establish the reliability of the water source, and to investigate the land quality on its banks. The surviving map shows a shift of focus at approximately where the Cascade Brewery stands today. Until that point Harris recorded information about the ground, but he then turned his attention to the trees. Again we see that the priorities were fresh water, arable land, with an eye on timber provision as well.

The equipment available to the surveyors in this first decade was paltry, with Governor King reporting that Meehan had taken his survey ‘principally … by the Theodolite’, suggesting it was not always so. In later years one surveyor took his theodolite to Hobart, on the order of Surveyor-General George Frankland, and continued his work without it: ‘Not having my instrument, I am not certain that the township is correctly connected…’ When a theodolite was not available, other less reliable methods had to be employed. In some of his explorations in New South Wales Meehan is known to have relied on walking distances and the ‘watch and compass’ system, but he was probably better equipped for exploring the Derwent area.

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13 Grenville to Phillip, 22 August 1789, HRA I (i), p 125; Earl Bathurst to Lieut.-Governor Arthur, 2 February 1827, HRA III (v), p 506.
14 It should be noted that Harris was not the only surveyor active during this period in Van Diemen’s Land. Meehan returned, and Henry Williams, Charles Grimes and Peter Mills all completed work. While the latter’s work was included in Macquarie’s criticisms, only Harris left such a contentious legacy. A study on the work of all surveyors operating in VDL throughout this period would be fascinating, but beyond the scope of this article. ‘Harris, George Prideaux Robert (1775–1810)’, Australian Dictionary of Biography, http://adb.anu.edu.au/biography/harris-george-prideaux-robert-2161.
16 Emphasis added. King to Collins, 8 January 1805, HRA III (i), p 454.
17 Halls, 8-18 October 1832, ‘Assistant Surveyors’ Weekly Returns of Work Performed, With Quarterly Summaries’.
18 Jones, Backsight, pp 6, 8.
Comparing Monmouth 0 with a modern map reveals, however, a remarkably accurate chart, particularly in the area around Risdon Cove and Hobart, the area the British were most interested in. The abilities of Meehan were recognised, as he was pardoned and given the position of Deputy-Surveyor. Harris, on the other hand, was not as fortunate in his connections or his abilities.

On his death in 1810, Lieutenant Edward Lord, an influential military officer in Hobart Town, reported that Harris’ papers were in a ‘very deranged State’.19 This indictment on Harris’ work sounds scathing, particularly when read alongside Governor Macquarie’s opinion that ‘Negligence or ignorance’ of the ‘very Indolent and dissipated Man’ necessitated a complete resurvey of particular areas.20 Macquarie, however, was largely informed by Lord, who had an ongoing public feud with Harris until the latter’s death.21 There can be no doubt that Harris, who had no surveying training, was not as competent as those who would follow him. However, in the absence of many surviving charts, the quality of his work is hard to judge, and the hyperbole of his contemporaries difficult to temper.

Nonetheless, Harris worked in extreme conditions. As well as inadequate equipment, he suffered paper shortages, and was placed in a position of imposing a predetermined colonial pattern on an unwieldy landscape.22 In 1813 Meehan was instructed to be present to ‘point out to each Settler his own Farm in Norfolk Plains’.23 Prior to this there is no evidence of an organised system for granting land to so many people at once, and five years earlier in New Norfolk the new arrivals had found themselves deeply disappointed with their circumstances (leading in part to the accusations of incompetence levelled at Harris).

The obvious question, and one with a surprisingly elusive answer, is how was land allocated in the early years of British settlement? Had Harris been expected to take a team of government men out to clear and peg out the boundaries, welcome the newcomers in, then draft the plots as a chart, while all the new inhabitants settled into their allotted spaces? Or was it rougher

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19 Lord to Macquarie, 14 December 1810, HRA III (i), p 454.
20 Macquarie to Geils, 8 February 1812, HRA III (i), p 646; Macquarie to Liverpool, 17 November 1812, HRA I (vii), p 589.
22 Harris, Letters and Papers of G.P. Harris, 1803-1812, 73, 82.
23 Macquarie to Ritchie, 6 February 1813, HRA III (ii), p 27.
than that, the grantees sent up the river with little guidance bar a sketch or description of how the area was to look once they had chosen their own land? And therefore, what did Harris actually record: what the settlement was supposed to look like, or what it looked like after the settlers had staked their claim? Meehan’s 1814 resurvey of the area captured a closer reality—a settlement after seven years of use. When historians associate Meehan’s surveys of New Norfolk and Norfolk Plains with Harris’ work in those areas, we continue a fallacy of colonial (and modern) cartography—that what is on the map represents what is on the ground. This, with its associated uncertainty about boundaries, was key to the inaccuracies of the first two decades of the Van Diemen’s Land colony.

The decade between Harris and the arrival of Thomas Scott in 1821 was a period of change, as land granting priorities shifted from the survivalist practices of granting small acreages to former convicts so they could support themselves, to opening vast tracts to attract wealthy migrants with sufficient capital to feed into the island’s burgeoning fine wool industry. For eighteen months after Harris’ sudden death the Derwent River settlement was left without a surveyor.24 Officially, therefore, no land was granted in that period until Meehan returned with George William Evans, in 1812, to work across the newly unified Buckingham and Cornwall districts.25 In reality settlers claimed and cultivated land throughout this period, instigating a system that would cause havoc in the records for decades to come. Although the process for granting land changed several times, the crucial steps involved selecting the desired land, registering it with the Survey Office, and obtaining a ‘location order’ as a temporary right to begin cultivation, while the paperwork was sent to Sydney for processing. Once the Governor had given approval it became granted land, a transition that was recorded on the charts by changing the words ‘located by’ to ‘granted to’. The issue was the enormous delay that often occurred between these steps. Somewhere in the process the surveyors were required to measure and chart the new grant, and as the number of settlers grew, so did the delays.

24 At Port Dalrymple, assistant deputy surveyor Peter Mills had been sent down in 1807, with Governor Bligh instructing Lieutenant-Governor Paterson to give him a trial, and retain him if found to be both qualified and needed. He was considered to be ‘still more ignorant’ than Harris, and disgrace followed his name until he was lost at sea. (Bligh to Paterson, 16 July 1807, HRA III (i), p 670; Macquarie to Liverpool, 17 November 1812, HRA I (vii), p 589; ‘Mills, Peter (1786–1816)’, Australian Dictionary of Biography, http://adb.anu.edu.au/biography/mills-peter-2458/text3287.

25 Until 1 July 1812 Van Diemen’s Land comprised two separately governed settlements, Cornwall and Buckingham. They were combined by Governor Macquarie, with Hobart Town the commanding town of the settlement. Macquarie to Ritchie, 12 June 1812, HRA III (i), p 722.
was particularly problematic until 1821, when there were only one or two surveyors in Van Diemen’s Land.

By the 1820s delays were still a problem, but the system had settled. Evans described the process of granting land, although ambiguity remained about the order of events. He recounted that a settler would arrive at the colony, and approach the Lieutenant-Governor with a letter of introduction. The latter would approve (or deny) the request, and send the list to the Survey Office. Evans then

shd. proceed to mark off the quantities of Land, when at Leisure, in the situations that the Persons may have chosen … When the quantities are measured and marked off, I make out the Description and Boundaries, which I forward to The Surveyor Genl. at Head Quarters. From him they are sent in to the Govr. who directs Grants to be made out in pursuance to the Description.²⁶

Despite regulations prohibiting the sale of grants unless certain conditions were fulfilled, land transferral was common as grantees swapped and sold their plots.²⁷ Often this occurred in the time between obtaining a location order and the final grant approval, and grants were regularly made in the wrong name. Chaos ensued over the years, culminating in a decision to cancel and re-grant lands in 1831.²⁸

This system, and the inevitable delays of pre-industrial communication, are central to the problems Meehan and Evans faced from the very start of their work in the colony. Both men were experienced surveyors. Meehan had almost a decade of experience of Van Diemen’s Land, plus more on the mainland. Evans had a background in engineering and architecture, with some training in surveying, but was also recalled to the New South Wales colony several times, leaving Meehan in Van Diemen’s Land to tackle the growing mountain of survey requests.²⁹ Not only were more grants being awarded, but they were increasing in size, especially as wealthy settlers came to claim what they could not find in Britain—large, unclaimed (to the British eyes) spaces in which to establish successful farm export businesses.

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²⁶ Examination of G W Evans, 22 March 1820, HRA III (iii), p 318.
²⁹ Orders to travel from and to Hobart given: 25 January to 18 July 1815, and 12 December 1816 to 1 December 1818, HRA III (ii), pp 73, 116, 371.
This decade saw a shift in the dominant settlement pattern. The earliest allocations followed the long-lot or ‘riverine intensive’ pattern prescribed by the Colonial Office, visible as long strips stretching back from the river. Clearly visible on charts such as Monmouth 3 and Cornwall 1 (see Figure 2), this riverine intensive pattern was the domain of emancipists. It followed the guidelines sent to Governor Phillip in 1789:

… regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionable number of one sort and of the other, as likewise the breadth of each track to be hereafter granted be one-third of the length of such track, and that the length of such track do not extend along the banks of any bay or river, but into the mainland, that thereby the said grantees may have each a convenient share of what accommodation the said harbour or river may afford for navigation or otherwise.

The result of these and other instructions resulted in blocks of emancipist land grants, each property between thirty and eighty acres. On paper they show a straight line running across the back, but account for the river bends by varying the width of each block.


31 Phillip’s instructions re land grants, 22 August 1789, HRA I (i), p 126.
Two new patterns now emerged: the intermediate free pattern, and the open extensive (Figure 3). The former still bore a resemblance to the riverine intensive by remaining connected to the river and stretching back. Open extensive, however, was completely different, with grants given away from river-edge land, often surrounded by Crown land.

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Figure 3: Open extensive plots in the Midlands. Although landmarks are not illustrated, the rivers are still visible through the acreage boundaries. Note the riverine intensive properties clustered on the river edges, while many of the open extensive properties do not use such natural landmarks for boundaries.

The long-lot’s appearance (both the small riverine intensive and larger intermediate free) suggests it ignores topography—it is a classic product of British colonial ideals imposed onto an imagined flat land rather than the hilly reality. When drawing up the future settlement, a backline could be set and then the widths divided off for a batch of plots; the boundaries for each grant were shared and therefore co-dependent. Hills and significant river bends would require a new backline, but the biggest problem was to ensure that the long boundaries from river to backline were correctly spaced apart. This could then be pegged from the water-edge, leaving the settlers to measure the length, if time was pressing.\textsuperscript{33} Open extensive grants, on the other hand, required fewer divisions, but they were chosen to include better tracts of land, and

\textsuperscript{33} George Frankland, \textit{Report on the Transactions of the Survey Department of Van Diemen’s Land, from the Foundation of the Colony to the End of Colonel Arthur’s Administration}, Hobart, 1837, p 15.
often stood alone from other grants, to take advantage of the Crown land. Their size could far exceed one thousand acres, and a surveyor was required to measure all boundaries. Often straddling a combination of open plain and wooded hills, they could necessitate a lot more travel and rough access for the surveyor. Combined, these two patterns ensured a lot of time spent travelling both from site to site, and within the boundaries.

The increase in work intensity prompted Lieutenant-Governor Sorell to request additional support from Governor Macquarie:

> I feel it my duty also to submit to Your Excy. the greatly increased and increasing business and duty in the Depy. Surveyor’s Office, arising from the great influx of New Settlers and depart’t are very pressing in both Settlements, and the farther examination and survey of the interior Country and Coast become indispensable, I beg leave to recommend the nomination of an assist’t in the office of The Dy. Surveyor.34

The result was the employment of Thomas Scott in 1821, the first fully trained surveyor the colony had seen. This was the beginning of a new era for the office, within five years there were at least six surveyors, and in 1828 George Frankland took the position of Surveyor-General and implemented an overhaul of the office’s work.35

Between 1826 and 1828 a team of Land Commissioners travelled throughout Van Diemen’s Land, charged with evaluating the extent of land granting in the colony. They were commissioned in response to a report written by John Bigge, who recommended that the colony be divided into a British system of counties, hundreds and parishes.36 While dividing and valuing the land, the commissioners kept a journal, recording their activities and impressions of various landholders. Looking back at the work of the previous two decades they complained about earlier corrupt practices, although as has already been argued, early surveying errors were also a product of short staffing, inadequate training, bureaucratic practice and communication delays.37

34 Sorell to Macquarie, 13 June 1821, HRA III (iv), p 15.
It would take Frankland another eight years to complete the restructure of the land divisions, in which time parts of the island had been completely resurveyed. The system was completely changed in 1831, as all land grants were cancelled and re-evaluated. Almost all future land acquisition was to be by auction, rather than grant, and a Caveat Board was formed to settle disputes.\footnote{West, \textit{The History of Tasmania}, 110–13.} Despite his best efforts, however, there were still accusations of corruption made against the survey office during this period of improvement.\footnote{H Melville, \textit{The History of Van Diemen’s Land: From the Year 1824 to 1835, Inclusive; During the Administration of Lieutenant-Governor George Arthur}, G. Mackaness (ed), Adelaide, 1967, pp 116–17.}

In 1837 Frankland wrote a history of the Survey Office for the new Lieutenant-Governor, John Franklin. As he would tell it, prior to his governance of the Office (beginning in 1828), there was a ‘carelessness of system’ characterising the entire land granting and surveying process.\footnote{Frankland, \textit{Report on the Transactions of the Survey Department}.} The suggestion, not unwarranted on the evidence, is that Frankland was entirely responsible for coaxing the system into respectability. He was answerable to Lieutenant-Governor Arthur, who insisted on a new regime of accountability and structure.

As access to land tightened, accusations of corruption increased. The allegations made were not, however, straightforward accusations of accepting money for larger blocks. They are entwined in arguments about inadequate pay and fringe benefits—provision of a forage allowance for Evans’ horse, gifts from grateful settlers.\footnote{Jones, \textit{Backsight}, pp 29, 35, 44.} Henry Melville derided the system, suggesting that only those settlers who were ‘friends’ or brought ‘a hogshead of wine, a piano-forte, or a harp, or such like present’ would receive any help from the Survey Office. Indeed, he accused the Office outright of obstructing those who were not favourable.\footnote{Melville, \textit{The History of Van Diemen’s Land}, pp 116–17.} When Sorell told Bathurst he had received no instructions from Macquarie in the three years since 1821, he was also attempting to defend his actions and mitigate any ill-informed instructions he had given.\footnote{Sorell to Bathurst, 24 August 1824, HRA III (iv), p 564.} Melville, a noted critic of Arthur, accused him of profligacy in the years immediately preceding 1831 changes. According to Melville, the Lieutenant-Governor would ‘resume’ land from absent landholders, taking it to give to his allies and friends.\footnote{Melville, \textit{The History of Van Diemen’s Land}, pp 117–21.} The numbers certainly suggest that Arthur was generous to say the least, West calculated that 205,000 acres were
granted in response to the rumours about the imminent end of land granting.\textsuperscript{45} Not all blame was, or can be, placed directly at the feet of the surveyors, however. One of the first Tasmanian historians, John West, gave an example of an abandoned 1823 grant, given by Sorell to another settler who spent a substantial £3000 on cultivating it. Fourteen years later the original grantee returned, and claimed it as his own.\textsuperscript{46} The individual settlers living on the land played a significant role as well.

\textbf{Accidental Expansion}

In the early years, the colony underwent a process of ‘accidental expansion’, as the settlers moved out into the Crown land around their grants. The surveyor Harris was at times working against the settlers; there are a number of instances of settlers pushing out their own boundaries into the grants of their neighbours, leading to intense disputes. On one occasion, John Terry discovered that Richard Barker had taken in several hundred acres of Terry’s own land at Macquarie Plains, near New Norfolk. Barker felt entitled to, as he had purchased the land from John Ford, and found it deficient.\textsuperscript{47} He placed at least one public notice in the \textit{Hobart Town Gazette} cautioning potential trespassers, and notifying the broader community of the change in ownership.\textsuperscript{48} Although Barker’s action may have been intentional theft, which will be discussed shortly, the deficiency may have stemmed from accidental expansion by Terry (or accidental mismeasuring by Ford).

Although not entirely blameless, Harris and his successors were held accountable for factors beyond their control. New settlements, such as New Norfolk, were often surrounded by thousands of acres of ‘unclaimed’ Crown land.\textsuperscript{49} Accidental expansion was a product of a low population and small grants—as there was plenty of space and low competition it was accepted that settlers would extend grazing into the surrounding Crown land, and inversely considered a matter for concern as these lands were privatised:

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\item \textsuperscript{45} West, \textit{The History of Tasmania}, pp 109–15.
\item \textsuperscript{46} West, \textit{The History of Tasmania}, pp 110–13.
\item \textsuperscript{47} McKay, \textit{Journals of the Land Commissioners for Van Diemen’s Land, 1826-28}, p36.
\item \textsuperscript{48} ‘Public Notice’, \textit{Hobart Town Gazette}, 20 May 1826, p 4.
\item \textsuperscript{49} Meehan and Evans, ‘Monmouth 3’.
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‘there are many to whom it would be death to be confined within the limits of their own grants, abridging so materially as it would, the advantages they enjoy by the full liberty of grazing upon Crown land . . .’

But even for the best intentioned grantee locating the physical edges of a property could be difficult. Boundary lines were marked with notched or painted trees, and landholders relied on local knowledge to maintain them (Figure 4). Public notices cautioning against trespass noted that the boundaries were ‘known to Stock-keepers’, or list them according to neighbouring properties and landmarks. Twenty years after the arrival of the British, Commissioner John Bigge reported a conspicuous lack of fencing—‘except upon an estate of Colonel Davey and one of Mr Lord, I did not observe a single fence.’

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50 ‘Miscellany, Original and Select’, *Hobart Town Gazette*, 2 December 1826, p 4.
52 ‘Classified Advertising’, *The Hobart Town Gazette and Southern Reporter*, 10 August 1816, p 1; for more discussion on informal boundary markers, see Chapter 3 in Drown, ‘An Apparatus of Empire’.
Figure 4: Gamaliel Butler’s property on the River Derwent. Inset: detail of trees marking the boundary.\textsuperscript{54}

Information may have been deficient on the ground, but for the first two decades surveys were often also rough and inaccurate. Frankland noted the casual manner of measuring grants before the reforms of the 1820s: ‘Until the year 1825 … the side lines were seldom measured many

\textsuperscript{54} Woodward, ‘Buckingham 59’.
hundred yards beyond the river bank. It was left to the tho [sic] fencers to produce these lines to the rear…”

In these formative years the surveyors were overworked and under-skilled, but also uninterested in precision.

**Bending the Rules**

By the 1820s, however, a new story was emerging with the arrival of free settlers. At this point the landholders started to manipulate the system in earnest, striving to get the most from rapidly diminishing Crown lands. The island of Tasmania consists of nearly 17 million acres of land, a mere 0.3 per cent of which had been granted by the end of 1816—approximately 50,000 acres. By 1823 Sharon Morgan calculates that a further 525,184 acres had been granted out, making a total of three per cent granted by the early 1820s. Calculating according to the amount of land present is misleading, however, as even today Tasmania has large areas that are inaccessible. In 1825 when describing the land a recently arrived Governor Arthur wrote of the country between Hobart and Launceston that ‘within this space, the Land is generally very fine, and some other portions are inviting; but all the Country to the Westward is very mountainous, the climate severe, and during five Months of the year covered with snow …’ But this is not a concession of defeat, he assured Bathurst, it too could be ‘subdued by industry’. That has never happened.

The rate of expansion tells a more accurate picture. Jumping from an average grant size of 97 acres in 1813 to 155 in 1817 and 430 in 1823 the system was reliant on the government opening areas of land for settlement. By 1820 new arrivals were writing home complaining that ‘all the best lands in the intermediate distance are granted.’ What they were actually referring to, however, were the officially ‘opened’ areas. In 1821 the River Clyde was made available for European settlement, the town of Bothwell established, and the pressure briefly alleviated. The reprieve was only short, and the settlers returned to bending the rules to expand their holdings.

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56 Sharon Morgan calculates 49237.5 acres, based on lists at LSD354 (TAHO), but several unlisted grants have also been identified in the course of this research, making 51165 acres (Morgan, *Land Settlement in Early Tasmania*, p 13).
58 20% of the island forms the Tasmanian World Heritage Area.
59 Arthur to Bathurst, 10 August 1825, HRA III (iv), p 315.
61 ‘William Williamson Letter to His Sister Agnes’, 16 December 1820, TAHO NS14/1/1.
As the Europeans adapted to the agricultural conditions in Van Diemen’s Land, their perception of the land’s potential also transformed. This is illustrated in a dispute that broke out between settler William Effingham Lawrence and Arthur, after the latter discovered Lawrence had been granted significantly more than was permitted—8000 acres granted by Sorell when Macquarie’s instructions did not allow for more than 1000 acres. Lawrence argued he had been given 2000 acres, plus 2000 in reserve, and his brother had received the same. His brother, however, never arrived in the colony, and Lawrence co-opted all 8000 acres for his own use, plus an alleged extra 4000. Scott informed Arthur that he had measured the grant, and was aware of its increased size, but was merely following the orders of Evans. Sorell, meanwhile, suggested that perhaps the 12,000 acres was merely a survey of the area, not intended as a grant specifically for Lawrence. In the discussion that follows it becomes apparent that common practice (or a common excuse at least) was to exclude marsh and swamp lands, from the total acreage.

In Britain, such land was considered ‘bad’ (and is named as such in Arthur’s letter). In the Van Diemonian climate, however, it provided various resources, including water and grazing for stock in the summer months. In the South Australian colony, for example, it was recommended that an aspiring pig farmer should move ‘away from the town’ and choose ‘some rich piece of ground adjoining a swamp or good run’ onto which they could turn their pigs out in the day. In the evening the farmer need only feed them a ‘cob or two of corn’, and the end result would ‘astonish anyone’. Westmorland 31 shows Lawrence’s property, complete with a corn swamp by one marshland, and improving drainage works in another. It would seem that he was determined to make the most of his bounty.

By retaining British language, however, these settlers used the ‘bad land’ imagery to claim extra acres that actually enriched their properties. The surveyors were familiar with farming

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62 Arthur to Bathurst, 3 March 1827, HRA III (v), p 537.
63 Extract of a Letter from Colonel Sorell to Mr Evans, 26 July 1826, HRA III(vi), p 181-182.
64 Thomas Horton James, Six Months in South Australia: With Some Account of Port Philip and Portland Bay in Australia Felix; with Advice to Emigrants, to Which Is Added a Monthly Calendar of Gardening and Agriculture Adapted to the Climate and Seasons, London, 1838, p 127.
methods in the colony, and they were probably aware of this deception, but they were also land-holders and therefore unwilling to disillusion the higher powers.

**Theft**

On 26 November 1826, the Land Commissioners were examining the area around New Norfolk, twenty kilometres north-west of Hobart. In one day they found several cases of land acquisition that might be classified as theft. In one instance, Mr Jarvis had a legal claim over an acreage on the road leading into New Norfolk, close to Sorell Rivulet, but the Land Commissioners discovered it was occupied by Williams. Not only was he living on the land, he also had a legitimate grant for the same property. However, the plot thickened when it was observed that the land did not fit the description given on Williams grant at all. Roderic O’Connor, the primary author of these journals, declared this was ‘more food for the lawyers’.66

By the 1830s Williams and Jarvis can be seen on charts as neighbours, the dispute having apparently been resolved.67

Despite their despairing comments about these occurrences, the Land Commissioners do not seem surprised by them. Several years later, the *True Colonist*, a colonial newspaper reported that people had been manipulating the very landscape in order to add to their properties:

> We know many…cases in various parts of the Country, where the courses of brooks have been turned, and the boundaries of estates altered by one man, cunningly and quietly throwing great, trees, roots, and other rubbish into the bend of a brook, where the property on the other side happened to be unimproved, and the encroachment consequently unobserved until a new water-course was so completely formed, that it was impossible to trace the old one, after the bank had been improved.68

Where previously settlers had taken in extra acres by simple expansion, increasing population and grant sizes led them to find more ingenious ways to add to their land holdings.

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By 1830 the system was in chaos, with arguments increasing over these inaccurate boundaries. In 1831 Arthur adopted the recommendation of the Crown Solicitor Alfred Stephen, and declared that all existing grants were invalid and needed to be reviewed and re-granted to the rightful possessor by the commissioners, Frankland and James Simpson. It is probably through this mechanism that the confusion about Williams’ and Jarvis’ properties was resolved. The commissioners usually found the landholder to be the person living on the land who had ‘reputed ownership’, although their decisions could be taken to a jury in the case of disagreements. The practical outcome was that many individuals who had adopted cunning methods to acquire extra land were able to keep it.⁶⁹

Conclusion

By 1832, the Survey Office of Van Diemen’s Land had gone through enormous transition, from one assistant surveyor, an Irish convict, based out of a tent and making charts ‘principally taken by the Theodolite’, to a team of surveyors scattered across the island with assigned convicts and equipment in tow.⁷⁰ In the twenty-nine years since the arrival of the British at Risdon Cove, the department had measured hundreds of thousands of acres, some multiple times, and travelled the length of the island. Some areas were still unexplored—even today the south-west remains difficult to access—but under enormous physical pressure and with a punishing perseverance the surveyors nevertheless fulfilled their duties throughout it all.

The work of the colonial surveyors was flawed, but they were also hindered by the actions of the settlers themselves. Initial optimism filled Meehan’s chart, as he competently explored the banks of the Derwent River. Harris travelled further into the unknown surrounds of Hobart Town, but what he lacked in competence he made up for in obstinance, and he is remembered as an argumentative fool, his work overshadowed (and lost). His successors had experience and bureaucratic respect, but were overwhelmed by the sheer size of the job before them. Meanwhile, the Europeans venturing out across the island were casually expanding beyond their official acreages, unconcerned by land pressure.

This changed with the arrival of the wealthy free settler unencumbered by a convict past. As vast grants became the norm, Van Diemen’s Land appeared to be filling up, and settlers

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⁷⁰ King to Collins, 8 January 1805, HRA III (i), p 302.
employed new means to gain what they considered to be suitable quantities of land. By
manipulating British ideas of productive land and physically reshaping the landscape, they
were able to improve their circumstances in the colony, although often to the detriment of a
neighbour.

By the late 1820s there appears to be no excuse remaining for inaccurate surveys. And yet they
continued, with inaccurate boundaries and measurements preserved for years to come.
Frankland’s office was far more capable of timely, reliable and accurate work than Meehan’s
or Harris’, but it was still hindered by problems of the real world, especially the actions of
settlers.

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