Major Mitchell’s bumpy road to Bathurst

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Abstract

The establishment of a permanent road system extending from Sydney to the north, west and south was the major infrastructural development in New South Wales of the period from 1825 to 1840. By 1830 the original road across the Blue Mountains had been considered dangerous and inconvenient for wheeled transport for many years. Built prior to advances in road making theory that were to inform the construction of later lines of road, Cox’s Road had become an important highway as European settlement spread westward. Although several alternatives had been tried a less precipitous descent remained a constant on the agenda throughout the 1820s.

Thomas Mitchell’s line of road to Bathurst involving the construction of a pass down Mt Victoria took place in an environment fraught with political and practical conflicts. The breakdown of the relationship between the two most powerful authorities in the colony, the Governor’s office and that of the Surveyor General, over the management of the road-works and the control and penal supervision of the convict labour force had particular repercussions for the efficiency of the road making process. This conflict was impelled by pressures from Britain emanating from the transportation and penal reform debates.

Governor Darling, Surveyor General Mitchell and the Mt Victoria descent

In November 1827 the then Deputy Surveyor-General, Thomas Mitchell had reported on possible lines of communication between Sydney and Bathurst and he recommended a new line of descent from Mt York. Work on the new descent was commenced under Major Edmund Lockyer in 1828. However, after an inspection of the line of road in early 1830, Governor Darling complained that there was ‘considerable deviation from the direction intended’ and that it would be difficult for heavy drays. He instructed Mitchell, who by then held the position of Surveyor-General, to correct it. Mitchell re-examined the route and decided on yet another line of road ‘along the tongue southward of Mt York’. Despite being under instruction from the Governor to mark out the entire line and to seek approval prior to commencing work, Mitchell ordered the removal of ironed gangs from Mt York to commence immediately at the new locality which he had named Mt Victoria. Such open defiance of the governor, who was the ultimate authority in the colony, had not been experienced since the military rebellion against Governor Bligh. Mitchell, as the Surveyor General, was the head of a crucial department in terms of infrastructure development but in terms of the administrative practice to date was answerable to the Governor who, in turn, was answerable to the Colonial Office in Britain.

The change in plan came as a surprise to Darling and he insisted that the new descent of Mt York to Collit’s Inn be completed and the work at Mt Victoria be discontinued. Darling laid down the general principle that:

unless the disadvantages of any existing line of road are of a very serious nature, it is better, under present circumstances, to put up with them than commence a New Line, which cannot be completed but at considerable expense, and the abandonment of which has been accomplished at the Cost of years of Labour.

Darling and Mitchell had enormous scope for disagreement. The new descent from Mt Victoria, while promising to be of an improved gradient, also entailed expensive cutting and the formation of enormous walls. Mitchell quickly challenged the Governor’s authority over areas that Mitchell considered to be part of his jurisdiction. Citing his expertise, he defied the Governor to find a line superior to his. Determinedly noting that he had been placed in charge of the roads department by the Secretary of State, Sir George Murray, Mitchell stated that if the Governor insisted on the abandonment of the new works, then the matter was to be referred to the British government for adjudication. He argued that the Mt Victoria descent had to be adopted because it was shorter, straighter, ran over drier ground and was of better gradient than any other lines that had been proposed.

Darling was concerned about the waste of effort and funds that had been expended on modifying the line from Mt York. Mitchell however, remained obstructive. In September 1830, Darling capitulated and gave permission for the Mt Victoria descent. At that time, Darling was attempting to cut costs by reducing the number of convicts in government employment, using only the worst offenders in the gangs, convicts whom settlers were unwilling to take on assignment. Darling’s attitude to Mitchell’s unilateral decision to discard years of investment without clearance from the Governor, who was ultimately accountable to the authorities in Britain, has to be understood within the context of the agenda of the British administration. That agenda was cost minimisation and the implementation of the penal reform philosophies of punishment, deterrence and reform. Goals, which in their implementation, were at times contradictory.

Scientific road making and its implementation in the colony

The construction of a viable road from Sydney to the western plains occupied some of the best engineering and surveying minds in the colony in the 1830s. However, the work marred the careers of the intrepid and multi-skilled surveyors, who, in tackling the task, were expected to serve as engineers, magistrates, architects, managers and accountants. The exigencies of the administration, of security and military requirements and of convict resistance, together with conflict between the surveying department and Governors Darling and Bourke, all conspired to thwart endeavours to expedite construction.

Road making as an engineering discipline was given a development fillip in the early years of the nineteenth century when a number of House of Commons select committees investigated means of improving road design and construction in Great Britain. In 1819 Thomas Telford gave evidence which emphasized the need for drainage, minimum convexity and the
John MacAdam advocated the use of drains and culverts and in agreement with Telford, graduated layers of broken, angular stones rising to the surface. With no institute for the training of road engineers in England, civil engineers in this field were trained on the job. They included a number of surveyors who oversaw road construction in the colony. Assistant Surveyor Lambie, who supervised work on the Western Road in 1831 had worked with MacAdam in Great Britain. Assistant Surveyor Elliot, who also worked on the Western Road, had been recommended by Telford. David Lennox, who was engaged to design the bridge over Cox's River at the site of the No. 2 Stockade, had been trained by Telford. The appearance of MacAdam’s Remarks on the Present System of Road Making in 1824 also added to a broader understanding of the process. Charles Darwin, who travelled along the Western Road in January 1836, noted the MacAdam principles employed in the colony. Scatters of large angular stones, still to be seen, along the line of road above Rydal (Solitary Creek) are evidence of this practice as are the series of cuttings, drains and culverts as the road rises westward from the Cox’s River crossing at the No. 2 Stockade site.

Contemporary road design theory called for roads to be straight, level, smooth and hard. The best roads were those that crossed the shortest distance between two points, subject to obstacles, existing towns and traffic requirements. The steepness of a road was at times considered to be a higher imperative than straightness, the expense of cutting through hill sides was also a factor in the best road design. Roads that contoured along the slope were superior to those with a direct descent. Ideally, the construction process was to avoid large geological formations wherever possible, but ultimately the line was a matter of compromise between practicality and cost. While Mitchell was adept at using any argument that would suit his purpose and justify his decisions, he had a strong preference for straightness.

However ‘scientific’ the road making, the constraints of the reform and punishment ideology of the penal system ensured that, while lasting infrastructure was eventually created, it was a slow and tedious process. Construction efficiencies were hampered by penal concerns associated not only with security and discipline, but also convict welfare issues, for which the assistant surveyors were often held accountable, yet had only limited powers to control.

Convict management and road making – incompatible bed fellows

The distribution of works planned by Mitchell at the outset of construction in 1830 was aimed at efficiently deploying and managing the workforce. However, variations of numbers in gangs throughout the 1830s ensured that the workforce was rarely at full strength or deployed with optimal efficiency. Prisoners moved in and out of the gangs according to sentencing provisions or through transfers to reward behaviour as part of penal policy. Variations occurred as men’s sentences expired or were extended, or illness or promotion resulted in transfers. It was a system in which when operating as intended, convicts could improve their position. Simultaneously, task and labour requirements were constantly variable yet penal classification provisions, in the separation of classes of prisoners – for example the less mobile ironed gangs and the freer road parties – frequently ran counter to their most effective deployment. In many instances the most effective utilisation of these gangs was in a complementary capacity in close proximity, but this was not allowed. Unhelpfully, the security provisions of an inflexible military guard were invariable and further impeded efficiency.

With the military requiring the ironed gangs to be worked in groups of 25, construction of a culvert which required only six men, left 19 unemployed, and kept progress to a snail-like pace. Attempts to adapt to this requirement by using un-ironed men to work in association with the ironed gangs were thwarted because the mixing, of ironed and un-ironed men, was entirely undesirable from a penal reform perspective; the separation of various classes of prisoners had to be strictly maintained. This tension between the ideal and the ‘on ground’ necessity was a constant of the Western Road system and was a practical impediment to the works.

The operation of penal discipline and particularly security as well as regulations for convict welfare were overriding concerns in the management of the road gangs on the Western Road. Ironed gangs, for example, were only allowed to work at a distance of less than three miles from their accommodation. For iron gangs this accommodation had to be stockaded and was therefore a substantial infrastructure investment. When Assistant Surveyor Nicholson moved the iron gangs from No.1 Stockade Mt Victoria to No.2 Stockade Cox’s River the prisoners celebrated with a riot and badly damaged the new accommodation at the No.2 Stockade. Nicholson repaired it with materials removed from Mt Victoria believing that Mt Victoria Stockade was redundant. But the collapse of a wall at Mt Victoria necessitated its reoccupation and it had to be rebuilt, a process he anticipated would take at least three months. The substantial No.2 Stockade Cox’s River was intended to improve efficiency by retaining the heavier security arrangement in this one location. The problem was the restrictions on the distance gangs could be marched and the type of work required in the vicinity. A move back to Mt Victoria would resolve the distance issue, but prisoners from Cox’s River were unlikely to be happy in the less spacious housing available at Mt Victoria, so that more destructive, riotous behaviour could be anticipated.

Deployment of men between gangs and road parties and along the road remained an issue. Assistant Surveyor Dulhunty was struggling with insufficient numbers in the road parties in late 1835 when he complained of:

having no authority whatsoever with respect to disposal of the ironed Gangs ... the principal part of the labor employed upon the line of Road is centred in the Iron Gang at Cox's River over the movement of which I have no control.

The construction of the Western Road was a balancing act, mediated by cost, which compromised construction, welfare and penal outcomes. A cycle of numerous re-workings of sections of road, previously thought complete, and constant maintenance of penal housing and security typified the works. The expenditure of labour on penal infrastructure was necessary due to their location in an area that was sparsely and only recently settled by Europeans. By comparison, in Great Britain, roads were often constructed over those built by the Romans, through populated landscapes dotted with villages and towns that had seen the use of wheeled transport for at least 2,000 years. Compounding the conflict between the road making and penal ideologies on the Western Road there were problems of isolation and, in European terms, a raw,
rugged terrain. The substantial investment in penal welfare infrastructure is evident at Site A2 of the archaeological investigation at No. 2 Stockade Cox's River. This site consists of extensive artificial terraces behind a stone retaining wall, created to support the construction of the hospital. The construction of these substantial structures was undertaken by convict labour, intended to be employed on road works.

It is not surprising that such large investments of labour prompted complaints by Mitchell, who was anxious to see the road constructed. Further adding to his irritation, he found that No. 2 Stockade had 'been placed precisely on the line of road as it would approach the bridge to be made over Cox's River, so that it must be removed before the work there can be completed'.

**Quality control – convict overseers**

The assistant surveyors were largely dependent on ticket-of-leave overseers for the implementation of the work. The overseers were sometimes difficult men who indulged in petty politics of their own. Their precarious status as convicts made them vulnerable to the vagaries of penal justice and had the potential to complicate their employment on the Western Road. The effect was reduced consistency and continuity in the management of the road gangs. For example, No.6 Iron Gang and No. 2 Iron Gang, which were stationed at Mt York in 1830 were under the alternating immediate supervision of overseers Christopher MacDonald and William Bruton. In early 1830 Bruton assaulted MacDonald in a disagreement over the exchange of gangs. As a consequence, Bruton was deprived of his ticket-of-leave and became ineligible to retain the position of principal overseer of a gang.

Despite the protestations of Lieutenant Kirkley who was in charge of the works, that MacDonald was the original aggressor and the assertion that Bruton was 'one of the best overseers I have on the mountains', Bruton was sacked.

Another example of the inconsistencies and frustrations involved in the management of a convict workforce is presented by Assistant Overseer John Skenne. About the time of the Bruton-MacDonald altercation, Skenne was found using a government cart to transport settler George Cox's wool. Yet, after Bruton's dismissal Skenne was promoted to overseer of No. 2 Iron Gang and later took charge of No.9 Road Party. This party, while under his supervision, was responsible for numerous robberies at Mt Victoria. They were renowned for their poor behaviour and the subject of a lengthy, but ineffective, diatribe to the Governor by Mitchell in October 1833. Skenne married the daughter of Collit, who was opposed to the abandoning of the Mt York descent and to whom Mitchell had a particular antipathy. To Mitchell's annoyance Skenne, with the assistance of Collit, later established an inn at the foot of Mt Victoria within range of the gangs working there. Skenne, Mitchell, with the power and status of Surveyor General, was unable to prevent it.

On other occasions effective overseers were 'set up' to lose their jobs and more seriously, their liberty. On 15 November 1834 Ephraim Whiting, the overseer of the Bridge Party, was in Assistant Surveyor Nicholson's opinion, falsely charged with highway robbery. The charge was referred to the court at Bathurst, Whiting was convicted and a new overseer had to be found.

Despite the opening of Victoria Pass in November 1832, construction on the pass continued over the next six years. The regulations concerning the management of convict labour prevented the assistant surveyors and the Surveyor General from managing the work force as effectively as possible. In an April 1832 submission to reform work practices, Surveyor General Mitchell drew on issues that were part of the broader transportation debate in Britain. If a sentence to work on the roads was, in effect, a sentence condemning a prisoner to hard labour, then it was hardly just, argued Mitchell, that some should be allowed to do nothing while others were worked hard. Inequities were evident in the number of prisoners exempted from hard labour who worked as assistant overseers, delegates, watchmen, stockkeepers, bullock drivers, hut keepers, cooks and messengers. There was the counter penal argument however, that such positions offered the opportunity to reward good behaviour and provided an incentive to prisoners to reform.

**Governor Bourke's reforms and the military presence on the Western Road**

Governor Bourke, who came to power at the close of 1831, was in favour of further increasing the military's control of the convicts and during his administration gradually enhanced their power until full responsibility for road construction was transferred to them. In the interim, continued wrangling over control of the road construction process and the supervision and management of the convict workers characterised the construction process. The conflict was a constantly debilitating factor that undermined the efficiency of both infrastructure development and penal policy. For example, when Captain Church, commandant of the military detachment at Mt Victoria, attributed the escape of two convicts to the negligence and disobedience of orders of Overseers George Morley and Thomas O'Neill, Governor Bourke ordered that both were to be sacked. Assistant Surveyor Nicholson was sympathetic to the position of the overseers who were responsible for the daily implementation of works, which in his view, were hindered by the military. The ironed gangs were required by the military to be worked so closely together that they could not be efficiently deployed. Worse, despite the military's sole responsibility being only to watch the men, the overseer, whose role was to direct and guide the works, suffered greater penalties than the soldiers should an escape occur. The soldier, said Nicholson, lost his ration of grog, but the overseer lost his job. In Nicholson's opinion, the best overseers were the most vulnerable on this count due to their greater practical involvement and interest in the work. The loss of good overseers and the difficulty of finding competent replacements further delayed progress. In his words, 'the fact is that the military who have only to watch the men throw the blame of every escape on the overseers'.

Relations between the surveying department and the military were often strained. The military viewed their involvement with the convicts as degrading and they were adamant about the limitations to their involvement and the degree of responsibility they would accept. The assistant surveyors were often bypassed by the military when problems arose in situ. This situation was not appreciated by the Governor's office, which expected those 'on the ground' to work out the logistics of the work process. From an assistant surveyor's point of view, the attitude of the other departments made this difficult. Even when there were no complaints concerning security, there were
issues concerning the state of the accommodation and the slow progress of the road. The issues were exacerbated by the acrimonious relationship between the Governor and the Surveyor General. With the Governor’s office alienated from that of the Surveyor General, the military could generally rely on the Governor’s backing.

Continued marginalisation of the Surveyor General’s department

In September 1832, Bourke further segmented control by placing the overall supervision of the gangs under the control of the Principal Superintendent of Convicts. From then, the surveying department was to be responsible only for supervising road construction and facilities maintenance.29 From Mitchell’s point of view as Surveyor General, tensions between the demands of the surveying department concerned with road construction, the military concerned with security, and the superintendent of convicts concerned with welfare and reform, lengthened and complicated the road building task. The evidence of Lieutenant Colonel Breton, a regimental commander in New South Wales in the early 1830s, to the Select Committee on Transportation in 1837 provides an insight into the attitude of the military, their arrogance, their ambiguous view of their role and their resistance to the perceived demeaning of their status from soldier to gaoler. The difficulties such attitudes posed when expressed on the ground in the course of work were considerable. While acknowledging that the gangs were under civil overseers, Breton’s contradictory evidence overstated the military’s responsibilities, claiming they were head managers with overall superintendence. However, when it came to responsibility for escapes, or the convicts going into public houses, or refusing to work, he was cautious, stating that the instructions were:

unclear on that point... I said I would have nothing to do with the convicts beyond the mere circumstance of guarding them.30

Under Breton, the duty of a soldier was fulfilled if a full complement of prisoners was returned at the end of the day. His soldiers guarded but did not speak to them. Nor would he allow them to be involved in the retaking of absconders as he saw this as the responsibility of the mounted police.31

Problems with the arrogant attitudes of the military plagued the system until the transfer of responsibility for road works to the Royal Engineers in 1837. In one of the last confrontations in late 1836, Overseer Taylor of the No. 11 Road Party, a free immigrant and, according to Deputy Surveyor General Perry, one of the best overseers in the country, was dismissed because he had failed to salute Major Messiter. That the major was not in uniform, but dressed in leathered overalls and a straw hat, was unknown to Taylor and had addressed him abusively, was beside the point. Taylor was accused of having ‘put his hands in his pocket’ and ‘assumed an insolent air’. In a creative argument Perry pleaded for Taylor’s reinstatement on the basis that Taylor was naturally uncouth and therefore had not been deliberately insulting.32

Works were on-going over the following year and in August 1836, Dulhunty requested that the depleted iron gangs at Bowen’s Hollow and Hassan’s Wall be brought up to strength from the iron gang at Cox’s River, where the road was ‘tolerably good’.33 Yet, in January 1834, two years earlier, it had been pronounced that work there was ‘almost’ completed. It clearly was not. In late 1836 Bourke transferred responsibility for construction of roads and bridges from the Surveyor General to the Royal Engineer and announced that the only road gangs to be used in the future would be those in irons.34

Conclusion

During the construction of the Western Road there were numerous tensions which hindered its completion. Such tensions include:

- The Surveyor General’s desire to build lasting roads and the pressure for roads to be expeditiously completed.
- The conflict between the labour requirements of the road making process and the requirement to implement current penal methodologies.
- The challenge of motivating and controlling a workforce suffering a sentence of penal servitude.
- The management conundrums created by split jurisdictions within which there was no culture of co-operation or sense of a common achievable goal, that is, the construction of the road. This was most pronounced, between the convict, military and surveying departments, but could also include the commissariat, public works and hospital departments.
- The logistical problems of providing adequate and secure housing and supplies for the convicts, military guard and civil administration drawing on the same workforce that was allocated for roadworks. And
- Pressures from Britain to keep the costs of the penal system to a minimum.

Significantly, however, it was the conflict between the two key government officers, the Governor and the Surveyor General that underpinned the damaging impact of these tensions to the success of works. This was a situation fuelled by Mitchell’s quest for recognition and power. Mitchell had won the initial battle with Darling. But his recourse to intervention by the administration in Britain meant that Governors Darling and Bourke were wary of him and a relationship of distrust developed between the two most important departments of government. Over the history of the road’s construction, Mitchell’s control was incrementally eroded by administrative changes which curbed Mitchell’s power and authority under the auspices of refining the system to better meet the penal reforms and security provisions demanded locally and in Britain. Other issues noted above, such as the attitude of the military and the superintendent of convicts who showed little sympathy for the road building enterprise, also played their roles. To a large extent this was because the surveying department lacked the support and confidence of the Governors and, as a consequence, other departments were disinclined to work proactively with the road makers. The prerequisites of road building were never a dictating factor in reforms to the road gang system which were imposed from outside the Surveyor General’s department, but rather it was the management and control of the convict work force that had priority. This situation compromised the efficiency of the road building process.

Surveyor General Mitchell to whom the Assistant Surveyors were answerable had a vision for the Western Road and the engineering skills to see it implemented. But he was unable to grasp the significance of pressures emanating from Great Britain. These arose from the penal reform and transportation debates and were augmented by the burden of heavy cost constraints. This failure led to his professional estrangement from the Governors and within the broader bureaucracy of New
South Wales and precluded the more co-operative addressing of road construction issues.

Although the Royal Engineers did not suffer the disadvantages arising from Mitchell's alienation within the New South Wales government, no road making plan for the Western Road was able to be 'efficiently' implemented, in terms of speed and construction costs, in purely road making terms. This was because the 'on ground' reality of cost constraints arising from the penal reform and transportation debates and the necessity to appease the penal agenda of secure reform, punishment and determinacy were at odds. The contradictions in requirements for both efficient road making and penal practice, were insurmountable in the political circumstances pervading at the time.

Nevertheless, the road makers laboured under an expectation of efficiency on all fronts. These expectations loomed over the assistant surveyors managing the works for the duration of the enterprise. They coloured all aspects of the work and experience on the road, not only for the assistant surveyors, but for the convicts and the civil administration as well. The efficiency and costs of the enterprise were under constant critical scrutiny.

Ultimately the road took far, far longer to construct than was remotely contemplated in 1830. Yet, a case can be made that, if reasonable fiscal allowance was made for both the penal function and the infrastructure development function of the enterprise, then it was a good deal more efficient than was credited by its critics.

References

Clerk of the Peace, Quarter Sessions, Depositions and Other Papers, Bathurst, 4/8369, R.2395.
Colonial Secretary, Copies of Letters Sent to Surveyor General, Jan - July 1829, 4/3905, R.3014.
Colonial Secretary, Copies of Letters Sent to Surveyor General, May - Oct 1830, 4/3906, R.3015.
Colonial Secretary, Copies of Letters Sent to Surveyor General, 13 Mar 1832-7 Sep 1832, 4/3912, R.3016.
Colonial Secretary, Papers Regarding Bathurst and Southern Roads, COO 207.
Colonial Secretary, Copies of Letters Sent to Surveyor General, 6 Sep 1832-15 Feb 1833, 4/3913, R.3017.
Fletcher, B. Ralph Darling A Governor Malignant, Oxford University Press, 1984, Melbourne.
Foster, William C., 'Men at Work', Penal Ideology and Nation Building on the Great Western Road, HAAH, Sydney, 2005
Rosen, Sue, 'Men at Work', Penal Ideology and Nation Building on the Great Western Road, HAAH, Sydney, 2005
Surveyor General, Road Gang Reports, 1827-1830, 4/2699, R.590.
Surveyor General, Copies of Letters Sent to Colonial Secretary, 7 Jun 1831-17 Nov 1832, 4/5398, R.2389.
Surveyor General, Copies of Letters Sent to Colonial Secretary, 7 Feb 1836-20 Dec 1836, 4/5402, R.2840.
Surveyor General, Letters Received from Surveyors, Duhunty, 1832-1837, 2/1562, R.3063.
Surveyor General, Letters Received from Surveyors, Nicholson, 2 Jan 1830 -25 July 1831, 2/1561, R.3090.
Surveyor General, Letters Received from Surveyors, Nicholson, 14 Feb 1832-22 Dec 1834, 2/1562, R.3060.
Surveyor General, Register of Letters from Roads Branch to the Surveyor General, 1833-1836, 4/3905-1850, 2/4147, R.2904.

Endnotes

1 For the full story see Sue Rosen, 'That Den of Infamy, The No. 2 Stockade Cox's River' An Historical Investigation into the Construction, in the 1830s, of the Western Road from Mt. Victoria to Bathurst by a Convict Workforce', PhD Thesis, University of Western Sydney, 2005.
3 NSW Govt. Sec., Copies of Letters Sent to Surv. Gen Land Board etc., 4/3907, pp. 31-43, R.3015.
4 Mitchell, Diary entry, 4 June 1830 cited in Foster, op. cit. p. 140.
6 NSW Govt. Sec., Road Gang Reports, 1827-1830, CSG 13792, 9/2699, R.590.
7 Mitchell to Darling, HRA, Series I, Vol. XVI, pp. 141-142.
8 Foster, pp. 140-142; Brian Fletcher, Ralph Darling A Governor Malignant, Oxford University Press, 1984, Melbourne.