



Chapter 5 - A Prudent Man

(1772 – 1810)

Not long after the Brown family arrived in the colony they met and became friends of James Chisholm, a non-commissioned officer of the New South Wales Corps. Given James later showed an inclination to make the acquaintance of fellow Scots; it is very likely that he would have quickly become aware of the newly arrived Brown family in Sydney Town. After all, the population of Sydney town was very small, and the town's cricket ground, where the family may have been temporarily accommodated, was not far from his Spring Row property. James Chisholm may have even been aware of their impending arrival because of some correspondence?

James was the younger son of John and Isabel (nee Wilson) Chism. For the birth of his brother, sister, and his birth, James' family consistently spelt their name 'Chism'. James was born on 24 January 1772 in the village of St Martin, Mid Calder, near Edinburgh, Scotland. James was baptised on 1 February 1772. When he came into the world, James already had a sister and a brother: Elizabeth, born 27 June 1768; and Alexander, born 10 June 1770.¹⁰⁹

He enlisted in the 29th Foot Regiment in 1788 at the age of 16 with a letter of introduction from Captain Walter Sandiland (his foster-father, Lord Torpischam, 9th Baron). James' occupation on enlisting was "tailor", and his height "5ft 7 inches". Tailoring was the trade for which he was employed during his military career.

On 11 July 1790, James volunteered to join the NSW Corps. On 14 October 1790, James (only 18 years old) arrived in Sydney on the CT Britannia.

In 1791, he encamped in a 'spot' among the trees that was to remain his prime place of residence for more than 40 years. In 1793, James aided Surveyor Baron Alt, to survey six lots of land for houses for members of the Corps:

- | | |
|---------------------------|---|
| 1. Corporal Rice, | 4. Private James Smith, |
| 2. Private John Berry, | 5. Thomas Wilson & James Bannister, and |
| 3. Private Thomas Hortel, | 6. Himself |

The Government leased these properties, and the houses that were built on them, to these individuals.

The lot measured by James for himself, encompassed the 'spot' he had already chosen amongst the gum trees, when '*it was in its natural state*'.¹¹⁰ On one occasion, James explained:

‘...your memorialist obtained a piece of ground from the General Gross’.¹¹¹

Initially, most, if not all, six lots seem to have fronted onto what became known for a brief period, and for a naturally good reason, as 'Upper Spring Row'.

Upper Spring Row ran from these properties, along the west bank of the Tank Stream, north, towards Bell Street (now Hunter Street). Across the bridge and over the Tank Stream, it became 'Spring Row', and ran along the east bank towards Sydney Cove and terminated at Bridge Street (The first road to bridge the Tank Stream). Five of the properties had direct access onto High Street, which later became part of George Street.

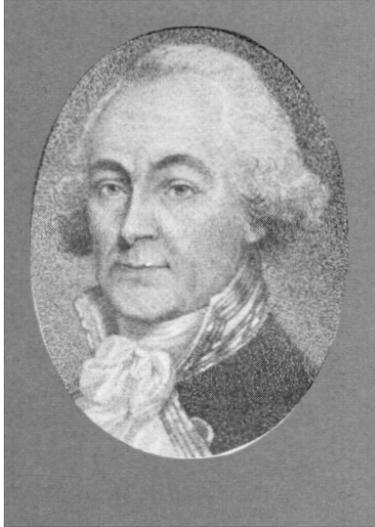
¹⁰⁹Clan Chisholm in Australia 1790-1990.

¹¹⁰ James Chisholm letter, 6 May 1834.

¹¹¹ NSWSR Fiche 3002 4/1821 No61, transcribed later.



*cargo, which they dispose of at a most exorbitant price, and if they do not get the price they demand, they put up in their cellars, till dire necessity induces the inhabitants to acquiesce, by this conduct they who have their pay etc. to live on, destroy the spirit of the industrious man, who would dispose of it at a reasonable rate and allow himself a tolerable profit.'*¹¹⁶



*Captain John Hunter (1738 -1821)
Governor of NSW
September 1795 to September 1800.*

It is unlikely that James, because of his status in the Corps and his evident efficiency and astuteness, was not called upon to aid his officers in the administrative aspects associated with their commercial enterprise. At the very least, James would have been in a very good position to observe closely their activities. No doubt later on, such experience, as well as presenting him with the occasional commercial opportunity and contacts, would have served him well in his own enterprises. Opportunity for non commissioned officers of the Corps was there, as evident from this contemporary observation:

*'I have seen a Sergeant of the New South Wales Corps give £110 for a delicate little riding horse for his own use.'*¹¹⁷

On becoming Governor at the end of September 1800, naval officer, Captain Gidley King, applied severe restrictions to the rum trade, which was partially effective in reining back the Corps exploitation of colony.

By 1798, James rank is given as Corporal and detached to "Gross" until 1807.¹¹⁸

Marriage

The fact of James Chisholm being well established in the community, and 'a man of means', would not have been lost on David Brown and family. James' connections even as a corporal would have still been well regarded.

The Scottish heritage that James Chisholm shared with the Browns, his natural charm, and various other qualities that caused him to be well regarded contributed to fostering a close relationship between them. The mutual approval led to Mary Brown being courted by James, and her accepting his proposal of marriage.

On 26 January 1806, Mary and James were married in St Phillip's Church in Sydney, by Rev. Samuel Marsden. Mary was 21 years old and probably not long celebrated her 'becoming of age' and with it the right to make her own decision about whom she might marry. James had just turned 34. Witnesses were John and Phoebe Waldron. Marsden's Female Muster of 1806 lists Phebe Waldron as 'Came Free' on the Earl Cornwallis and as a married woman¹¹⁹. She is therefore likely to have befriended Mary on the voyage. Her husband John does not get a mention in the 1805-6 Muster?¹²⁰

¹¹⁴ *Voyage on the Minerva 1799-1800, Diary of the surgeon, John Washington Price, p161*

¹¹⁵ History of the Hawkesbury????

¹¹⁶ *Voyage on the Minerva 1799-1800, the surgeon, John Washington Price, p162.* Note – James Chisholm 's rank in the Corps at this time was corporal. But it is evident that opportunities to prosper under the 'rum economy' were also open to members of the NSW Corps other than commissioned officers.

¹¹⁷ *Voyage on the Minerva 1799-1800, Diary of the surgeon, John Washington Price, p161.* Concerning high prices and the 'rum economy'.

¹¹⁸ Grose was commander of the Corps and had departed Sydney for the UK in 1794 and left Lt Col Patterson in charge in his absence.

¹¹⁹ Muster entry C1360.

In 1810 Phebe Waldron of Windmill Row is noted as having received her beer licence as an ex-convict, as was Sarah Wood ('Glatton'), proprietor of the Waterman's Arms at the Rocks. Mary Reibey - was also granted a liquor licence. Per The Women of Botany Bay, by Portia Robinson. In September 1813 Phoebe, described as 'the rich widow of John Waldron, proprietor of the Duke of York inn at Sydney' married Larra, James (1749-1839) married James Larra (1749-1839), Jewish emancipist and merchant. She died on 1 August 1814. [Australian Dictionary of Biography](#), Volume 2, (MUP), 1967.

¹²⁰ There is a John Waldron on the 1800 Oct 13 list of convicts on board the "Earl Cornwallis" (Reel 6028; 2/8283 p.25)



Mary Brown signed the register, and James Chisholm made his mark:¹²¹

Mary Brown

*James his
 + Chisholm
 marks*

The situation is a reversal of the norm in those days. Very few of the women were able to sign their names then. James last name is spelt as ‘Chifsam’ using the ‘f’ for ‘s’ in the case of double ‘s’ as was the practice then. The phonetic spelling may well be indicative of his accent in pronouncing his name. James was not the only corporal in the British army, unable to read and write. However, to rise any further in the regiment, to achieve the rank of Sargeant, basic reading, writing, and mathematical skills were essential requirements to undertake various administrative tasks expected of that position.¹²²

The newly married couple set up home at James’ the now long established residence bounded by Upper Spring Row and High Street (later known as ‘George Street’). It seems probable that James, with considerable assistance from Mary, overcame his education shortcomings during the first year or two of their marriage.



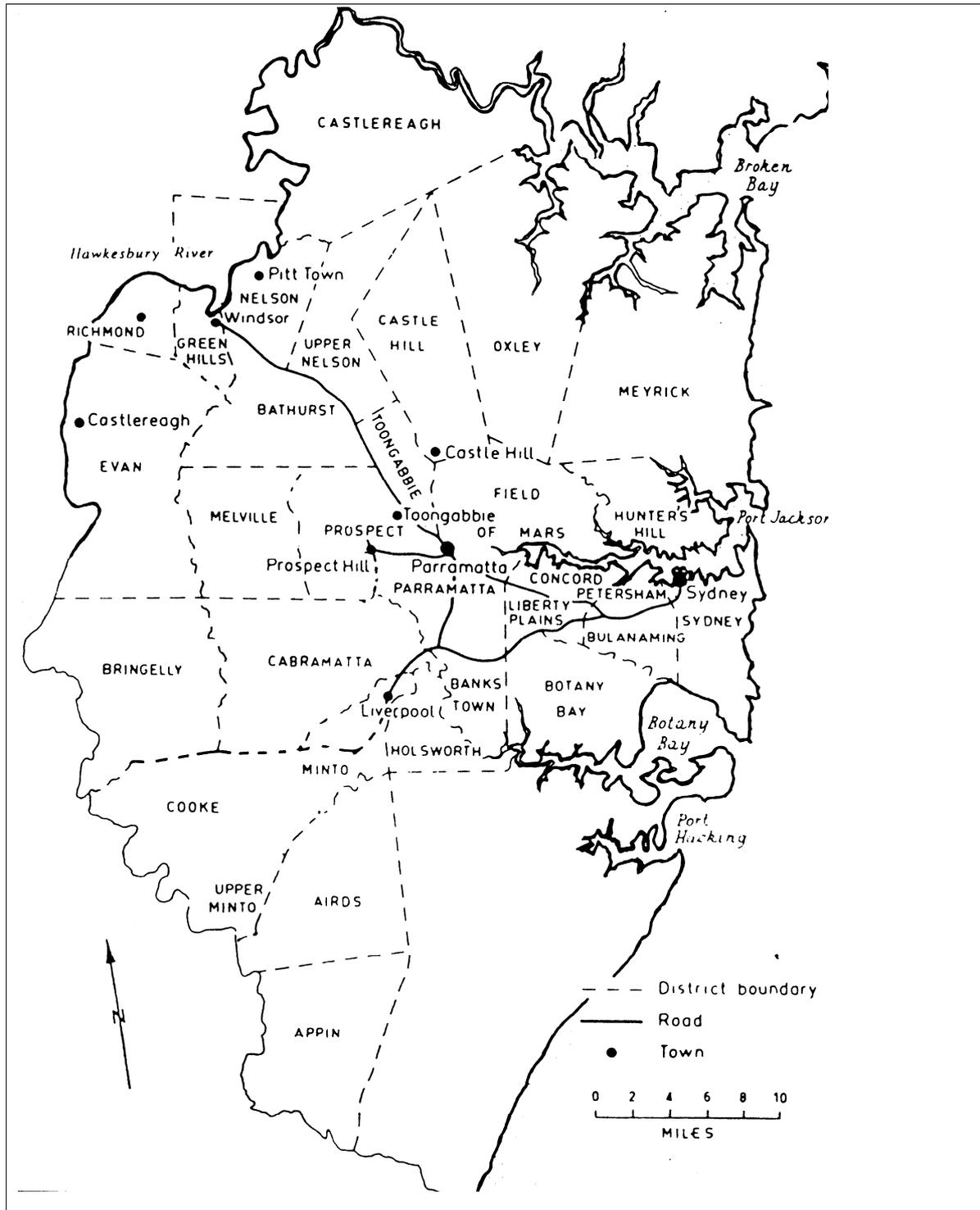
Tank Stream, viewed north to Sydney Cove from Bell (Hunter) Street 1868. Spring Row can be seen as little more than a footpath on the right; and down stream, the original bridge of Bridge Street.¹²³ Note the well established Norfolk Pines.

Major flood damage to the Hawkesbury farms in March and August of 1806. Soon after Governor Bligh’s arrival in the colony in August, the farmers of the Hawkesbury called for, and gained Bligh’s help in dealing with the disaster. A mutual regard and support between the farmers and Bligh continued throughout his governorship.

¹²¹ BDM V1806 660 3A & V1806 333 4

¹²² Late the 18th century and into the early 19th century, soldiers with rank of ‘Sargeant’ were increasingly expected to be able to read and write to fulfil the administrative aspects of their work. British regiments adopted this requirement piecemeal.

¹²³ Illustration ‘The Old Tank Stream’ by Skinner Prout, Australia in 1870’s, p100.



Map of Sydney and Districts c1806.¹²⁴ Note the limited road system.

James Chisholm's brother-in-law, James Brown, had property there that he had begun to cultivate in earnest. As a consequence, he was probably sympathetic to the concerns of his district. The power plays by the NSW Corps for monopolies on grain at this time put them in conflict with the farmers of the Hawkesbury. This situation fuelled the ensuing rivalry between Governor Bligh and John Macarthur (a 'mover and shaker' in Corps affairs) over the next several years.¹²⁵ There may have been the need of some cautious footwork by James, in his capacity as an NCO of the NSW Corps, a member of the Brown family, and entrepreneur in the making.

¹²⁴ Economic Growth in Australia 1788 –1824 (MUP edition), p77.

¹²⁵ *History of the Hawkesbury*????.



In the muster of August 1806, David Brown, is described as ‘Settler, Holds Land Kissing Point’ (Eastern Farms).

James Chisholm had made such improvements on his particular allocation of land at Spring Row by this time (August 1806 – January 1808), that it ‘induced’ *‘Governor Bligh to give him a Lease of the Ground’*.¹²⁶

On 5 November 1806, a son, James jnr, (Jas) was born to Mary and James. The child was named in honour of his foster brother, Lord Torpischam (James Sandiland, 10th Baron), in Calder, Scotland. Jas was the subject of continued and active grandfatherly interest by David. For David, his daughter’s marriage and this birth of his first grandson must have seemed that his family’s fortunes were finally in the ascent again.



View of Sydney from the West Side of the Cove, 1806.

A Major Setback

Not long after his daughter’s marriage to James Chisholm in 1806, evidence points to David Brown dividing his time between Sydney Town and his property at Eastern Farms.

‘On or about’ 17 March 1807, a person or persons deliberately set fire to David’s ‘Dwelling house’ at Eastern Farms. The fire ‘consumed’ the house and ‘sundry articles of value’. David placed a succession of advertisements in the Sydney Gazette as ‘settler at Eastern Farms in the vicinity of Kissing Point’, offering a reward of £20 for the names of the offender and warning of ‘rigid’ prosecution of trespassers cutting wood and turning loose cattle and other flocks: ¹²⁷

*‘Whereas on or about the 17th instant the Dwelling house of David Brown, Settler at the Eastern Farms in the vicinity of Kissing Point, was set fire to and consumed, together with sundry articles of value, in order to bring to condign punishment the incendiary, or the incendiaries therein concerned, I, the said David Brown, do hereby offer a Reward of Twenty Pounds Stirling to any person prosecuting to conviction: and I do hereby at the same time forbid any future trespass upon my said farm, either by turning cattle or other flocks thereupon, or by cutting down or removing wood therefrom, on pain of rigid prosecution.
Signed D. Brown.”
Sydney Gazette, Sunday, March 29 1807*

¹²⁶ James’ memorial of January 1810. NSWRS Fiche 3002 4/1821 No61.

¹²⁷ Sydney Gazette, Sunday March 29, 1807



From this advertisement it is apparent that David and family had been absent from the farm for a good few days. It shows that much gain had been made by the family since their arrival, and that this wanton destruction and spoiling had naturally generated a great sense of frustration and anger.

The ‘turning loose cattle and other flocks’ suggest that the family had built fences and pens to restrain their livestock. The lack of fences was then common in the colony, and the Brown’s animals could have roamed far afield across many a boundary. The cutting of timber would have been of concern, as it was likely to have been a valuable, saleable resource, or a material of use to him as a carpenter.

The burning of his dwelling house may well have prompted David, to move into Sydney Town in 1807 on a long-term basis, to reside with his daughter and son-in-law, if he had not already done so. It is apparent that David continued to spend time there, as he was well known to the locals. Possibly, he on occasion left convict labour to repair and run the farm, and depended on occasional visits to monitor progress? It seems likely that young Thomas and David junior would have accommodation with the Chisholm’s at their George Street residence. James Chisholm only a few years later describes how he ‘induced’ Governor Bligh to extend his lease on the George Street property, based in part on consideration of James having ‘a large family’ to accommodate. Brown family legend says that David senior lived with the Chisholm family for some considerable period.¹²⁸ This is consistent with evidence, some years later, that James’ father-in-law of his second marriage was residing with him.

The Browns were supposed to have come to the colony with little money. The £20 reward was a substantial amount of money in those days. It might be another indicator of David’s prosperity since his arrival in the colony? On the other hand it is easy to imagine that James Chisholm, as well as providing lodging for his wife’s family, might have been supportive in this situation, by putting up the reward money.

The construction of fences seems to have become more common, though the maintenance of them was another thing. J. Palmer complained of the fences of his farms at the Hawkesbury having been ‘very much destroyed by sundary persons breaking down the pailing’, and of ‘sundry perfons’ otherwise ‘trefpaffing upon by cutting grafs and anoying any flock’. He like David used the Sydney Gazette of 25 September 1808 to threaten such persons with dire consequences.¹²⁹

James’ Commercial Activity

Evidence of James’ advancement the Corps, and commercial enterprises while still serving, can be found in The Sydney Gazette. It is also an indicator that James by now was proficient in basic education skills – He now holding the rank of Sergeant¹³⁰:

*‘To be Sold by Private Contract, one hundred and odd Acres of Land, on the left hand side of the road leading from Sydney to Parramatta, and nearly half way, extending from the Iron Cove Creek to Connor’s boundary, being part of Marthgate, Brackrig’s and Smith grants; Well supplied with water; and a boat can be bought within a very few paces of the ground - Enquire of Serjeant Chisholm, New South Wales Corps.’
Sydney Gazette, Sunday, November 6. 1808*

James military record shows that during 1809 he was ‘detached Steel / 5CO’.¹³¹

¹²⁸ ‘David Brown was living with his daughter, Mrs Chisholm, until her death’ Emily J Brown, Nuetral Bay. Letter of 17 March 1914.

¹²⁹ SG. Vol VI. No 247. 25 September 1808.

¹³⁰ His Military record also records that in 1808 James was ‘Detached Kemp/Steel’ per Clan Chisholm in Australia 1790-1990

¹³¹ Clan Chisholm in Australia 1790-1990.



The Sydney Gazette of Sunday, 5 March 1809, lists ‘Serjeant James Chisholm’ amongst soldiers of the Corps and various civilians approved to hold ‘Licenses’ in the colony for the purpose of maintaining an establishment that sold liquor:

‘...The undermentioned are names of Persons approved of to hold Licenses’ at Hawkesbury, Parramatta, and Out settlements Sydney. Military.

*Sargeant Major Whittle Sargeant John Ricketts Sargeant Wm. Brumlo ---- James Cox ---- Edward Goldshaw ---
-- Danial Humm ----- Charles Whalan ---- Nath. Cotton --- Sargeant James Chisholm*

PARRAMATTA.

Sargeant Edward Jo...

Sydney Gazette, Sunday, March 5, 1809

During 1809, as part of his early entrepreneurial activity at this time, James explained that he ‘... purchased from the representative of the late *Sargeant Major Jamison*, a house and premises nearly adjoining’ his own original lease, ‘for which he *payed £140.*’ The house and premises ‘...was then made lease from Governor Hunter’ to James.¹³² Sargeant William Jamison’s lease had comprised leases that he had previously purchased from Corporal Rice and Private Berry. Jamison’s land, like most of the properties in that block, straddled Upper Spring Row and High Street. It was to the north of James’ property by perhaps one lease or so, and thus ‘nearly adjoining’. In respect of the Jamison lease when he acquired it in 1809, James wrote in 1834:



*There was never £100-00 expended upon the property and that I have said out from £1500 to £2000 in improvements upon the land.*¹³³

Jamison’s lease with James’ improvements, became progressively: ‘Mr Chisholm’s House’ (inn), ‘The Crown and Thistle Inn’, and ‘The Thistle Inn’. The site was leased by James to the Bank of New South Wales for some thirty years thereafter. The property was opposite where the entrance to Wynyard Station is today.

On 2 December 1809, James purchase of Sargeant Jamison’s lease was formally granted. It was described as a block of land at Upper Spring Row, 141 feet in frontage and 175 feet long. Like the other land he for which he held leases, it backed onto what became George Street.¹³⁴

That same month, on 22 December 1809, James purchased 140 acres at Eastern Farms from Michael Connor for £85. This appears to adjoin some 100 acres he had offered for sale in the Sydney Gazette the year before.

James Stepping Out

James requirement ‘to get the measure of a man’ as part of his tailoring trade seems to have become a metaphor for his ability understand and related with those he met in and outside of his

¹³² William Jamison or Jameison. NSW SR Fiche 3002 4/1821 No61.

¹³³ James Chisholms’ letter May 20 1834, Miriam Chisholm Collection, NLA MS 6207, Series 3, Folder 34.

¹³⁴ NSW SR, Fiche 3268 912731 p320



military circle. Over the years of service in this situation he probably developed the discernment skills that put him in good stead in respect social and entrepreneurial aspects of his life. James ‘blossoming’ on leaving the military suggests this.

Colonel Lachlan Macquarie formally began his term as Governor of the Colony of New South Wales on 1 January 1810, having arrived the month before with his regiment, the 73rd. With his arrival, the dominance of the New South Wales Corps in the commercial affairs of the colony came to an abrupt end.

Macquarie’s administration was quick to do something about improving the inadequate road system in Sydney Town and the Colony in general. In 1810, as part of this program, High Street and its extension beyond Bridge Street into ‘The Rocks’ area: ‘Market Place’, and then ‘Sargeant Major’s Row’; became amalgamated into George Street. George Street was established as the main thoroughfare, north-south, to Sydney Cove. As most of the properties in Upper Spring Row already faced onto High Street they were not disadvantaged. Not long after the creation of George Street, Upper Spring Row ceased to exist, being absorbed into the rear of each of the properties that had originally fronted onto it.

In that year, on advice from his friend, Lieutenant Governor Foveaux, James Chisholm obtained from Governor Macquarie, a lease of 21 years on his George Street property. As James himself put it, he ‘resided on the same spot’, between Hunter Street and Martin Place, for more than 40 years. It was as he said ‘where his dwelling house’ was located.¹³⁵ Eventually, James acquired all of the land on the east side of George Street, between Hunter Street and Martin Place. The Tank Stream came to form the rear boundary of his property.

On 11 February 1810, after nearly twenty years in the army, and the Corps returned to England, James obtained his discharge ‘to become a settler’.¹³⁶ He had not long turned 38 years old. James was one of many officers and men of the Corps, who at the time, variously elected to retire, resign, or take their discharge. Discharged soldiers at that time were entitled to a land grant of 25 to 30 acres, along with provisions, tools and two convict labourers.¹³⁷

James, like others of the Corps, was loathed to give up the commercial activities had successfully cultivated and the social connections they had made the new colony:

‘...having been so long situated in this Colony through my own industry and perseverance I thought it advisable to examine and improve my condition, which, thank God, I have done.’¹³⁸

In the years that followed, James Chisholm continued to improve his ‘condition’ at an impressively steady rate.

¹³⁵ Miriam Chisholm Collection. Box 2, Folder 9

¹³⁶ NSW SR, Fiche 3035 4/1826 No 21 His Military records show 1810 detached 5 CO per Clan Chisholm in Australia 1790-1990.

¹³⁷ A Colonial Regiment, 1789-1810.

¹³⁸ Letter to Lord Torpischam (James Sandiland, 10th Baron), his foster brother, in Calder, Scotland, on 15 February 1823.