



Season 2 - Episode 5 The Mark's Murders The Mark Family

Greg: [00:05](#) G'day and Welcome to "Today's Stories from our Past".

Greg: [00:11](#) From 'Today's Stories'. This is 'The Mark's Murders', a story of murder and mayhem told over several episodes by myself, Greg and by Peter.

If you haven't listened to this series from Episode 1, we suggest that you stop listening now and go back to the very beginning.

Also, a warning. This series of podcasts discusses the murders of indigenous and non-indigenous people. It contains the names of Aboriginal people who have died. Whilst quoting original historical material, this series also contains:

- racist language,
- some language that would be seen as inappropriate today, and
- historical ideas that are offensive.

Peter: [01:01](#) Previously on the Mark's Murders: It's 1847 – about 50 km north-west of modern-day Goondiwindi.

John Watts: [01:12](#) *"Marks was a splendid shot, and the blacks were very much afraid of him, and from information I obtained from the Beebo people, they had long been watching to kill him. They stole up and killed the boy, and having done so cut him to pieces with their tomahawks and placed the remains all along the log where he had been seated."*¹

Denise: [01:36](#) *Young described Marks's frenzied response, calling him 'a hater of all Aboriginals', 'shooting every native in sight'*².

Tinker Campbell: [01:49](#) *"I have always though that much depended upon the impression made upon the blacks by the first white men they met, and that the ancient stock-keepers and hut-keepers were far too ready to use their fire-arms rather than try to conciliate them."*³

John Watts: [02:07](#) “Not waiting until morning, they fired into the camp, and the only one that was killed was a black gin⁴ which had been shepherding for Mr. Morris.”⁵

Peter: [02:17](#) The murder of Mark’s son and the subsequent murders of Aboriginal people, around the modern-day town of Goondiwindi, started in 1847. We want to tell the truth of what happened. To do this, we need to understand the social context of the time. In previous episodes, we’ve looked at squatting in general to understand the “big picture” of the occupation of inland Australia by Europeans. We did this by following the life and times of John Browne. We’ve also looked at the experiences of three squatters on the McIntyre – Jonathan Young, Captain Scott and Tinker Campbell. We’ve also looked into the story of Margaret Young. Margaret and her husband, Jonathan, lived close to Mr Marks when the murders occurred. Her journal⁶ describing that period is an important, but flawed, document.

Peter: [03:15](#) This is fifth episode in our series of truth telling. In the first episode, we gave a brief outline of the murders committed by Mr Marks but, in every story I’ve read about it, there’s no backstory about him. I was determined to find out about his life leading up the murders so that this might give some explanation as to why he acted as he did. What was his motivation for all these murders? I also wanted to find out what Mr Marks was like as a squatter. How did he compare to those other squatters we’ve already looked into?

Greg: [03:50](#) Yup. Context is so important and understanding the murders but how'd you go about this?

Peter: [03:56](#) Well, rather than looking for Mr Marks in history books, I decided that I'd take a totally different approach. In recent years, I’ve got pretty good at creating life stories of my ancestors using a genealogical approach, so I decided to create a family tree for the Mark’s family. I started with very limited information. I only knew his name - James Mark or James Marks depending on who told the story - and that he had a son who was murdered by the Aboriginals on 18 Sep 1847.⁷ The son, John, was about 10 years old. So, I started a family tree in the software that I use, with just this limited amount of information, and started looking into ancestry databases for births, deaths, marriages, immigration records, all that sort of stuff.

Greg: [04:48](#) How did you go?

Peter: [04:50](#) There were a lot of dead ends – I mean James Marks is not a very distinctive name. It appears in many birth and death records. But I now know James’ full story and that of his family. The key to making progress was finding one immigration record. I have checked and cross-checked it against other information. I’m confident I've got it right.

Greg: [05:14](#) OK. So, what did the immigration record say and how do you know it was the right Mr Marks?

Peter: [05:19](#) The immigration record said that a James Mark and family arrived in Australia in 1837 on a ship called the *Midlothian*. Then I found several newspaper reports recalling the experiences of the *Midlothian* immigrants. Here’s a typical version. It’s a 1928 newspaper story recalling the *Midlothian* immigrants.⁸ The report says:

- Denise: [05:46](#) *“John Mark had been one of the Midlothian Immigrants. All of that ship's party belonged to Skye with the exception of Mark and another man named Cowan, who were lowland shepherds, but at that time living in Skye. An experience of Mark's at New England was a dreadful one. Two of his little boys, aged ten and eight years respectively, were one day, as usual, minding a flock of their father's sheep. On this day, the sheep came running home in a fright, and the children were not to be seen. The father hastily saddled his horse and went to search. Judge of his feelings when he came across the skull and some bones of one of his boys, while part of the remains of the other were hanging, partly roasted, in a tree. They had been killed and partly eaten by the blacks. The father took dreadful revenge. It is said that, for many long years afterwards, he would not spare any Aborigine that came across his track. The authorities were for years on the watch in an endeavor to catch him. It is a gruesome story, but happily such things did not happen often.”*
- Peter: [07:06](#) We'll explore the veracity of all parts of that story in a later episode but clearly, the Mr Marks in this *Midlothian* story must be the Mr Marks that John Watts refers to.
- Greg: [07:18](#) Yep! So, what's the James story?
- Peter: [07:21](#) I'll go through his life chronologically up to the date when the murders start.
- Greg: [07:26](#) OK. So, where and when was James Marks born?
- Peter: [07:30](#) Well, for starters – his name is James Chisholm Mark – without an “s”. Many reports of these murders refer to him as “James Marks” (plural) and that's wrong. He was born in about 1809 in the Lowlands of Scotland – in Galashiels. He married Mary Burgess from Peebles in 1829.⁹ Mary was born in 1810 in Eskdalemuir, Dumfriesshires. They had two sons there, George (born 1831) and William (born in 1833). Then they moved to the Isle of Skye. There they had a third son, John, born in 1836 at Snizort. Now I'm sure I haven't pronounced that correctly and apologies to the Scots. I haven't been able to find out why they moved to the Highlands because times weren't good on the Isle of Skye at that time. The Highland Clearances were underway.
- Greg: [08:28](#) Well, I've heard about the Highland Clearances. What happened there?
- Peter: [08:31](#) The Highland Clearances were the evictions of a significant number of tenants in the Scottish Highlands, mostly in a period about 1750 to 1860.¹⁰ Prior to the Clearances, land was owned either by English lords or Clan leaders. The vast number of peasants didn't own any land – they had to rent a small block which was called a “croft”. Hence, these peasants were called “crofters”. In the first phase, the clearances resulted from agricultural improvements, driven by the need for the landholders to increase their income (many of the landlords had crippling debts and bankruptcy was driving their change). Especially in the North and West of the Highlands, crofter's paddocks were usually replaced by large-scale pastoral fields stocked with sheep, on which much higher rents were paid, with the displaced tenants getting alternative tenancies in newly-created crofting communities, where they were expected to be employed in industries such as fishing, or quarrying or the kelp industry. The second phase (from about 1820 to 1860) involved overcrowded crofting communities from the first phase, that had lost the means of support to support themselves, through famine and the collapse of the industries that they had relied on (such as the kelp trade), as well as

continuing population growth. This is when "assisted passages" became common, when landlords paid the fares of their tenants to emigrate. Tenants, who were selected for this, had, in practical terms, little choice but to emigrate. There was no future there for them. The Highland Potato Famine¹¹ struck towards the end of this period, giving greater urgency for the process. Tens of thousands of Highland crofters emigrated to America, Canada, New Zealand and Australia. Many Australians today are descended from Highland Clearance immigrants. One of my our great-great-grandfathers – Murdoch Nicholson – emigrated from the Isle of Skye in 1857.

Greg: [10:36](#) What can you tell us about assisted passages?

Peter: [10:39](#) At the time, the economies of both the United Kingdom and Australia, offered an opportunity for a mutually beneficial exchange. The Industrial Revolution caused the loss of working-class jobs in England and crofter survival in Scotland. At the same time, Australia needed to increase its working-class population. An example was that squatters needed lots of shepherds. The answer was to increase immigration to Australia from the United Kingdom. However, many poor workers and crofters simply couldn't afford to pay the ship fare for the long ocean voyage. To solve this problem, government and private schemes were established to pay ship's passage for those who couldn't afford it. A government scheme, established in 1830, used funds from the sale of colonial land in Australia to provide passage for poorer immigrants. One estimate is that 58,000 immigrants came to Australia through assisted migrant passage schemes between 1815 and 1840. Under the Bounty Scheme, a squatter, who wanted workers, paid the emigrants' passages. On arrival, these workers were examined by a Board and, if the Board was satisfied, the squatter was issued with a Certificate entitling him to claim the Bounty money back from the Government.

Greg: [11:58](#) OK. So, given that James and his family ended up in Australia, I assume that he undertook an Assisted Passage from Scotland?

Peter: [12:06](#) He did indeed. James and his family left the Isle of Skye on the *Midlothian*. It left the small port of Loch Snizort on the Isle of Skye on 8 August 1837. This was the 3rd of 20 ships in the Government Assisted Migrant Scheme. These ships gave assisted-passage to 4000 Scots between 1837 and 1840. The second ship - the *William Nicholl* - had arrived in Sydney just a week before the *Midlothian*.¹² The *Midlothian* carried 259 immigrants, most of whom were Clearance victims. They were brought to Australia under the Rev John Dunmore Lang's Scheme.

Greg: [12:50](#) So did anything eventful happen during that voyage?

Peter: [12:53](#) Sadly, Yes. Fever and dysentery made their appearance about five weeks into the voyage. The ships' Medical Superintendent was Dr Robert Stewart. In an effort to combat the disease, he stopped all "animal food, prescribed extra sugar, and doubled the oatmeal ration".¹³ No fever cases occurred after November. No male adults died, but there were 24 deaths of women and children. 18 of these were very young. James' son, George, died at this time. This must have been quite a distressing event for James and Mary. George was only 6 years old.

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Immigrants Per Ship Midlothian continued

No.	Name	Age	Calling	No. of Children	By whom engaged	Rate of Wages
30	McCleod Donald	35	Farm Servant	5	M ^r Hardy Valerson	£50 0 ⁰ per 9 months
31	" Sison	26	"	1	M ^r Waring & assistant	
32	" William	22	Shepherd	0	M ^r Waring, Silverpool	£30 0 ⁰ per 9 months
33	M ^r Millan Donal	29	Stockman	2	M ^r Waring, Valerson as Servant	
34	M ^r Wrighton John	33	Wagoner	3	Geo ^d Ferguson	1/6 per day
35	M ^r Therson John	35	Farm Serv ^t	2	Capt ⁿ Weston Silverpool	55 ⁰ 0 ⁰ per 9 months
36	M ^r Kinnon Hen ^d	25	Blacksmith	1	M ^r Waring, W ^r Wier	45 ⁰ 0 ⁰ per 9 months
37	M ^r Swan Angus	30	Farm Servant	2	M ^r Andrew Waring, Valerson as Servant	
38	" Donald	26	Shepherd	0	Same	
39	" John	29	Sawyer	2	Same	
40	M ^r Queen Arch ^d	27	Stockman	2	Same	
41	M ^r Mark James	30	Shepherd	3	M ^r S. Wightman Esq ^r	1/6 per day
42	Menie Donald	36	Farm Overseer	5	M ^r Waring as Servant	

Partial passenger list on the *Midlothian*. James Mark is No. 41 – engaged by AS Wightman

Greg: [13:29](#) Well that's very sad. Anything else notable about this particular voyage?

Peter: [13:41](#) Yeah. Most of the Highlanders on the *Midlothian* only spoke Gaelic. The doctor spoke their language and was well acquainted with their customs. The Rev. William MacIntyre was chosen by the Committee of the General Assembly of the Church of Scotland on Colonial Churches to accompany them and to provide for their spiritual care. Every Sunday during the voyage of 127 days, he preached to the passengers in the morning in Gaelic and to the crew in the afternoon in English.

Greg: [14:15](#) OK. So, if they only spoke Gaelic, did this affect how they would fare when they got to Australia? English was the language of the colony, wasn't it?

Peter: [14:23](#) Yes, English was the official language and being Gaelic-speaking was a big issue. There was a complete unwillingness of the Highlanders to separate from their kinsfolk and friends when they arrived in Australia. This became quite a problem for the colonial authorities. Here's an example of the close ties among many of these people – it is the immigrant passenger list of the *British King*. This ship sailed from the Isle of Mull in October 1838. Of the 332 immigrants on-board, 146 bore the same surname - Macdonald.

TABLE IX
*Ships Sailing from Scotland with Bounty Emigrants under
the Government System, 1837-1840¹*

Date	Ship	Port of departure	Number of emigrants
13 March 1837	<i>John Barry</i>	Dundee	323
6 July 1837	<i>William Nicoll</i>	Hebrides	321
7 August 1837	<i>Midlothian</i>	Hebrides	282
October 1837	<i>Brilliant</i>	Hebrides	298
11 January 1838	<i>Duncan</i>	Greenock	260
18 April 1838	<i>Lady Kennaway</i>	Leith	283
13 May 1838	<i>William Roger</i>	Greenock	296
4 July 1838	<i>Saint George</i>	Oban	326
31 August 1838	<i>Boyne</i>	Cromarty	285
18 September 1838	<i>Asia</i>	Cromarty	270
26 September 1838	<i>Lady McNaughten</i>	Cromarty	205
13 October 1838	<i>James Moran</i>	Loch Broom	210
October 1838	<i>British King</i>	Tobermory	326
7 May 1839	<i>Hero</i>	Leith	201
13 June 1839	<i>David Clarke</i>	Greenock	283
15 September 1839	<i>George Fyfe</i>	Tobermory	178
October 1839	<i>Henry Porcher</i>	Skye	211
December 1839	<i>Glen Elmsly</i>	Oban	305
3 January 1840	<i>Damitless</i>	Greenock	200 approx.
January 1840	<i>Calder</i>	Greenock	200 „
<i>Totals</i>	20 ships		approx. 5,263 persons

Greg: [15:03](#) Oh, okay. So, what did happen when the *Midlothian* arrived?

Peter: [15:09](#) The *Midlothian* sailed through Sydney Heads on 12 December 1837.¹⁴ James and his family had arrived in Australia, ready to start a new life. After being cleared at anchor in Neutral Bay – for diseases and such - the passengers disembarked at Port Jackson and they were taken to the Immigration Building.¹⁵ They, shortly after, became the subject of controversy. They refused to be split up – as had happened with the two previous Government-Assisted Migrant shiploads. They claimed that the government had promised to settle them as a community with their own minister.¹⁶ They were a community with their own customs – different to the English.

Peter: [15:50](#) As an example, on the first Sunday after disembarking, the *Midlothian* passengers attended the first non-English-speaking church service held in Australia (that's discounting any Catholic Latin Masses, of course!). It was a Gaelic service in the Scots Church of Sydney. The government eventually decided that, although no such undertaking had been given, if any local landholder was willing to take them as a body, they would be given six months rations from the Queen's store and free passage to the estate in question at the public expense.¹⁷ The problem was solved when John Dunmore Lang's brother, Andrew¹⁸, undertook to settle the whole shipload on his estate. Andrew was a Scottish settler in the Hunter River. Andrew was the only one willing to take them, so a large number of the *Midlothian* families settled at *Dunmore*¹⁹ near Paterson (that's north of Maitland in the Hunter), thus forming the first ethnic enclave in Australian history – ethnic, in this sense, meaning non-English speaking and culturally distinct. The *Midlothian* was apparently a unique case. The fact that the *Midlothian* was one of the first ships to sail from the Highlands was probably, in large part, responsible for its occurrence.

Greg: [17:08](#) All right. So, James and his family, as we've mentioned, probably only spoke Gaelic. What happened when they arrived in Australia?

Peter: [17:16](#) Yeah, it's clear from the records that the *Midlothian* immigrants did stick together over the following years. They all seemed to remain along the NSW coast,

north of Sydney – Maitland, Port Stephens and settlements further north. It really does appear that the Scots enclave stuck together well into the next century.



Reverend John Dunmore Lang, 1841 / watercolour by William Nicholas, State Library of NSW

Greg: [17:36](#) Right. Well you've got us shifting up into the Hunter. What happened to Mark's family then?

Peter: [17:41](#) Well, the immigration record²⁰ for the Mark's family says. James was a shepherd – aged 30. Mary was a cook with a delicate nature – I wonder if she was chronically ill? I mean consumption was pretty common at the time. And they had two remaining children – William who was 4 and John who was 18 months old. James fairly quickly obtained employment as a shepherd with Adam Wightman. The Wightman's were also Scots. Adam was born in Dumfries-shire, in Scotland and had been in the Colony for a while. He'd bought two properties in the Hunter, *Glen Riddle* and *Glengarry* on the Pages River at Murrurundi - on this latter property is the Burning Mountain of Wingen and that's still there today. So, in 1838, the Wightmans moved from Mussellbrook up to *Glengarry*. It's very probable that James Mark worked as a shepherd on *Glengarry*.²¹ At that time, a shepherd had control of about 500 sheep which he took out into the paddocks each day. You've got to remember at this time that there were no fences built on most of the runs. At that time, a shepherd's wage was about £25-40 per year plus food and accommodation. With a conversion of about £1 being about \$150 today, this is an annual wage of \$4000 to \$6000 a year for James to provide for his family.



Locality Map showing Wingen and other towns

Greg: [19:13](#) Did you find out what happened to James and his family when they were working for the Wightmans?

Peter: [19:18](#) No. I couldn't find out too much about their time there. But one thing that I did find out was that a daughter, Isabelle, was born on 21 October 1840.²² The birth was registered in the Dungog – Stroud area, which is at the lower end of the Hunter and Isabelle was baptised four months later at Port Stephens, also in the Hunter. My guess is that they went down to Port Stephens to find a Gaelic church to have a Gaelic baptism. Another thing that I found was that, unfortunately, the bank crash of 1843 broke Adam Wightman²³ and he was forced to sell his properties. Adam died just two years later, aged 45.²⁴ His family struggled for a few years until the *White Hart Inn* was established by Adam's son, Alexander at Murrurundi. A Publicans' licence was granted to Alex in 1842 and that pub still exists today.

Greg: [20:16](#) Do we know what happens to James and his family when the Wightmans sold their property?

Peter: [20:21](#) I can't find any documentation about their fate, but, it seems that if the property was sold, James would have been unemployed. So in about 1843, and this is after just five years in the Hunter Valley - James decides that he wants to become a squatter. Being at Murrurundi, he must have seen others going over the Liverpool Range there and squatting in the Liverpool Plains and places further afield. This is his chance to own land for the first time – an option he would never have been available to him in Scotland.

Greg: [20:56](#) So how could James become a squatter? If he came out on an assisted passage, that suggests he'd had very limited finances and there have to be some expenses with squatting?

Peter: [21:06](#) That is a very good question! I've read somewhere that a squatter needed about £500 (that's about \$75,000 today) to survive and prosper as a squatter. There is no way that James could have accumulated that amount of money in just a few years as a shepherd. Either, he had a go with very little funds or he had a silent backer. This is possible as there were many squatters like John Browne who did not live on the runs that they claimed. They employed overseers. We do know that the son of Mark's employer, Alex Wightman, did eventually become a squatter on the McIntyre – at *Kunopia* near modern-day Boomi but in 1843, the Wightmans were broke so clearly they couldn't have been James Mark's backer.

Greg: [21:56](#) Right, how did James go as a squatter?

Peter: [21:59](#) The records of James first attempt at squatting are really poor. John Watts says he first occupied a station called *Yelleroy*. Now, in various old records, I've found six different phonetic spelling options for *Yallaroi* and some of these refer to runs or localities or to creeks. It may have been also that James Mark was not actually a squatter. He may have been, effectively, an overseer. There is a lot of confusion about where this *Yelleroy* property was. I did find in 1847, that squatters had to obtain licences to depasture stock beyond the limits of location. In the Government gazette at that time, James Mark is listed as getting a licence at *Mundoe Creek*^{25,26} but, no matter how much I search, I can't find in any of the gazettes, a description of that run - *Mundoe Creek*. I've also found that *Mundoe* is spelt phonetically differently in different places. But what I did find was a different squatter - Richard Ottley - on a property called *Mandoe*.²⁷ Now I've scoured lots of the old maps and squatter's claims. I'm fairly confident that *Mundoe Creek*, or *Yallaroi* or *Mandoe* or whatever you want to call it, is somewhere between modern-day Yallaroi and Coolatai. This places it about 70 km south-east of Gundy²⁸. The 1847 gazettal date is also confusing because we know that, by 1847, James Mark was at *Goodar*, north-west of Goondiwindi, not down at Coolatai. I suspect that this is just a case of bureaucratic lethargy. James probably applied for his depasture licence in 1843 or somewhere about there, but it only got published in the Gazette in 1847.

Greg: [24:00](#) Didn't John Watts say that Aboriginal attacks on Mark's shepherds and sheep at *Yallaroi* forced him to abandon the run and move his flocks elsewhere?

Peter: [24:10](#) Yeah, James seems to have had a severe setback with the Kamilaroi attacking his shepherds and forcing him off that run. Perhaps, this is where James really develops his hatred of Aboriginals – and perhaps he did something there that caused the Kamilaroi to want to kill him!

Greg: [24:29](#) Well, James has joined the ranks of the squatters. He seems to have a bit of a different background to the other squatters who we've talked about. Do we know much about them?

Peter: [24:38](#) Well, I think that it is time to talk to our historian friend, Maurice again and see what he says about typical squatters. Morning Maurice. Well, Maurice, can you tell us who or what was a typical squatter?

Maurice: [24:51](#) Well, in a sense, there's not a typical squatter. You have to begin with what region you're talking about. In western Victoria, and the Darling Downs and Tasmania, they generally were well-educated by which means they had some sort of schooling

education, possibly attended university for one year as a finishing operation, not for academic purposes. Some of them had had military experience, especially, post-Napoleonic War or Indian Army service experience, a few Royal Navy experiences. They came from what I suppose one would generally call the upper middle classes of Britain with a few of them having sort of a hand on the lower levels of the aristocracy in that they might have had in their past, a baronet or whatever. The first generation of squatters, generally, had some capital behind them. They were usually the sons are fairly well-off people in England, usually landholders in Britain, but occasionally, bankers or some wealthy merchants, and under British law, you know, it's the elder son inherited the property – Primogeniture.²⁹ The younger sons had to fend for themselves basically but many of them went into the church. A lot of them went into the army and navy and some were given their patrimony, that is the money they would've inherited on the father's death, given it early to go out to the colonies and make good or not.

Peter: [26:16](#) Well, I think that's the John Watts story because John Watts arrives in Australia with £500, which I assume is his early inheritance. But, the strange thing with John Watts is that he is the oldest son, and he should have stayed in England, but I think he was an adventurous lad.

Maurice: [26:32](#) Well that's this other thing. Some people didn't get imbued with the spirit of adventure. But that's typical. I mean, each of the three Leslie brothers had £1000, which was doing well. Arthur Hodgson had £400. Pemberton Hodgson, his younger brother, came out with £300, but he didn't stay very long.

Greg: [26:50](#) In terms of where they could go, would Australia be a well-desired place or were there other options?

Maurice: [26:56](#) Again, it's a matter of a family decision to some extent and who you knew. Most of the studies I've done of the Darling Downs squatters, many of them already knew people, in government circles in Sydney. They either were prominent merchants; some knew the McArthur family. Some were with Governor Gipps. Some were not family relatives but had family contact with the Gipps family. So that sort of is, you know, the pull factor. So here, the other choice for them, is Canada or the United States, and you would only go to the United States if you were really, you know, sort of a capitalist entrepreneur, to some extent, because it was a very risky business going to and investing in the United States, although the American Railways of course were built by British engineers.

Peter: [27:48](#) So for our story, we now know that most of the squatters who went over the Liverpool Range and then headed up over the Gwydir and got to the McIntyre originated out of a business community in the Hunter Valley, whether it was Tinker Campbell or Captain Scott or John Howe, they all were this clique of British businessmen with money behind them and what have you. We now also know that James Mark was a land-dispossessed crofter from the Isle of Skye, who spoke Gaelic as his primary language, and, in the Hunter, was simply employed as a shepherd working for another fellow. He seems a very unlikely squatter.

Maurice: [28:28](#) Yes. He seems very atypical of the general squatting movement, which suggests probably there's something about his character. I mean what he attempted to do suggests that he was prepared to take a risk and perhaps he had nothing left to lose, of course. There was limited capital and no social contacts and so on. It's a case of, well

I might as well try. And of course, in the first try was frustrated and that probably had some psychological effect on him too. So, but he certainly is atypical. I'd certainly, well certainly of the squatters that I'm familiar with - Darling Downs squatters^{30,31} - who are certainly not in that sort of dispossessed crofter group.

Peter: [29:13](#) But it is easy to understand his ambition because you know, if he is a crofter from the Isle of Skye, he would've had no chance ever in his life of owning land or progressing forward. So, you know, he sees others doing it going over the Range at Murrurundi and says I'm off!

Maurice: [29:30](#) Yes. Well that's right. And it's not, I mean, this was one of the arguments that Governor Burke and Gipps put forward for bringing in the Squatting Acts was that, you know, as I've already said, one was revenue raising, you must pay for use of Crown Lands, but the other one, they were genuinely concerned, as was the colonial office in Britain, about so much land being taken up by so few people because if they were permitted to hold their hundreds of thousands of acres, it was denying other comers, latecomers, access to the land. And, right through the 19th century, the one driving force behind all migration, whether it's to Australia or America or Canada, New Zealand is the desire for land. I mean, that's what they wanted land, whether it was a hundred thousand acres to graze sheep on or 40 acres to grow vegetables. Cabbages! So they were, you know, it was land that was the driving force and of course, somebody like Marks, if he remained in England, as did many of the squatters themselves, would not have had a chance at owning their own land.

Peter: [30:35](#) So his motivations are easy enough to understand, but he's starting a long way behind the eight ball.

Maurice: [30:40](#) Oh, absolutely!

Greg: [30:42](#) So, James Mark was not a typical squatter. That early failure must have been disappointing for him and his family and I assume that he did not give up on his desire to own land?

Peter: [30:53](#) No, not at all! In about 1846, he tries again. This time, he takes up *Goodar* on the Weir River^{32,33}. The *Goodar* run was situated just north of *Callandoon* and north-west of Goondiwindi. So, by September 1847, James is 38 years old, his wife Mary 37, his sons, William and John are 13 and 11 respectively and Isabelle was 6. It's very unclear as to whether his wife, Mary, and daughter Isabelle, moved to *Goodar*. Perhaps they stayed behind with other Scottish families in the Hunter until the station was fully developed. This was not an unusual approach. But what is clear is that James had very limited capital. Hence, he had to use his young sons, William and John, as shepherds. This is a tough job for two young boys on the frontier in 1847. His neighbour to the south (between *Goodar* and Goondiwindi) was the Young family.

Peter: [32:00](#) Now, it's worthwhile to compare the Mark family with the Young family who we discussed in the previous episode. The Youngs were English and James Mark was Scottish. I'm not really sure how much friction there was between the two different people there. Jonathan Young apparently - it's claimed anyhow - had training as a military officer. James was just a poor Highlands crofter probably with quite poor education. Jonathan Young had 10 years' experience as a manager of a large squatting run and had assets that he brought to Goondiwindi. James Mark, we know, was a new

manager with very limited resources. In 1847, Jonathan was quite mature at 49 years old. James was just 38 and one big difference is that Jonathan had a considerable respect for the Aboriginal people who worked on *Umbercollie*. This is some similar to Tinker Campbell who've we discussed previously. By contrast, James Mark had a hatred of Aboriginals, and this is similar to Captain Scott who we discussed previously.

Greg: [33:13](#) OK, just to summarize – by September 1847, James Mark and his family had been forced out of their home on the Isle of Skye and migrated to Australia. During the voyage, they lost a son, George. Then after a few years, in the Hunter Valley as a shepherd, James tried his hand as a squatter on the McIntyre but was forced out of that area by the Kamilaroi folk. By about 1846, he had tried again by setting up a run at *Goodar*, north of Gundy, but James had limited capital, so he was using his sons as shepherds.

Peter: [33:50](#) Yes – and James had a strong connection with other Scottish immigrants to Australia. However, he really doesn't seem to have a good relationship with his English neighbours, the Young family - at least, based on Margaret Young's account. So, we've set the scene for what happens in the future. In the next episode, the murders begin.

Greg: [34:11](#) Yes. We would like your views on this topic. Do you have a similar story in your family tree? If so, please contact us on email or comment on our Facebook page - contact details are on our webpage – www.todaysstories.com.au . Full details of this story are available on the website and please remember to subscribe to our podcast.

For this podcast,

- Your hosts were Greg and Peter
- Research is by Peter and Maurice
- Voice actors were Mark, Denise and Mick
- Original music and Sound Engineering by Pete Hill
- IT solutions by Shelly.

Thank you for listening.

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ORIGINALLY RELEASED 16 Feb 2020

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73.— OTTLEY RICHARD BYAM. Name of run, *Mandoe*. Estimated area, 70,000 acres. Estimated grazing capabilities, 2,500 cattle. About 14 miles of frontage on either side of Mandoe Creek. Bounded on the south by a line easterly, commencing at a well-known rock on the west bank of Mandoe Creek, about two miles and a half south of Coolpoolmvrngaba hut to the crest of the ranges dividing the waters of Mandoe Creek from those of the McIntyre River, from thence by a line northerly about 14 miles along the crest of that range to a point bearing east from a tree marked OTLY on the west bank of the creek about ten miles and a half below the said hut, from thence by a line westerly, about 8 miles, passing through the said tree to the crest of the ranges dividing the waters of Mandoe Creek from those of Yalleroi Creek, thence by a line southerly about (15) fifteen miles along the crest of the said ranges to a point south-west of the rock first mentioned, and from thence by a line north-east to the said rock. Land on the south in the occupation of Messrs. Cheeke, and, Broadhurst; east, Mr. Hickey and Messrs. Burgess and Russell; north, Messrs. Burgess and Russell; west, Mr. Kerr and Mr. Wm. Cox.

²⁸ Gundy is the name used by locals for Goondiwindi.

²⁹ Primogeniture - <https://en.wikipedia.org/wiki/Primogeniture>

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³³ CLAIMS TO LEASES OF CROWN LANDS BEYOND THE SETTLED DISTRICTS. (1848, September 26). The Sydney Morning Herald (NSW : 1842 - 1954), p. 3. Retrieved November 30, 2019, from <http://nla.gov.au/nla.news-article12914247>

120. Marks James. Name of run, *Goodar*. Estimated area, thirty-two thousand acres. Estimated grazing capabilities, nine thousand sheep. On the east by a north and south line cutting Collyeo Creek at a point five miles east of the centre of the waterhole known as *Goodar*, on the south by a line parallel to and two and a half miles distant from the said creek ; on the west by a north and south line cutting the said creek at a point five miles west of the waterhole afore-said ; and on the north by a line parallel to and distant two and a half miles northward from the said creek.