



Huntlee New Town Stage Two - Historical Heritage Assessment.

Bentham Farm

27 October 2025



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Bentham Farm Historical Research

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Executive Summary

In 1824 Joshua Thorpe was granted 1076 acres, initially called Beckley, and later Bentham near Branxton in the Hunter Valley. An absentee landholder, Thorpe in the same year offered to take 10 men of the stores (convicts), in 1827 there is a record of two or three convicts at Bentham (Grantham 1999), from that time there is no further record of convicts or occupants at the location.

Thorpe sold Bentham to Dr James Mitchell in 1837, it then formed part of the Rothbury Estate. Mitchell, also an absentee landholder did not employ convicts, instead leasing his agricultural holdings to tenant farmers. On the death of Dr James Mitchell, his son David Scott Mitchell inherited the Rothbury Estate, and, on his death, it passed to his sister and her heirs as Trustees of the Merewether Estate. A large portion of the Rothbury Estate was sold in 1909. The remaining portions, which included Portion 139 (Bentham) were either leased to tenant farmers or operated as the Rothbury, later Ayrfield #3 Colliery. That remained the case until 1979 when the holdings were sold by the Trustees of the Merewether Estate to Maitland Extended Collieries Pty Ltd.

Unusually, there is no record of Bentham in Trove, the newspaper resource. The evidence is that there were convicts at Bentham, possibly until 1837 and from that time until the late twentieth century it was leased to tenant farmers.

The focus of this research was the location of the Bentham convict hut with three possibilities considered:

1. Area 1. Hut location (Dangar 1823 & 1828), this was identified through an 1823 surveyor's plan, the *Index to map of the country bordering upon the River Hunter* (Dangar 1828) and *An Account of a trip to Hunter's River* (1827) published in *XYZ Goes North* (Edit. Grantham 1999).
2. Area 2. Potential post location (2023). Three potential posts located during a preliminary survey have been discounted as the location of the convict hut. In October 2025 the area was revisited with improved ground exposure showing the potential posts were tree stumps.
3. Area 3. Farmhouse (as identified by Vines 2003). Research that supported the report included no evidence that the farmhouse was the location of the convict hut. Primary documents sourced as part of this research indicate it was likely a farmhouse linked to tenant farmers of the Trustees of the Merewether Estate.

Following an assessment of the research, it is considered that Area 1. Hut location (Dangar 1823 & 1828) is the most likely site of convict Bentham.

That location, part of the Black Creek riparian zone is outside the development footprint. Consequently, there is no requirement for an archaeological test excavation, and the following findings are made:

- No development is proposed for the area identified as the Hut location (Dangar 1823 & 1828) therefore there is no requirement for an archaeological test excavation.
- If, in the future, ground disturbance works are planned for the area identified as the Hut location (Dangar 1823 & 1828), (for example vegetation removal), those works should be preceded by an archaeological assessment.



Acronyms and glossary

Term	Definition
Archaeological assessment	A report that investigates the archaeological potential and levels of significance of land prior to determination of development consent.
HLRV	Historical Land Record Viewer
ICOMOS	International Council on Monuments and Sites
LEP	Local Environment Plan.
LGA	Local Government Area.
MHNSWSA	Museums of History NSW - State Archives
NSWLRS	NSW Land Registry Services
NL	Newcastle Library. Local History.
Place	Means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions (Burra Charter).
Potential archaeological site	A place or site suspected of having a relic or relics present (see relic)
Relic	Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as follows: 'relic means any deposit, artefact, object or material evidence that: • relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement and • is of State or local heritage significance."
SLNSW	State Library of NSW



1 INTRODUCTION

1.1 Background

In 2024 the *Huntlee New Town Stage Two Historic Heritage Assessment* (Huntlee New Town Stage Two HHA 2024) formed part of an Environmental Impact Statement and State Significant Development Application (SSDA) for the Huntlee New Town Stage 2 development. Identified in the report were two 'European and archaeological sites' Bentham Farm and North Rothbury Colliery (Figure 1).

The North Rothbury Colliery site will be considered at a later date, the focus of this historical research and report is Bentham Farm and responds to the following comments provided by Heritage NSW [18 August 2025 Huntlee New Town - Stage 2 (SSD-70748466)] with regard Bentham Farm.

A3

B. Bentham Farm

It is noted that one area of archaeological potential identified at the EIS stage (the location of a hut recorded in 1828, initially identified as AAS 5) has been removed from the updated assessment. The rationale for this amendment is unclear, and discussion of this location appears inconsistently throughout the updated HHA, with Section 5.7 identifying it as having local significance.

- i. Noting the presence of post holes identified on the surface at the recorded location of the hut during survey, the assessment should be updated to include this area of archaeological sensitivity. *The HHA*
- ii. Section 3.1 of the updated HHA includes a reference to the site likely serving as housing for convict workers on site. The assessment and identified extent of this area of archaeological sensitivity should be updated to include consideration of the potential for archaeological deposits to be present associated with this use of the site, such as ancillary structures, rubbish pits, wells, and cesspits.
- iii. Table 8 of the updated HHA notes that the site was 'in use short term', however the basis for this statement is unclear given the lack of documentary evidence relating to the site.
- iv. The updated HHA notes that visible remains which may be associated with the hut are not well preserved but does not provide a clear assessment of the potential for subsurface archaeological deposits to be present at this location.
- v. Based on the available information, it is understood that potential archaeological remains are likely to be associated with the early period of colonisation in the Lower Hunter and may be associated with occupation of the site by convicts working for Joshua Thorpe, the grantee of the land. If the archaeology is substantially present and intact, it may have potential to answer research questions regarding the early occupation of the site, colonisation of the Lower Hunter, the nature and scale of activities being undertaken on site, and the daily lives and conditions of convicts in the colony.

c. Management and mitigation measures—historical archaeology

- i. Noting that potential archaeological deposits assessed by the updated HHA as being of local and State significance are proposed to be impacted by the project, please provide discussion of alternatives considered to minimise or avoid impacts to identified areas of archaeological sensitivity.
- ii. Update Recommendation 1 to outline the nature and scope of the 'further investigation' proposed in relation to the area of archaeological potential associated with Bentham Farm. Based on the information available, Heritage NSW considers that archaeological test excavation is required to determine the significance and appropriate management of this site.
- iii. Update Recommendation 7 to clarify the nature and scope of the 'thorough archaeological assessment' recommended prior to the removal of the Mine Office. Based on the information available, Heritage NSW considers that archaeological test excavation is required to determine the significance and appropriate management of this site (*not addressed in this report*).



iv. In our letter dated 21 August 2024 (HMS ID 6788) we recommended that test excavation be undertaken prior to project approval to inform the detailed design for the project. The results of the test excavations should be used to inform decision-making and identify appropriate conservation outcomes and mitigation measures commensurate with the assessed significance of the identified archaeological resource. Test excavation should be undertaken by a suitably qualified and experienced Excavation Director in accordance with an Archaeological Research Design and Excavation Methodology, to be approved by Heritage NSW prior to the commencement of works as outlined in our previous response.

1.2 Report purpose

The research seeks to identify the location of a convict hut at a land grant called Bentham.

Preliminary research undertaken as part of Huntlee New Town Stage Two HHA 2024 identified potential sites with the following forming part of the Recommendations:

DA Area – Village 2 Central and South

1. Prior to works progressing in this locality, further investigation is required at the potential location of Bentham Farm (AAS 5) to ascertain if archaeological material is present. If during that process items are identified meeting the definition of a “relic” under the NSW Heritage Act 1977 a permit must be lodged and approved prior to works re-commencing in that location.

Three possible locations were considered, and this report provides the results of that further investigation.

1.3 Scope of this research

The historical research was undertaken by Laraine Nelson, BA. M.Litt. and member, Professional Historians Association. Primary documents sourced include:

- Merewether Estate Archives - Newcastle Library. Local History (NL).
- Mitchell Family Papers (Merewether & Rothbury Estate Records c1829-1997) State Library of NSW (SLNSW).
- Merewether Estate Archives - Rothbury Estate Records (SLNSW).
- Surveyors Field Books, Henry Dangar and GB White. Museums of History NSW - State Archives (MHNSWSA).
- Crown Plans. County of Northumberland. Belford and Branxton Parishes (MHNSWSA).
- Crown Plans. County of Northumberland. Belford Parish. Land Registry Services.
- Historical maps, plans, titles, registers and indexes. Historical Land Records Viewer (HLRV). NSW Land Registry Services.

A thorough search of Trove failed to find any reference to Bentham.

Legend

□ Cadastre

Heritage items

1. Hut location (Dangar 1823 & 1828)
2. Previously considered as potential postholes
3. Farmhouse (demolished)



Disclaimer: While all reasonable care has been taken to ensure the information shown on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use.

Google Earth
2025 Airbus



2 PREVIOUS RESEARCH

A potential site for Bentham Farm was identified in Vines, G. (2003) *An archaeological survey of historic sites for the Hunter Valley Project, North Rothbury, New South Wales* which formed part of the JBA Planning, (2010) *Huntlee New Town. State Significant Site Study*.

During the production of the Huntlee New Town Stage Two HHA (2024) a lack of access to that report and supporting research hampered a thorough assessment. This was rectified in 2025 with the Vines report (2003) located.

Key elements of that report include:

- Bentham Farm (potential archaeological site) was described as an 1860s farm established by Joshua Thorpe.
- Bentham Farm was located on alluvial flats in a bend of Black Creek.
- The remains of a farm house and sheds near the south west corner of the property (Section 139 Parish of Branxton) was identified as Bentham Farm by Vines.
- The farm house and sheds had been bulldozed, likely when the Rothbury mines were cleared, i.e. early 1990s.
- Vines considered archaeological remains of the farm were present.

4.2 Results

Bentham Farm

Joshua Thorpe's Farm of 1076 acres was located on alluvial flats in a bend of Black Creek. The remains of the farm house and sheds lie near the south west corner of the property (Section 139 Parish of Branxton). The buildings appear to have been bulldozed into heaps, probably at the same time as the Rothbury mines were cleared, ie early 1990s. However, archaeological remains of the main components are still evident, these include the house, barn, milking shed, shearing shed and machinery sheds.

Four large pepper trees form a square which was probably part of a horse paddock near the house. Other pepper trees are located around the site, along with a few other surviving exotic trees, including one stone fruit from the former orchard. Drains and ridges mark the former field system and fence lines, with clear evidence of both cultivated paddocks and ridge and furrow from orchard or vineyard plantings. The remains of a hay mower are located to the east and there is a pit with various refuse, including recent animal carcasses. Some terracing of the alluvial flats near the creek is also evident.

To clarify the finding of that report Vines (2003):

- The grant of land known as Bentham was made in 1827 (not 1860s) and at that time, rather than established farm, a few convicts resided at that location. Joshua Thorpe did not live at Bentham.
- No evidence or references were provided by Vines to support the bulldozed buildings as the location of the original buildings at Bentham.



3 HISTORICAL RESEARCH – BENTHAM FARM

Table 1 details the land ownership relevant to Bentham Farm, with the following report expanding on that detail.

3.1 Bentham Farm

Table 1 Bentham Farm (HLRV)

Date	Persons		Record & source	Details
		Landholder		
29.03.1824	Sir T. Brisbane	Joshua Thorpe	Land Grant (HLRV)	1076 acres to be called 'Beckley'.
03.12.1833	Sir T. Brisbane	Joshua Thorpe	No. 256 Fol. 62 (HLRV).	Formalisation of the land grant of 1076 acres.
16.06.1834	F. T Rusden mortgagee	Joshua Thorpe mortgager	No.101 Bk. G & No. 893 Bk. K PA# 12307 (HLRV)	Mortgage by demise (HLRV).
10.08.1836	Savings Bank mortgagee	Joshua Thorpe mortgager	No. 137 Bk. K PA# 12307 (HLRV).	Mortgage by demise.
4&5.08.1837	Joshua Thorpe	James Mitchell (Sydney)	No. 659 Bk. L (HLRV).	Lease and release* 980 acres (more or less) together with all houses & c. £750.
11.09.1838	Joshua Thorpe	William Jones (Black Creek)	No. 741 Bk. N & No. 755 Bk. 29 (HLRV).	Lease and release* 140 acres. £70 Described as Parish of Belford on the west bank of Black Creek. <i>Outside the project area.</i>
01.02.1869	James Mitchell	David Scott Mitchell	MLMSS 8837/1(1) (Merewether Estate Archives. SLNSW)	Death of James Mitchell – Rothbury Estate is inherited by his son D S Mitchell
24.07.1907	David Scott Mitchell	Augusta Maria Merewether and her sons, EAM Merewether & HAM Merewether	MLMSS 8837/1(1) (Merewether Estate Archives. SLNSW)	Death of D S Mitchell – Rothbury Estate is inherited by Augusta Maria Merewether and her sons, Edward Alworth Mitchell Merewether (EAM Merewether) and Henry Alfred Mitchell Merewether (HAM Merewether). Known as the Trustees of the Merewether Estate
1979	Trustees of the Merewether Estate Archives (State Library of NSW)		No.62 Bk. 891 (Merewether Estate Archives. SLNSW) & see Figure 10.Figure 7	Owner - Merewether Estate Map. Pt Portion 139. 364.31ha leased to Tony Ernst. 28 Bowen St. Branxton Nth Pt portion 139 - sold No.300 Bk 1668
29.06.1979	Trustees of the Merewether Estate	Maitland Extended Collieries	MLMSS 379 2(4) (Mitchell Family Papers. Archives. SLNSW)	Ayrfield sold to Maitland Extended Collieries.

* A 'lease and release' is a form of conveyance involving the lease of land by its owner to a tenant, this was followed by a release (relinquishment) of the landlord's interest in the property to the tenant. This sequence of transactions was commonly used to transfer full freehold title to real estate under real property law up until the mid-nineteenth century ([Merriam Webster Dictionary](#)).



3.2 Joshua Thorpe

In February 1824 Joshua Thorpe (sometimes spelt Thorp) of O'Connell Street, Sydney, newly arrived in the colony and trained as a surveyor, requested a position in the NSW Surveyor General's Department. Later the Colonial Secretary Index provides evidence of Thorpe in the employ of the Government [MHNSWSA. Colonial Secretary Papers 1788-1825 (1)].

In 1824 Joshua Thorpe (1799-?) was granted 1076 acres (435 hectares) at Black Creek. The grant was initially called Beckley but later changed to Bentham. In 1833 that grant to Thorpe was formalised (Table 1, Figure 2, and Figure 3).

In November 1824 Thorpe is listed as holding allotment 147 of the 192 Newcastle town allotments surveyed by Henry Dangar in 1823 (1898 'History of Newcastle and the Northern District.', Newcastle Morning Herald and Miners' Advocate).

In 1824 Thorpe offered to take 10 men of the stores (convicts) [MHNSWSA. Colonial Secretary Papers 1788-1825 (2)].

The 1828 Census records Joshua Thorp (sic), aged 28 years as married to Sarah (17 years) with one child. A Superintendent of Works he resided at George Street, Sydney. The copy is poor; however, it appears he held 1100 acres (location not given), of which 70 acres were cleared and 26 cultivated.

In 1837 land title records refers Thorpe as a land surveyor residing at Cooks River (south of Sydney) (Table 1).

Bentham

- Crown Plan 1823 (MHNSWSA 1-H41) (Figure 4 & Figure 5). A hand drawn survey made of 'Black Rivulet' including the area that became Bentham. On that plan, in the same location as Dangar recorded Bentham in The Index (Dangar 1828) is a house-like symbol. Also shown to the immediate right, is a labelled track leading west adjacent the house-like symbol. The surveyor is unnamed; however, a comparison of handwriting and the timeframe indicates it was most likely Henry Dangar, and the survey informed The Index, later published in London in 1828.
- The Index (Dangar 1828) shows a property named Bentham with a dwelling (Figure 6) The accompanying text describes Joshua Thorp (sic) as being granted 1076 acres on 29 March 1824 (Dangar 1828:7).
- In 1833 Joshua Thorpe, grant of 1076 acres in the Parishes of Belford and Branxton named 'Beckley' was confirmed. Thorpe's address at the time was given as Cooks River (Table 1).
- *XYZ Goes North* (Grantham 1999), includes an account of a trip to the Hunter River in 1827. The author describes a farm belonging to a 'respectable individual connected with one of the public departments in Sydney'. With:

'this farm is the most eligible, if not the only place, for an inn on the whole road'

Indicating it was adjacent the track leading west through the valley.

The property appeared in a poor state, and the author wonders why some Hunter Valley properties where:

'interests involving hundreds, and sometimes thousands of pounds could be left in the care of two or three convict servants 'generally wild Irish the best of whom at home could be scarcely trusted to take a letter to a two-penny post!'



The editor added a note that the said farm was 'Bentham' owned by Joshua Thorp (sic). Thorp is described as an absentee landowner who employed convicts on his Hunter Valley grant (Grantham 1999:29-30). On Dangar's 1828 map, the track that leads west is seen as passing adjacent the 'Bentham' hut.

On the evidence it is concluded that Thorpe did not reside at the farm. The inclusion of a dwelling in Dangar's map (1828) and the description by *XYZ goes North* most likely refers to basic housing for the convicts.

An extensive search of Trove found no reference to properties in the Hunter Valley called Beckley or Bentham, which is unusual. If the farm was operating as a going concern there would be references to sale of crops, stock, residents, etc.

In 1837 Thorp sold 980 acres to James Mitchell and in 1838 sold 140 acres to William Jones (Table 1).

3.2.1 Summary for Joshua Thorpe

- A Crown Plan for Black Creek (1823) shows a house-like symbol in the same location as that later shown in The Index (1828) (Figure 4 & Figure 5).
- There is no record of Thorpe residing at Bickley or Bentham, he is referred to as an absentee landowner (Grantham 1999). All information refers to residences in George Street Sydney, Newcastle and finally at Cooks River.
- The property is referred to as Bickley in the original 1824 grant and again in 1833 when the grant is formalised.
- Thorpe's grant of Beckley/Bentham includes both the Parishes of Branxton and Belford, County of Northumberland.
- In 1827 *XYZ Goes North* (Grantham 1999: 29-30) refers to two or three convicts residing at Bentham.
- In 1827 *XYZ Goes North* (Grantham 1999: 29-30) indicates that Bentham is adjacent the road.
- There is no evidence of Thorpe having other grants or purchasing further property near Bentham.
- The land sale of 980 acres (4&5.08.1837) from Thorpe to James Mitchell is most likely Bentham. The sale included houses, however, despite extensive research including all available Mitchell and Merewether Estate archives, there is no further evidence or description of any structures on Bentham until the early twentieth century.
- The land sale of 140 acres (11.09.1838) from Thorpe to William Jones is most likely a portion of Bentham.

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COUNTY, *Northumberland*. By His Excellency *Major General Richard Bourke*
 ACRES, *1076*. Captain General and Governor in Chief of the Territory of New South Wales
 and its Dependencies, and Vice Admiral of the same, &c. &c. &c.

BE IT KNOWN UNTO ALL MEN BY THESE PRESENTS, That, in order to promote the due Settlement of the said *Colony* of New South Wales, and in fulfilment of a promise made on or before the *Twenty-ninth Day of March* One thousand eight hundred and twenty four by His Excellency *Sir Thomas Brisbane* as Governor thereof, and in consideration of the Quit-Rent hereinafter reserved, and of the price of the Redemption of the same, I the said *Major General Richard Bourke* in Pursuance of the Powers by His Majesty the King vested in me, as Governor of the said *Colony* and its Dependencies, do hereby Grant unto *Joshua Thorpe* of *Isaban* *of Munna, Locks River* his Heirs and Assigns, SUBJECT to the Reservations and Conditions hereinafter mentioned, *one thousand and seventy six acres* of Land, more or less, situated in the County of *Northumberland*, Parish of *Helford and Branton* Bounded on the west by a line bearing south one hundred and forty chains, on the south by a line bearing east eighty chains, on the east by a line bearing north one hundred and forty chains, and on the north by a line bearing west eighty chains to the north west corner being the land inserted at N^o 57 in the advertisement of 27 July 1833 in the name of *Joshua Thorpe*

to be called *Beckley* with all the Appurtenances whatsoever, SAVING AND RESERVING all such parts of the said Land as may hereafter be set out for a Way or Ways, by any Person lawfully authorised in that respect, together with the right of taking and removing all Stone and Gravel, all Indigenous Timber, and all other Materials, the produce of the said Land, which may be required at any time for the construction and repair of Ways and Bridges, for Naval Purposes, and for Public Works; TO BE HELD with the Appurtenances, reserving as aforesaid, to the said *Joshua Thorpe* his Heirs and Assigns, for ever; ON CONDITION of paying therefore Yearly, to HIS MAJESTY, His Heirs and Successors, or as He, or any of them shall appoint, the Quit-Rent, or Sum of *seven pounds, ten shillings* Sterling, for ever, from the *First* Day of *January* One thousand eight hundred and thirty one, unless the same shall be redeemed within Twenty Years from the said *First* Day of *January* One thousand eight hundred and thirty one by the said Grantee, his Heirs or Assigns, at the rate of Twenty Years purchase: AND FURTHER, on condition that no part of the said Land be alienated by the said Grantee or his Heirs, within the Term of Five Years from the date (of the Promise) first above-mentioned, and that in the course of the said Term of Five Years from the said date *Twenty five* Acres thereof be cleared and cultivated, or Buildings or Fences be erected, or other permanent improvements be made thereon, to the value of *three hundred and twenty five pounds* Sterling, and that proof of the same be produced, whenever required by the proper Officer on HIS MAJESTY'S Behalf; PROVIDED ALWAYS, that if the said Quit-Rent be at any Time unpaid Twenty Days after the same shall become due, or if any one or more of the aforesaid Clauses or Conditions be not duly observed, then this Grant shall be void, and it shall be lawful for HIS MAJESTY, or any of His Successors, or any Person duly authorised in that Behalf, to re-enter into the said Lands, or any part thereof, and thence to remove the said Grantee, his Heirs and Assigns, and to hold or re-grant the same, these Presents notwithstanding.

GIVEN under my Hand and the Seal of the *Colony*, at Sydney, in New South Wales, this *third* Day of *December* in the Year of our Lord One thousand eight hundred and thirty three *Nich^d. Bourke*.

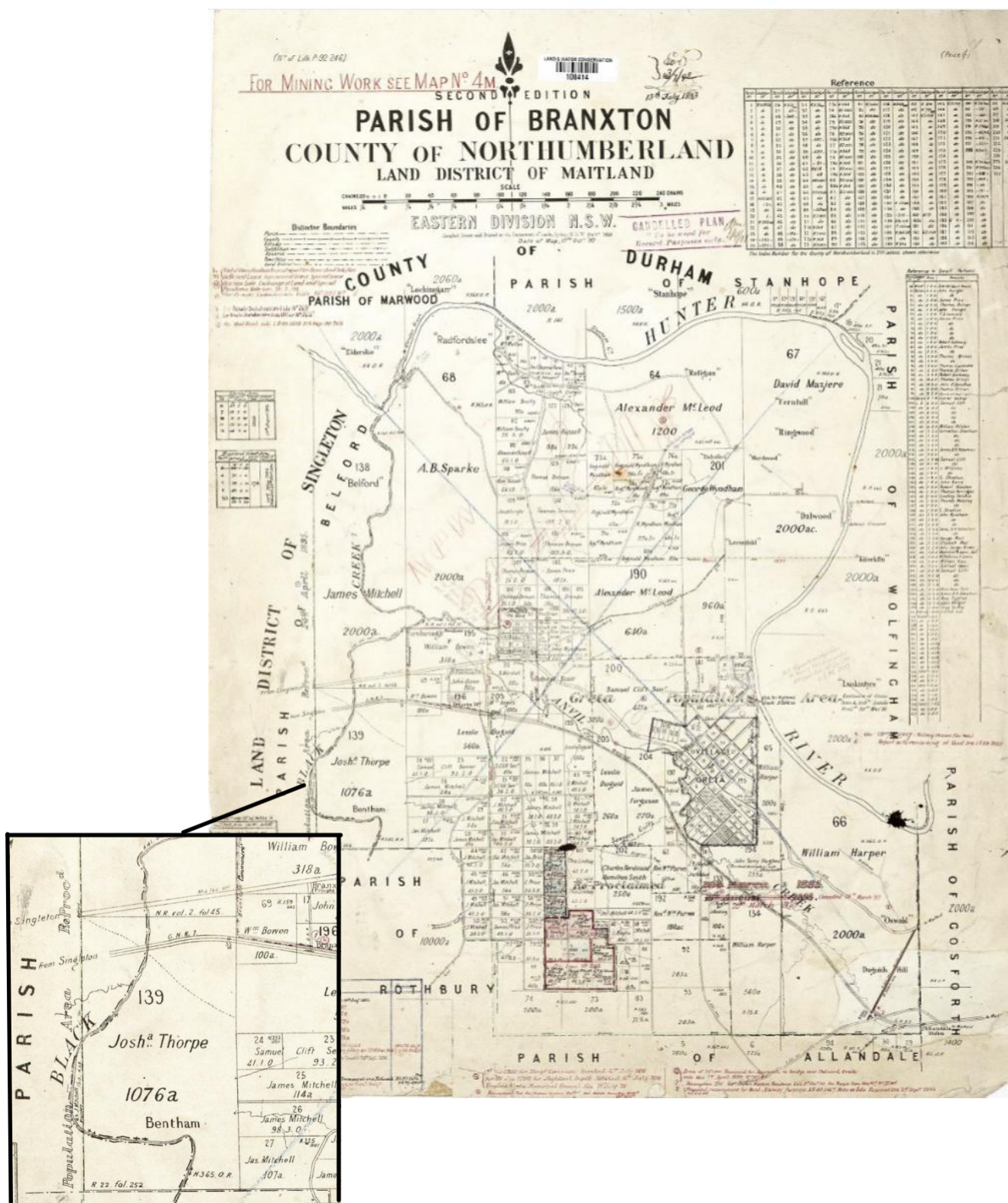
Signed and Sealed in the Presence of
R. Bourke
G. W. Holson

in Register of Grants of Land N^o 32, page 252
 ENTERED on Record by me, this *twelfth* Day of *July*
One thousand eight hundred and thirty four

Henry Lewis
 Colonial Secretary and Registrar

Printed by R. Marshall, for the Executors of R. Howe.

Figure 2 1824 Land grant to Joshua Thorp (HLRV)



Bentham Farm Historical Research. 2025

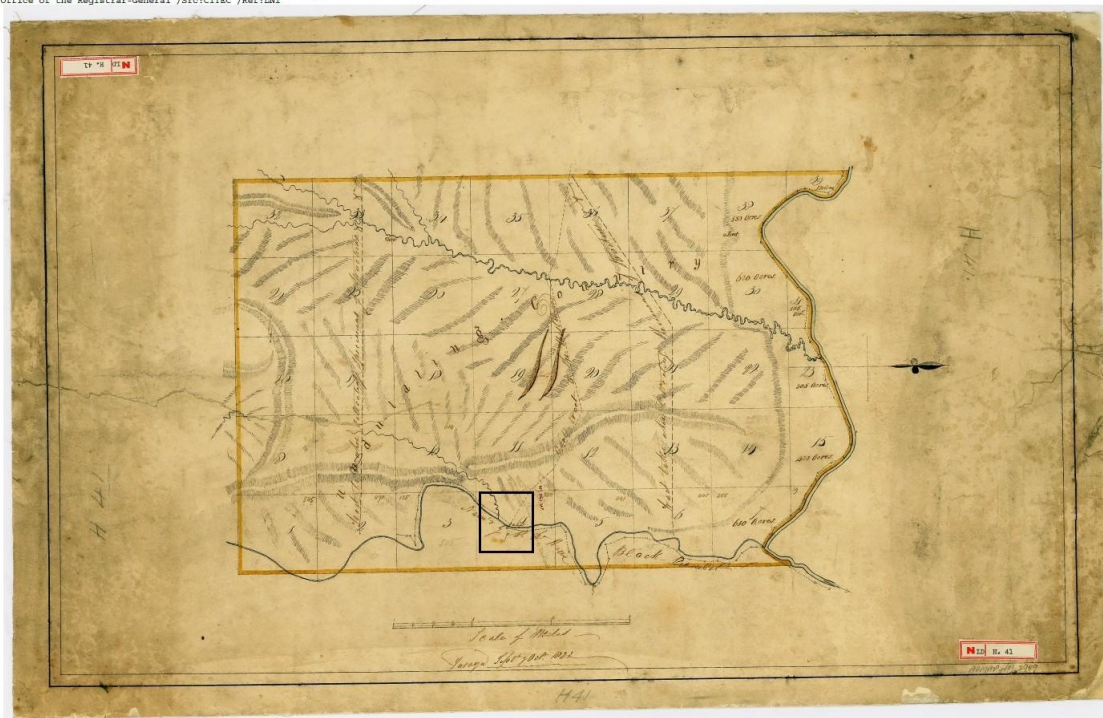


Figure 4 1823 Crown Plan. Survey of Black Rivulet (Creek)



Figure 5 1823 Crown Plan. Detail. Survey of Black Rivulet (Creek)



Figure 6 Map of Hunter River & Location of Bentham, Black Creek showing a building adjacent the track (Dangar 1828)



3.3 William Jones

In 1838 Thorpe sold 140 acres in the Parish of Belford on the west bank of Black Creek to William Jones for £70. While part of the original land grant of 1076 acres, this is outside the current project area and is not included in this research.

3.4 Dr James Mitchell

In August 1837, Joshua Thorpe sold via lease and release '980 acres, more or less' together with all houses & c. for the sum of £750 to James Mitchell. The land described as in the County of Northumberland, Parishes of Belford and Branxton was Portion 139, Bentham which from then formed part of Mitchell's Rothbury Estate. Furthermore, Dr James Mitchell's Bank of Australia Account book (Ledger 6 Folio 351) 1833-1838 on 6 September 1837 recorded a payment of £168.12.10 to Joshua Thorpe (SLNSW. Mitchell Family Papers. Series 02: James Mitchell Financial papers 1824-1876).

Dr James Mitchell (1792-1869), a surgeon with the 48th regiment, arrived in Sydney in 1821. Mitchell, while residing in Sydney acquired through grants and purchase extensive rural holdings including Burragorang (Camden), Burwood Estate (south of Newcastle) and Rothbury Estate (Hunter Valley).

An astute businessman Mitchell established a salt works and later a tweed factory in Stockton, NSW. Unlike other Hunter Valley landholders, Mitchell did not establish a farm using convict labour, rather he divided his estate and sublet the land, deriving an income from rents and leases (Saxon 1974:10& 20). Considering Mitchell's Hunter Valley landholdings covered 50,000 acres (20,234 hectares) it is possible the farms were not closely settled with Bentham like the other farms, leased to a tenant farmer. Saxon also stated that with the abolition of convict labour in 1841 Mitchell, unlike other landholders, was not affected as, rather than a producer, he was a landlord (Saxon 1974:21).

In 1869 the incomplete Rothbury Estate accounts record Thomas Lindsay as leasing 'all the lands known as Rothbury' [ML MSS 379 2(4)]. A search of Trove found a record of Thomas Lindsay Esq. of Black Creek in 1859 (1859 'IMPOUNDING.', The Maitland Mercury and Hunter River General Advertiser). Given the Estate account books are incomplete it is likely Lindsay was occupying Rothbury at least as early as 1859. There are separate Estate accounts for the Belford Estate, west of Black Creek.

Dr James Mitchell married Augusta Maria Scott. They had three children, a son David Scott Mitchell and two daughters, the eldest of whom, Augusta Maria married Edward Christopher (E C) Merewether in 1860. In 1861 E C Merewether became the superintendent of the Australian Agricultural Company (AACo), which held significant coal interests in the Hunter Valley (Australian Dictionary of Biography Online. Dr James Mitchell & David Scott Mitchell).

On the death of James, his only son David Scott Mitchell (1836-1907) inherited 40,694 acres (16,468 hectares) at Rothbury and Hexham from the estate (Smith 1965:143).

The Mitchell Family Papers (State Library of NSW) had the following references to land holdings at Rothbury.

3.5 David Scott Mitchell

David Scott Mitchell, while inheriting a substantial estate had an interest in books and intellectual pursuits rather than business or politics. He left management of his estates to his brother-in-law, E C Merewether, consequently the Rothbury Estate remained managed in much the same manner as it had when under the ownership of his father Dr James Mitchell (Saxon 1974: 33).



Mitchell never married and, on his death in 1907, his substantial library and £70,000 was bequeathed to the State forming the present-day Mitchell Library. The Rothbury Estate was left to the Trustees of the Merewether Estate; this comprised his sister Augusta Maria Merewether and her sons Edward Alworth Mitchell Merewether (EAM Merewether) and Henry Alfred Mitchell Merewether (HAM Merewether) [SLNSW MLMSS 8837/1(1)].

3.5.1 Summary for James and David Scott Mitchell

- Dr James Mitchell and his son David Scott Mitchell lived in Sydney.
- Portion 139, Bentham was purchased from Thorpe in 1837 and became part of Mitchell's Rothbury Estate.
- Dr James Mitchell did not employ convicts, instead leased his rural holdings to tenant farmers.
- In 1869 it appears the Rothbury Estate was leased as a single entity to Thomas Lindsay.

3.6 Trustees of the Merewether Estate

The Trustees of the Merewether Estate, to meet financial commitments tied to D S Mitchell's bequest to the State Library of NSW, sold a large portion of the Rothbury Estate as small holdings in 1909. Portion 139 (Bentham) was not included in the sale (Figure 7).

Also, around that time a decision was taken to exploit a thick coal seam that surfaced near Black Creek with the Rothbury Colliery developed to the east of Portion 139 (Bentham) (Smith 1965:9). The proximity of Portion 139 to the proposed colliery and the resulting construction of a rail link through that Portion likely influenced its retention.

The Trustees of the Merewether Estate held Portion 139 (Bentham) and the lands associated with Rothbury (later Ayrfield # 3) Colliery until 1979 when it was sold to Maitland Extended Collieries Pty Ltd. [SLNSW MLMSS 10016/4(11)].

Leases

Prior to, and following the 1909 Estate land sale, lands held were leased for farming. Several rental documents (1901 to 1921) show that J C Mayne the Younger, leased and sublet the estate for the Merewether Estate. Portion 139 (Bentham) is not named on any of the leases. However, in several instances the rental property is only described as 'being occupied' by the lessee. Hand written on 1909 leases for: Ernst, Hoffman, Raisbeck were 'not affected by the subdivision' indicating the land was not included in the sale. Written into several 1906 leases was a requirement that a house be built on the land (NL. Merewether Estate Archives. Leases – A29A & A29B).

The Rothbury Account books (NL. Merewether Estate Archives. AB24) provide some clues however, the books do not provide specific detail of the lands leased.

The following has been ascertained:

- Pt Portion 139 from 1907 to 1925 was leased to Henry Raisbeck, Toronto, Branxton, however, given the annual lease was only £5 and Raisbeck's address was given as Awaba Street, Toronto it appears it may only have been a small part of Portion 139 (NL. Merewether Estate Archives. AB24 1911-1912).

The following is from the NL. Merewether Estate Archives. AB72 and AB24 1911-1912.

- In 1905 W C M Christian leased an area for £234 p.a. it included an area described as Black Creek Paddock, Weatherhead and Yellow Ridges Paddock, however in 1909 he purchased



from the Rothbury sale Portions 8,9,10,11,12,16 & 19. These are to the south and west without a frontage to Black Creek (NL. Merewether Estate Archives. Leases - AB73).

- In 1909-1910 Arthur Ernst is recorded as a tenant with an annual rent of £80, the highest rental paid at that time indicating a superior or large area, possibly the Black Creek alluvial flats (Figure 8).
- 1924 a cottage was constructed on 'Ernst's Farm' and from that time rent was paid on both the cottage and the farm (Figure 9).
- A map showing the extent of land owned by the Merewether family at Rothbury in 1974 with subleases by R W Miller shows that part of Portion 139 referred to as Bentham leased to Tony Ernst (Figure 10).

3.6.1 Summary for the Trustees of the Merewether Estate

- The Rothbury Estate, which included Portion 139 (Bentham), was inherited by the Trustees of the Merewether Estate from David Scott Mitchell.
- A large portion of the Rothbury Estate was sold in 1909.
- Portion 139 (Bentham) was not included in the sale.
- There was a requirement to build a house attached to several of the 1906 leases, and in 1924 a house was built for tenant farmer, Arthur Ernst.
- Tony Ernst, residing in Branxton, leased Portion 139 in 1979.
- In 1979 the remaining Rothbury Estate was sold to Maitland Extended Collieries Pty Ltd.



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ROTHBURY COLLIERY LEASES, 1909-1910.

Rent 3rd December, 1909 to 1st January 1910.

LEASE	OCUPYER	RENTAL	PROPORTION
		£. s. d.	£. s. d.
29	J. A. Tulloch	20. 0. 0	3. 12. 5
29a	J. Richardson	4. 0. 0	0. 6. 4
30	W. G. Shepherd	35. 0. 0	2. 7. 8
31	J. G. Hill	18. 0. 0	1. 8. 7
32	see above	22. 0. 0	1. 4. 2
33	W. G. Shepherd	14. 0. 0	0. 7. 11
34	A. Ernest	17. 0. 0	0. 7. 1
35	J. O. G. Hill	8. 0. 0	0. 2. 7
36	J. McNamara	6. 0. 0	0. 9. 6
37	see above	6. 0. 0	0. 1. 7
38	see above	8. 0. 0	0. 1. 7
39	J. A. Tulloch	15. 0. 0	1. 3. 10
40	G. Hall	2. 0. 0	0. 3. 2
41	T. D. Stephen	15. 0. 0	1. 3. 10
42	G. A. Campbell	6. 0. 0	0. 1. 4
43	G. Chapman	10. 0. 0	0. 5. 2
44	J. Deasy	16. 0. 0	0. 1. 2
45	J. H. Burke	3. 0. 0	0. 1. 7
46	J. E. Deasy	35. 2. 0	2. 12. 7
47	W. Elliott	34. 12. 0	2. 14. 11
48	S. P. P. P.	3. 0. 0	0. 1. 4
49	freehold	1. 0. 0	0. 0. 6
50	G. Thoms	5. 0. 0	0. 3. 9
51	see above	2. 0. 0	0. 1. 0
52	S. Hewens	6. 10. 0	0. 3. 11
53	E. Stubbings	5. 0. 0	0. 2. 8
54	Amount due in respect of rentals due after 3rd Dec. 1909 to 1st Jan. 1910;—	40. 0. 0	3. 16. 8
55	J. A. Tulloch	4. 0. 0	0. 2. 4
56	P. H. Hayes	3rd Dec. to 1st March	3. 13. 10
57	M. Moylan	3rd Dec. to 1st April	11. 10. 9
58	P. Hoffmann	3rd Dec. to 1st March	9. 16. 10
59	* Includes Gillard's lease with £10. added in lieu of house being built		63. 10. 11

Figure 8 Rothbury Estate – 1909-1910 tenant farmers

Memorandum.

From The MANAGER,
Rothbury Collieries,
BRANXTON.
TELEPHONE: Maitland 355.

BRANXTON, 8th May 1924
To Mr. A. H. Munnings, Esq.
Rothbury Estate
Munnings

Dear Sir, Luggage on Ernst's Farm—this has now been completed the total cost being about £260 made up as follows.

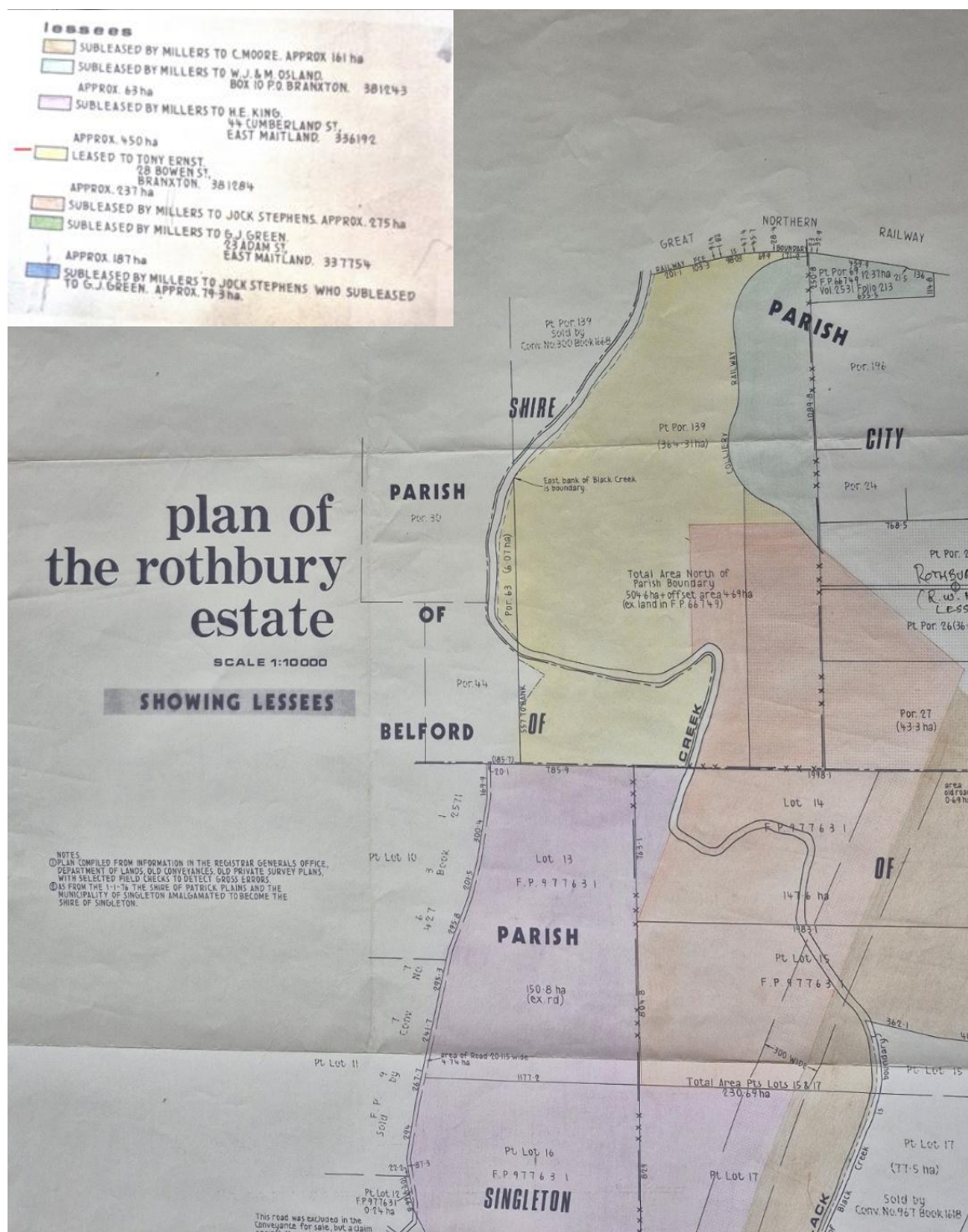
Good l.b. timber	£ 106-14-5
Good l.b. shon	£ 18-14-2
Freight	£ 2-3-9
Builder	£ 69-12-0
	£ 257-44-4

No out with cost of unloading material & so forth

Yours obediently
G. H. Munnings

15/5/24

Figure 9 1924 - Rothbury Estate – construction of cottage on 'Ernst's Farm'



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4 FIELD INSPECTION

On 22 October 2025 two locations shown in Figure 1 were inspected:

- Area 1. Hut location (Dangar 1823 & 1828) and
- Area 2. Previously considered as potential postholes (2023)

While

- Area 3. The Farmhouse (Figure 1) was not inspected again as the inspection in 2024 had been thorough and there was no additional supporting evidence for it being the location of the convict hut.

1. *Hut location (Dangar 1823 & 1828)*

Located on the alluvial flat adjacent Black Creek it is evident the area has been impacted by flood events (Plate 1). Dense vegetation, much consisting of introduced species. No visible ground surface. It is likely that in the early 19th century there was an area to ford the creek, however with the vegetation and unstable creek banks it was not possible to verify (Plate 2). The location of the hut as indicated by Dangar (1823 & 1828) is now covered by dense trees and undergrowth (Plate 3). Looking to the east and north from the location the area had been cleared for agriculture in the past (Plate 4).

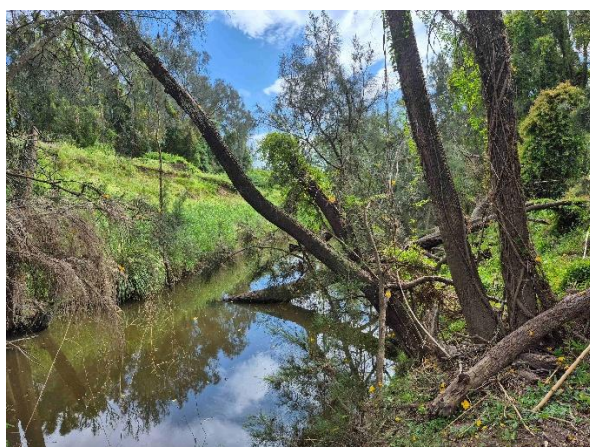


Plate 1 Looking north along Black Creek



Plate 2 Centre image shows collapsed creek bank near the Hut location (Dangar 1823 & 1828)



Plate 3 Hut location indicated by Dangar 1823 & 1828 (Dangar 1823 & 1828)



Plate 4 Looking north from hut location



2. *Previously considered as potential postholes*

This location had been inspected in 2023 based on an analysis of a plan in The Index (Dangar 1828) (Figure 6). The plan is at a large scale, with the resulting difficulty in trying to pinpoint the location of Bentham on the ground. With an absence of any other markers and the location of possible posts this area was flagged for future investigation.

In 2023 the area was covered in dense groundcover hindering an accurate assessment (Plate 5). In 2025, the groundcover was less dense permitting a more accurate assessment of the possible posts (Plate 6).

It is now considered that the possible posts are sawn off tree stumps (Plate 7). With improved surface visibility it was possible to identify several stumps of varying sizes across the area (Plate 8).



Plate 5 Groundcover in 2023



Plate 6 Groundcover in 2025



Plate 7 Stump identified in 2023



Plate 8 Larger stump



3. Farmhouse (as identified by Vines 2003)

The location of the farmhouse was inspected on 12 June 2024 by the author. The location was significantly impacted during the demolition of the structures prior to 1991 (Plate 9). Vines (2003:25) recorded potential archaeological evidence for the farmhouse, however, the inspection in 2024 found that landscape no longer existed.

The area had been bulldozed into piles of debris consisting in the most part of broken slabs of reinforced concrete, averaging 40 centimetres thick, one slab approximately one metre thick had steel fasteners indicating its likely use for industrial machinery (Plate 10). Some concrete was steel reinforced while all had random sized aggregate. The remainder of items in the piles consisted of iron, corrugated iron, vehicle parts and some timber (Plate 11).

The area has been impacted by off road cars and motorbikes; the area is covered in tracks and the ground surface highly disturbed (Plate 12).

The evidence is that the location was bulldozed to remove all farm related items. The presence of quantities of industrial size concrete slabs indicate it was possibly used for colliery related works at some stage.



Plate 9 1991 location of the c.1924 Farmhouse cleared (NSW Spatial Services. Historical Imagery)



Plate 10 Concrete rubble - looking northeast



Plate 11 Rubble mound - looking north



Plate 12 2025 location of the c.1924 Farmhouse (NSW Explorer v1.2)



5 ANALYSIS

This research considered three areas as a possible location for the convict hut. Two locations have been discounted for the reasons described below, with the location recorded by Dangar considered the most valid.

5.1 Identified location

5.1.1 Hut location (Dangar 1823 & 1828)

It is considered, following extensive research and analysis, and with no evidence to the contrary that the convict hut site was adjacent to Black Creek as shown on the 1823 Crown Plan (Figure 4 & Figure 5). The Index (Dangar 1828) was published at a larger scale and therefore did not permit an accurate correlation between Black Creek and the convict hut, it does however confirm the detail shown in the 1823 Crown Plan (Figure 11). That is the course of Black Creek, the location of the track leading west to the immediate north of the convict hut and the proximity of the hut to the creek.

That location is supported by geo rectifying the 1823 Crown Plan with a current map (Figure 12). The course of the creek has remained constant, while a tributary to the south while having changed course still intersects Black Creek at the same location.

The location is also supported by XYZ goes North (Grantham 1999) who describes the hut area as ideally placed for an inn, adjacent to the track.

Another factor while not recorded but relevant is access to water. The hut would be located close to a source of fresh water, for daily use by the convicts and for livestock and farming.

5.2 Locations rejected

5.2.1 Potential post location (2023)

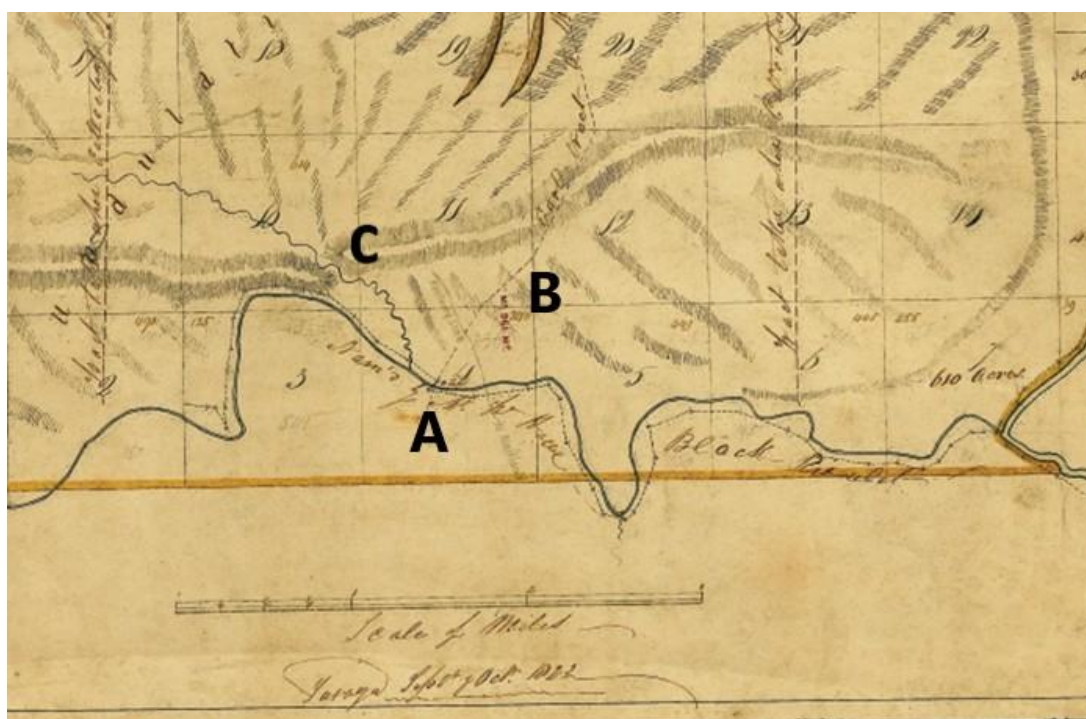
Three potential posts located during a preliminary survey in 2023 have been discounted as the possible location of the convict hut. In October 2025 the location was revisited. On this visit, long grass that had previously covered the area was no longer present and several tree stumps of varying sizes, like those identified during the first visit, were noted. It was determined that the potential posts were sawn-off tree stumps. Another factor that ruled out this as a potential site was the lack of available fresh water nearby, a daily necessity.

5.2.2 Farmhouse (as identified by Vines 2003).

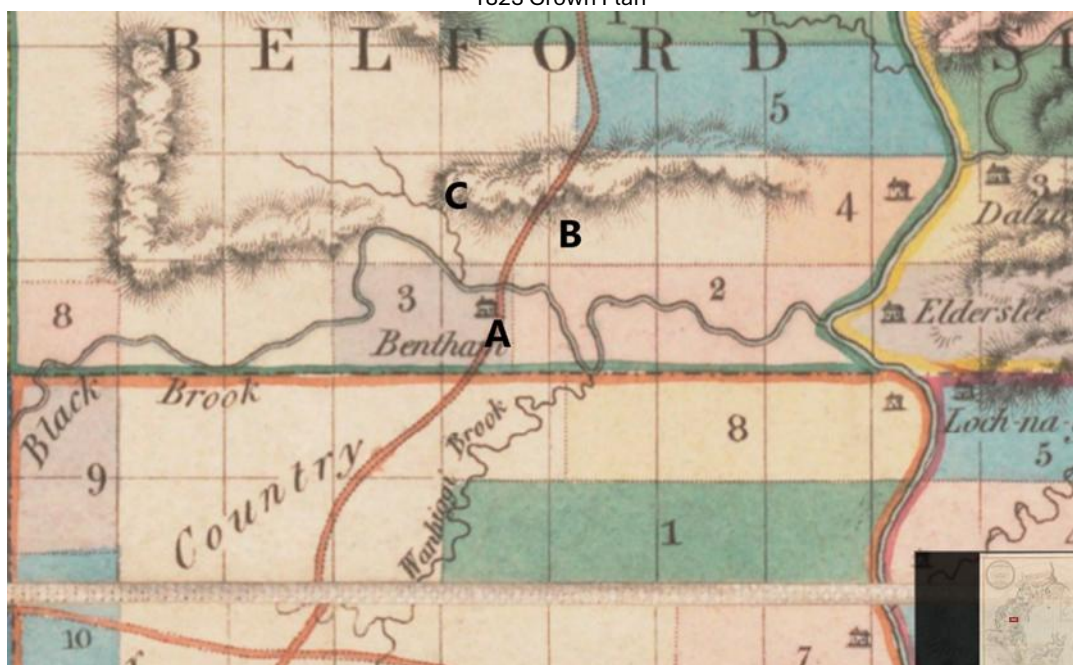
Vines (2003) recorded the farm house as Bentham Farm; however, no evidence was provided to support that conclusion. The research that supported this report found no evidence that the farmhouse was the location of the convict hut. Primary documents indicate it was a farmhouse, possibly built in 1924 for Arthur Ernst, a tenant farmer of the Trustees of the Merewether Estate.

All structures were bulldozed sometime prior to 1991.

In a direct line, the location of the convict hut [1823 Crown Plan and The Index (Dangar 1828)] is approximately 1.5km to the north of the farmhouse. In addition, the location of the farmhouse is some distance from the track west as described in *XYZ goes North* (Grantham 1999).



1823 Crown Plan



The Index (Dangar 1828)

Figure 11 Correlation between 1823 Crown Plan and The Index (Dangar 1828)

A - Location of Bentham

B – Cart track to the western area (text on 1823 Crown Plan)

C – Tributary of Black Creek



6 OUTCOME

Following an assessment of the research, it is considered that Area 1. Hut location (Dangar 1823 & 1828) is most likely locality for the convict hut at Bentham Farm.

That location, part of the Black Creek riparian zone is outside the development footprint (Figure 12). Therefore, there is no requirement for an archaeological test excavation. Therefore, following findings are made:

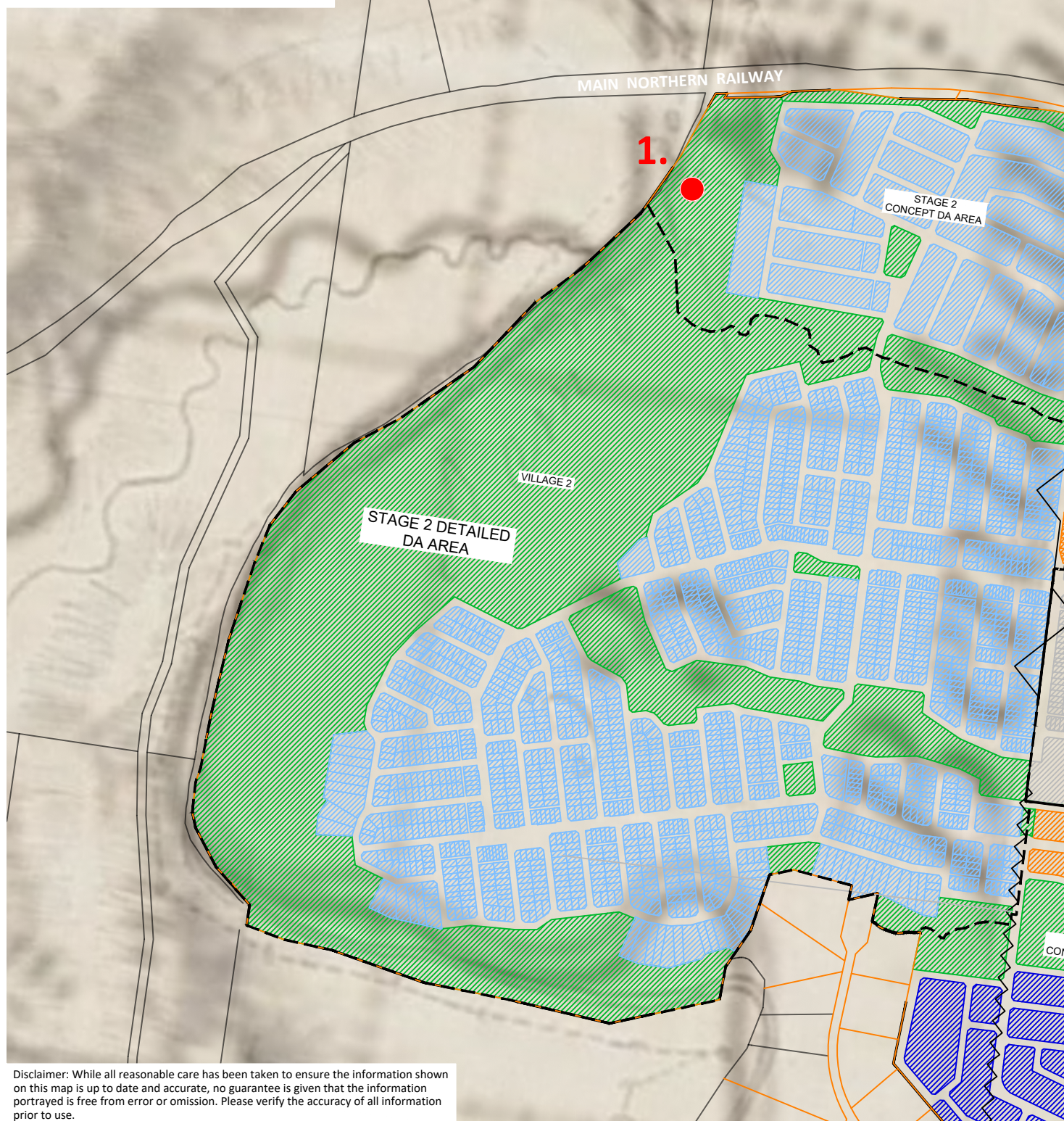
- No development is proposed for the area identified as Hut location (Dangar 1823 & 1828) therefore there is no requirement for an archaeological test excavation.
- If, in the future, ground disturbance works are planned for the area identified as the Hut location (Dangar 1823 & 1828), (for example vegetation removal), those works should be preceded by an archaeological assessment.

Legend

- Stage Boundary
- Cadastre
- Proposed Village 2
- Proposed Village 3
- Proposed Town Centre
- Indicative Parks / Open Space / Riparian

Heritage items

1. Hut location (Dangar 1823 & 1828)



Disclaimer: While all reasonable care has been taken to ensure the information shown on this map is up to date and accurate, no guarantee is given that the information portrayed is free from error or omission. Please verify the accuracy of all information prior to use.



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