

# **FATAL SHORE OR LAND OF OPPORTUNITY?**

**Justice Michael Pembroke  
Andrew Tink**

**Introduction by  
David Hunt**

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# INTRODUCTION

David Hunt

Winner of the 2014 Indie Award for non-fiction for his humorous and fascinating book *Girt: The Unauthorised History of Australia*

Ladies and gentlemen, welcome to an evening of Enlightenment. Now, the English Enlightenment began in 1687 with the release of Sir Isaac Newton's *Principia Mathematica*, while the Australian Enlightenment began in 1988, with the release of John Farnham's *Age of Reason*. We colonials have always been a bit slower on the uptake.

The Enlightenment was that era in European and American history when reason replaced blind faith, science replaced alchemy, and Sir Christopher Wren replaced Newton's toilet roll every Tuesday afternoon because Sir Isaac was too busy inventing gravity.

The Enlightenment was a cultural movement of intellectuals, and the Centre for Independent Studies is a sort of pocket Enlightenment transported Down Under. Many of the principles that informed the Enlightenment have been carried through in the work of the Centre.

So what does the Enlightenment have to do with the founding of Sydney? Well, you're about to find out. I am honoured to introduce two of Australia's leading historical biographers, Andrew Tink and Michael Pembroke.

Andrew and Michael will speak on how Enlightenment principles guided Thomas Townshend, a.k.a Lord Sydney, and Arthur Phillip, in founding Sydney. Now that's Sydney, Australia, not the one in Nova Scotia, which was also named after Lord Sydney.

One of the favourite stories I found while writing *Girt* was about the Irish convicts who weren't originally sent to NSW—they didn't come out here until 1792—but were originally sent to Sydney in Canada. You can imagine these Irish people getting on the boat, “Well, at least it's sunny down there... you know it will be warm, we'll have a bit of a party...”, but no, they find themselves freezing, quite literally, off the Nova Scotian coast.

Thirty per cent of those Irish convicts died as they were transported to Sydney in Canada, while only two per cent of the First Fleet died, which I think goes to show you how well planned the settlement of NSW was and how both Lord Sydney and Arthur Phillip ran a very, very smooth operation.

Andrew will tell you that Townshend adopted the Sydney name from his Uncle Algernon, but the name is much older. The name originally derives from Saint-Denis of Paris. For all of you who like a tippie, he is the patron saint of headaches and hangovers.

Saint-Denis was also known as Saint-Dionysius, so alcoholic excess is built into the very name of Sydney. I think it is fitting, as with many events in the Enlightenment, that we are holding this gathering in a pub. It's a very 'Enlightenment' theme.

The Townshend family were hugely influential in the settlement of Australia. Thomas's cousin Charles was the Chancellor of the Exchequer, who helped trigger the American Revolution by imposing taxes on tea and other goods in the American colonies.

Those of you who are keen on your American history will know about the Boston Tea Party. The Americans said 'No taxation without representation'—if you are not going to give us the vote then you can't take away our tea or our money. So what you had was several hundred badly disguised Bostonians masquerading as Mohawk Indians tipping tea into Boston Harbour. That was a founding key event in the American revolution.

The impact of the American revolutionary war on the settlement of NSW was profound. British convicts had, until that time, been transported to America. The War of Independence meant that Britain was now desperately looking for somewhere new to stash all its pickpockets, rapists and Irishmen.

Thomas Townshend, as Home Secretary, was responsible for finding a new place to put them. So, Thomas eventually decided on New South Wales, after some disastrous experiments with Africa and a plan to sell British convicts to the Portuguese as galley slaves.

There are a couple of parts of Andrew's speech that really sum up Enlightenment thinking. The Cable Case is certainly one of those. Back in Britain at the time, prisoners or convicts had no right to sue. In Australia, in the fledgling colony of NSW, they did. This was a very enlightened approach to the rights of man.

When we are talking about public/private partnerships, the First Fleet was one of the world's first examples of a public/private partnership. As I point out in *Girt*, it's a business model designed to allow government to avoid responsibility, the private sector to maximize profits and the consumer to wake up in a dark alley with no trousers and a feeling that he really should have said no to that last drink. But this was actually an incredibly successful fusion of state and private capital working together to found a new land.

The Centre for Independent Studies, and I quote, 'supports a market economy and a free civil society under democratic government. We believe that smaller government is the key to unlocking individual responsibility, liberty, choice and enterprise.' Well the Centre would have hated Arthur Phillip!

Phillip established the colony of NSW as an agrarian socialist commune. His idea was that everybody would come out here, own small plots of land and they would all take turns digging up the communal turnip and milking the communal goat.

It was to be a society where there was no treasury, a very deliberate policy not to have a monetary policy. There was this concern that basically everybody out here were thieves and they would spend all their time stealing each other's money. So what you had was a colony based on small time agricultural barter, where rum in many ways becomes the de-facto currency of choice. You have a very state controlled society, initially. Government was everything in NSW.

Back in Britain, you had the private sector, you had the great chartered companies like the British East India Company under the charter of the Crown—and you also had the church that provided

a range of social services. Those convicts, had they been living in England, would have relied on the parish and the church for their support. Here, the state was everything and Phillip had the powers of a tyrant, although he exercised them incredibly well.

Yet despite the fact that Phillip ran what was a state controlled society, he was deeply influenced by Enlightenment principles and libertarianism. He had very liberal views, even for the era — although not as far as homosexuality was concerned.

One of my favourite stories is that Phillip had a policy on what he would do with any convict or person convicted of the detestable crime of sodomy. When you are setting up a colony that is ninety percent men and ten percent women, these were things he would turn his mind to.

His policy was for anyone convicted of such a crime to be transported to New Zealand and fed to the Maori. But we now live in more enlightened times...

# FATAL SHORE OR LAND OF OPPORTUNITY?

Andrew Tink

Former NSW Liberal MP and the author of political biographies,  
and books on history, culture and society

Firstly I would like to thank James Philips and Greg Lindsay for this opportunity to talk to this most distinguished audience about my favourite topic – Lord Sydney.

David mentioned the Townshend family and Charles Townshend in particular. I hadn't intended going down this path. But having now been prompted, I will. Tommy Townshend, later Lord Sydney, had three first cousins who, along with him, played remarkable roles in the lead-up to the founding of NSW. As the British Chancellor of the Exchequer, Charles Townshend was responsible for introducing a tax on American tea. Then there was his elder brother, George, a brigadier general who took over from James Wolfe at the Battle of Quebec in 1759 and thereafter cemented the victory that the mortally wounded Wolfe was on the point of achieving. Quebec was a world historical battle which forced the French government out of North America. Thereafter the British-American colonists lost their 'dread of France' and felt secure enough to kick back against Charles Townshend's tax on tea, most famously at the so called 'Boston Tea Party', which helped to trigger the American Revolution. The third Townshend cousin, Charles Cornwallis, was the British general who

lost to George Washington at Yorktown, after which the British recognised America's independence. Cornwallis was a damn fine general. But at Yorktown he had to face both a French naval blockade and Washington's army, which had been reinforced by French troops. The fourth Townshend cousin, Tommy, later raised to the peerage as Lord Sydney, was responsible for settling the peace with the Americans and redirecting the convicts, who were no longer welcome in Maryland and Virginia, to Botany Bay.

To understand Tommy Townshend's role in the founding of NSW, you have to appreciate who he was. Tommy and his family spelt Townshend with an 'h', and Pete Townshend of the rock group, *The Who*, is a relation. It's an unusual rendering of the name which is more commonly spelled Townsend. And anytime you come across Townshend with an 'h', it is worth making further enquiries. Following Queen Anne's death in 1714, the Townshend family was one of the eight great Whig families that basically ran Great Britain for the next 50 years. Anne's immediate successor, George I, couldn't speak any English and George II could only speak a broken version, their native tongue being German. So they vacated what had been the monarch's active role as head of government, because they didn't understand what was going on in Cabinet. That's how the man generally acknowledged as the first Prime Minister of Great Britain, Robert Walpole, came to assert himself, especially as leader of the House of Commons.

However when George II's grandson, George III, a young man of 26, ascended the throne in 1760, he boasted that he was proud to be born a Briton. And he resolved to put a bit of stick about to claim back some of the royal prerogatives that had, in his view, been usurped by Parliament. This he did by exercising his right to appoint prime ministers without worrying too much about whether or not they controlled the Commons. Extreme political turbulence followed and there were no less than seven prime ministers in 10 years until, in Lord North, the king found a prime minister who could do his bidding and control the Commons at the same time.

Meanwhile Tommy Townshend had begun his political career in



1754. Just 21, he was elected unopposed to the House of Commons, giving him a start in Parliament that I could only dream about. And he was able to do this because his father effectively owned the seat, which wasn't unusual in those days. Tommy Townshend was basically a hack backbencher. I know all about hack backbenchers because I was one for a while—for far too long actually. For the first six years, all went well for Tommy as he made his way up the Whig career ladder of opportunity. Indeed the Whig party was really the only party in those days. Then George III ascended the throne and the whole Whig lock on government, which had lasted for almost half a century, unravelled and Tommy ended up in opposition. This upheaval galvanised him and he became a small-l liberal. Indeed some saw him as a bit of a radical.

In the late 1760s, there was a great tussle over the role of juries in libel cases. A fellow who went by the pen name of Junius started defaming George III. So the government tried to crack down on him by suing him for libel. But the jurors backed Junius. And in this way the role of juries in libel trials became a red hot issue. When it was debated in the House of Commons, Tommy defended the jury system against interference by the king:

The liberty of press and the institution of juries are the two grand palladiums of the constitution. But will anyone pretend to tell me that the liberty of the press remains entire and undiminished when a judge, when any single man is to determine what is or is not libel, who's biased by his own interests and solicited by a promising court. Our ancestors foreseeing this danger instituted juries who could be under no temptation to incline to any side except that of equal and impartial justice.

I am relating this story to show you that, contrary to what a lot of people think, Tommy Townshend had a mind of his own, a good brain and some very strong independent thinking to go with it. As Britain and her American colonies descended into what first of all was a civil war, Townshend became a leading figure in opposition and a strong supporter of the 'revolted American colonists' as George III liked to call them. This was dangerous and difficult work. Indeed at

one stage, Tommy became so outspoken that some French guests (this was at one of those very rare occasions when Britain and France were at peace) thought Townshend would go to the Tower of London for treason. But this did not happen.

And when the wartime government of Lord North fell following Charles Cornwallis's surrender at Yorktown, Tommy Townshend entered the new Ministry as Secretary of State for the Home Department. As Home Secretary, Tommy was responsible for most of the internal government of Britain and also for the colonies. While researching my biography of Lord Sydney, I spent a month at the Williams L. Clements Library in Michigan going through Sydney's papers. And the most extraordinary single document I found was the staff list of the Home Office—just one page listing only 18 names—from the Secretary of State at the top, to the Nightwatchman and the Necessary Woman at the bottom. By the way, the Necessary Woman is not what you might think, being basically a cross between a cleaner and a tea lady. It makes you wonder what in God's name is going on when there are now 300,000 public servants in New South Wales and another 150,000 down in Canberra, when just 18 people ran the British Empire in the 1780s.

As Home Secretary, Tommy was in charge of the peace negotiations with the Americans. And notwithstanding his earlier support for the rebels, he believed that as a minister, he owed a duty to those colonists who had remained loyal to the king, to ensure that they would not be persecuted. Although Tommy did not attend the peace talks in Paris, he chose Britain's chief negotiator, who did. And when the Americans made it clear that the loyalists could not remain in the newly created United States, Tommy and his negotiator, Henry Strachey, went into bat for them. So while the Americans wanted their boundary with what is now Canada pushed as far north as possible, Tommy and Strachey wanted it pushed south so that the loyalists had somewhere they could survive, especially during the brutal North American winters. At Britain's insistence, the boundary was finally settled so that it runs through the Great Lakes. What does that mean in simple English? It means that today, Toronto

is a Canadian city not an American one, which is of fundamental importance to the history of Canada. Having been furious with him for supporting the rebels during the revolutionary war, George III was so grateful to Tommy for protecting the loyalists that he offered him a peerage. And in this way Tommy Townshend became Lord Sydney. The loyalists too were grateful to Tommy and so they named Sydney, Nova Scotia, after him.

As Home Secretary, Lord Sydney was also responsible for what today we call 'law and order'. And he was what I would describe as a 'soft touch'. One of his duties was to advise the king on applications for clemency by those who had been sentenced to death. And to put it bluntly, Sydney never wanted to see anyone hanged. After a while this attitude began to annoy George III who confronted him with something like: 'for Heaven's sake Sydney, if we don't hang a few of them there won't be a deterrent.' And the king was not the only one to get upset. In what today we would call a tweet length comment, a minister of religion, the Reverend Charles Hardy wrote to the Home Secretary: 'I am now told that you have obtained a pardon for a man convicted of the horrid crime of wilful murder. Do I live in a country where Secretary of State can in effect null our laws?' If Lord Sydney was alive today, he wouldn't do too well on 2GB's Ray Hadley talkback radio program. Why am I going on about this? Because it tells us something about the mindset of the man who was ministerially responsible for the First Fleet, to give you some idea of how he approached that operation. For Sydney, it was not a case of shuffling off convicts to the far ends of the earth and forgetting about them, as many have asserted; by late eighteenth century standards, it was to be a humane operation.

Since declaring independence in 1776, the rebellious American colonists had been refusing to accept British convicts. And so a top priority for Lord Sydney after finalising the peace with the Americans was what to do with the overflow of felons, who were now being housed in ship hulks on the River Thames, and in the squalid overflowing county gaols. One option was Jeremy Bentham's proposal to build massive penitentiaries on the Thames' banks. The other

was a resumption of transportation, a proposal Sydney backed from the beginning, perhaps because Bentham's idea was still in a costly experimental stage.

What Sydney had inherited were the remnants of the system that had ceased in 1776—a system run by private contractors where convicts were taken to English docks, put on private vessels, sent over to North America and farmed out to planters in Virginia and Maryland. After serving their time (usually seven years as indentured labourers on tobacco plantations) they went off into the never-never and lived happily ever after. If an American who has read *The Fatal Shore* ever looks down his nose at you, because as an Australian you just might have a convict in your family tree, you can shorten him up a bit by saying there were 50,000 convicts transported to the American colonies before the Revolution. So the chance of an American having a convict in his family tree too is actually quite high. And I've yet to meet an American who likes to be told that!

Anyway, Sydney worked to adapt the pre-revolutionary system he had inherited. And by trial and error, he moved from further private voyages (which turned out to be utter disasters) through to looking at various places in Africa, Madagascar and the West Indies. Surveyed one after another, these destinations were found to be 'not fit for purpose'. I use this lawyers' expression deliberately because it mattered to the Home Secretary that these places would be fit for purpose. Indeed it was Sydney himself who had set this standard in the *Transportation Act of 1784* which he had been ministerially responsible for sponsoring through Parliament. Under this legislation, convict overseers could only "inflict ... such moderate punishment ... as may be inflicted by law on persons committed to a House of Correction". Put another way, convicts who were sentenced to seven or 14 years' transportation could not be sent somewhere that in effect amounted to a death sentence. They had to be given at least a fighting chance. And after a survey ship returned from South-West Africa with the news that convicts would perish there, Sydney decided to look further afield—to Botany Bay. But it was too far away to send a survey ship. So Sydney interviewed Sir Joseph Banks, who'd been out there with James Cook in 1770.

And Banks assured him that Botany Bay was fit for purpose; that's how the First Fleet came to be sent there.

The extent to which Lord Sydney was involved in the preparation of the First Fleet is a contentious area for historians. Certainly Arthur Phillip played a very large role—once he had been chosen—as did Evan Nepean and Charles Middleton, along with many others at the Admiralty and at the Treasury. However my view is that ministerially, the Home Secretary carried the load, and this has to be understood against the background of British politics following the American Revolution.

William Pitt the Younger, a political genius who first became prime minister at the age of just 24 in 1783, had two priorities. The first was the governance of the East India Company, whose affairs were in a mess. This had caused immense grief to Pitt's predecessor, Charles James Fox. So bad did things become that George III dismissed him. Indeed, after being sacked as prime minister in 1763, Gough Whitlam reminded anyone who would listen: 'Comrade this is the first time a national government's been dismissed since George III sacked Charles Fox'. Fox had been sacked because he'd had the temerity to meddle in the East India Company's internal governance. At that time, it was the world's largest multi-national and it had sway over many members of the House of Commons. So Pitt had to sort out the company's affairs without antagonising it. Pitt's second priority was to reduce Britain's huge debt which had ballooned during the American Revolutionary War. So by comparison, the problem of what to do with the convicts was relatively small beer as far as the British Cabinet was concerned. In Australia, we think of it as a big deal because it's foundational to the origins of our European settlement. But in Prime Minister Pitt's Britain, it didn't amount to a hill of beans. And so ministerially, Sydney alone ran this operation.

So what does Lord Sydney deserve credit for? First and foremost, the Home Secretary was responsible for choosing Arthur Phillip to command the First Fleet and to be first governor of NSW. One of Sydney's portfolio responsibilities was the Secret Service and he had first come to know Phillip as a part-time spy. At the Clements Library in Michigan, the Secret Service pay book forms part of Sydney's

papers. And it lists payments made to Phillip for being a spy. In this way, the Home Secretary knew Phillip the naval captain better than the First Lord of the Admiralty, Lord Howe, who wrote to Sydney as follows:

The settlement of the convicts as you have determined being a matter so immediately connected to your Department, I could never have a thought of contesting the choice you would make of the officer to be entrusted with the conduct of it. I cannot say from the little knowledge I have of Captain Phillips [sic] would have led me to select him for a service of this complicated nature. But as you are satisfied of his ability and I conclude he will be taken under your direction I presume it will not be unreasonable to move the King....

As the editor of the *Historical Records of Australia*, Frederick Watson, put it, one of Sydney's gifts was to be able to discern the latent talents in men who themselves did not fully appreciate their own ability for leadership. Other examples include the peace negotiator, Henry Strachey, and General Guy Carleton, who became Governor General of Canada.

As a largely publicly-funded enterprise, the First Fleet was unprecedented in England where the government was still very small and most things were done by the private sector, by privateers, and by companies chartered in the King's name. That's how the British Empire grew. However the First Fleet was different because it wasn't a commercial operation or capable of being such. For starters, there wasn't anybody in NSW to be able to accept the convicts, as there had been in Maryland or Virginia: there was no settlement in the European sense. And private contractors couldn't come and go from NSW as they had to and from the American colonies. Those aboard the First Fleet had to bring everything themselves; some people have likened it to going to the moon. That said, private enterprise still had a role, thanks to an idea originally proposed by Sir George Young, that the cost of the First Fleet could be offset by the East India

Company which had a problem with its China trade. Because the Chinese would trade nothing but bullion for their tea, the company's ships heading to China would carry only precious metal, which wasn't a paying cargo. So they were forced to deadhead out to Canton, to collect a paying cargo of tea for the return trip to London. Sydney had the opposite problem; after taking convicts out to Botany Bay, the First Fleet ships would return without any load to London. So to offset costs of the East India Company and the British Government, it was agreed that three First Fleet ships would sail empty from Botany Bay up to Canton, pick up a load of the Company's tea and then make for London. This was the first public private partnership in Australia's history and it was so successful that the East India Company took up further ships in later fleets.

With assistance from Phillip, Sydney 'the soft touch' also shaped the convict colony's constitutional arrangements. A number of these annoyed the First Lord of the Admiralty, among them that the convicts would be treated as civilians and not subject to military law, that a separate civil court would be set up to hear civil claims, and that the people indigenous to Botany Bay were to be treated with 'amity and kindness'. Years earlier in the House of Commons, Sydney had championed the cause of the Caribs, the indigenous people of the Caribbean Islands, who had been threatened with extermination by British planters. So Sydney's support for indigenous people was longstanding. Perhaps most importantly, the Home Secretary gave Phillip the power to emancipate convicts and to grant 30 acres to a single man, 20 more to a married man and 10 more for every child. In this way, New South Wales was envisaged as a settlement as much as it was a convict colony. And Sydney deserves to be well remembered for all those reasons.

For so long as Lord Sydney was Home Secretary and Arthur Phillip was governor, the colony was not 'a fatal shore'; it was an enlightened settlement. And to illustrate this, I like to tell the story of Susannah Holmes and Henry Cable.

After being sentenced to transportation, Susannah Holmes was escorted to a hulk while the First Fleet transports were being made ready for Botany Bay. As the hulk's master ordered Holmes on

board, he noticed that she was cradling a baby. 'I'm sorry', the master said. 'I can't take that infant; it's not on my warrant list; it hasn't committed a crime; I have no authority to take it; it must remain here.' The turnkey (corrective services officer) who had accompanied her to the hulk was appalled by this. So he took the baby and rode up to London, determined to remonstrate with someone at the Home Office. As there were only 18 people who worked there, it was not like the NSW Government today, where to see a minister you have to go through three levels of security. In the late eighteenth century, the Home Office was housed upstairs in a rinky-dink little building in Whitehall. And as the turnkey climbed the stairs with the baby, no less than Lord Sydney himself was coming down. The Home Secretary's first instinct would have been to recoil at Simpson and the crying baby. But then, after getting over the initial shock, he listened as the turnkey pleaded for the baby to be allowed to accompany its mother to Botany Bay. Being a soft touch, he then signed the necessary papers. And when he was told that the baby's father, Henry Cable, was in custody at Norwich jail, he signed the papers for him to go too. In this way, Holmes, Cable and their baby were reunited to go to Botany Bay.

Their story soon made it into the press and they became celebrities of a sort, such that the public donated money to assist them in the colony. In their wisdom, the trustees of this fund decided to buy the family books and clothing. While these items, wrapped in a Hessian sack, went on the *Alexander*, the family was transported on another vessel. After arriving in NSW, Henry Cable went looking for his hessian sack only to be told by the *Alexander's* master, Duncan Sinclair: 'I'm sorry Cable, your books are here but your hessian sack has been broken into and your clothing cannot now be found.' So Cable then took some advice and was told to sue Duncan Sinclair for damages for lost luggage. This action was duly brought in July 1788 and it was the first civil case in Australian legal history: *Cable vs Sinclair*. It was heard before the Judge Advocate, David Collins, who wasn't a lawyer. And guess what? Henry Cable won. I haven't got time to go into the ins and outs of the case. There are some people who argue that Collins didn't know the law and that in England



Cable would have been prevented from bringing suit because he was a convict who was still technically under sentence of death for a capital crime. However in New South Wales, he was allowed to proceed, as some have argued because it wasn't so much a penal colony as it was a settlement where convicts would be emancipated. In this way, Cable triumphed over the unfortunate Sinclair. If you are unlucky enough to lose your luggage after a Qantas flight, I bet you won't do as well today in trying to seek compensation as Henry Cable did in 1788. And that is just one reason why I think Robert Hughes is absolutely wrong about what he labelled 'the fatal shore'. Under Sydney and Phillip, it was an enlightened colony.

For further reading, please refer to my book *Lord Sydney: the life and times of Tommy Townshend*, first released by Australian Scholarly Publishing in 2011.



# Michael Pembroke

Justice Michael Pembroke is a NSW Supreme Court justice and the author of books on history and flora

**T**hank you David. Thank you Andrew for your enlightening speech. Thank you also to James Philips, Greg Lindsay and Cassandra Wilkinson. It is a delight to be here.

What I would like to do is take some snapshots from my book. You should understand that my book is not about Australia. Only four chapters out of 14 are addressed to that topic. One chapter is set in New South Wales, one on the voyage, and two chapters are set in England and concern the preparation, planning and thinking that lay behind the establishment of the colony. The other 10 chapters are about the life of a British naval officer. I would not want anyone to think that the whole book is concentrated on the foundation of this country.

## **No Dumping Ground**

It may be however, that the inspiration for the title to this talk came from one of the epigraphs that appears at the beginning of my book. It is a quote from the highly regarded historian Alan Atkinson in which he said 'Botany Bay, it has been argued, was meant as a Gulag before Gulag... Nothing could be further from the truth.' What Atkinson was doing was directly refuting the central thesis of Robert Hughes' book *The Fatal Shore*. Now Robert Hughes is a wonderful and engaging writer but he was carried away by his enthusiasm in *The Fatal Shore*. He gave a broad picture of the convict experience but in doing so, he did not focus on the original decisions and thinking

behind the establishment of the colony. The colony of New South Wales was not designed by its original architects as a dumping ground. This is why Alan Atkinson refuted the 'Gulag' theory and said nothing could be further from the truth.

However, things changed for the worse after Phillip left, when land grants to the convicts, marines and seamen proliferated, and new settlers commenced to arrive. The French Revolutionary Wars were followed by the Napoleonic Wars. The NSW Corps, which became known as the Rum Corps, arrived in the colony. And commerce, greed and land ownership took hold and transformed the nature of the colony. But that was not the way Sydney, Nepean and Phillip envisioned it when they started.

It is worthwhile giving you a little context as to how this absurdly ambitious Enlightenment experiment originally started. Everyone knows that after the end of the American Revolutionary Wars in 1783, Virginia and Maryland—the colonies to which convicts were mostly sent—became unavailable for transportation. The way convicts were treated in those pre-war days was far from satisfactory. The British government had no interest other than consigning the convicts to merchants. The merchants signed receipts for the convicts, took ownership of them and transported them to the east coast of the United States, or the Thirteen Colonies as they were known then, and sold them. They sold them effectively in bondage to farmers and others, who used them in their agricultural, domestic or trading activities. They were usually never heard of again. There was no government control. The convicts became the property of white land owners, principally in Virginia and Maryland.

What Sydney, Nepean and Phillip planned for the colony of New South Wales was quite different. It was intended that the convicts would form the basis of a new settlement. The twin pillars of this intended new society were the cultivation of the land and the issuing of land grants to provide an incentive to convicts. A popular sentiment at the time was that 'one sure way to convert a thief into an honest person was to give him a grant of land'. At the time, Thomas Jefferson and other philosophers regarded the 'cultivators

of the land' as the heroes of society. This led Sydney, Nepean and Phillip to think that they would build a society by using the convicts as the basis for it and giving them the incentive of having the land; owning something which they would never otherwise have had the opportunity to own, then cultivating it, having children and families and developing a new society.

## **Political Considerations**

In England, at the time, there was a popular clamour for the offshore detention of convicts. The Lord Mayor of London and many other politicians echoed the public's displeasure at the presence of large numbers of convicts in hulks on the Thames and in the overflowing prisons. This was a pressing issue, but it was not the only issue. There were several other factors that influenced the thinking behind the establishment of the settlement in New South Wales.

William Pitt, like his father before him, aspired to have a global commercial trading network. The British were poorly served south of the equator. In the Atlantic they only had St Helena. They did not have anything in southern Africa at this time. The Dutch owned the Cape of Good Hope. They had India but that was north of the equator. They had nothing in the southern Indian Ocean and nothing in the South Pacific and they were concerned about French intrusions in those parts of the world, specifically in India. They also were very concerned about the need to have naval materials to maintain the India Squadron based in the Bay of Bengal. The standard workhorse of the navy at the time was the 74-gun ship. It required enough hemp for about 40 miles (64km) of rigging, rope and cordage and enough flax for approximately five acres of sail. As well as this, each ship required approximately 75 acres of mature oak trees for timber. So the demand on supplies was huge. When the India Squadron was in trouble during the American Revolutionary Wars, Whitehall soon realised that it was not satisfactory to rely on shipments coming from Europe around southern Africa. The prevailing view was that those supplies could be sourced from Norfolk

Island, something that Cook and Sir Joseph Banks had previously reported on, somewhat over-optimistically.

The other consideration was that there was a real apprehension about a French naval build-up. The French had been decimated in the Seven Years War 1756-1763. And they did not recover much territory in the American Revolutionary Wars. They were clearly rebuilding their navy. Their politicians wanted to regain some of the lands and territories they had lost. French pride had been dented. In fact France had entered into negotiations with the Dutch with a view to the Dutch and the French challenging the British in India. That is really why Phillip was sent to France as an espionage agent in the two years before he was commissioned as the prospective Governor of New South Wales. He was sent specifically to report back on the French naval build-up at Toulon, the naval port on the Mediterranean and the other ports of France, including Brest. He would have come across La Perouse at Brest at the time.

Let me give you a few dates to put in perspective the military and political events of the day. Phillip was recalled from France in about August 1786, after which the British commenced preparation of the expedition to New South Wales in earnest. His recall was preceded by these events: in February Sir James Harris, who was the pre-eminent diplomat of the day and the British Ambassador at The Hague, warned that 'the intentions of France in forming a connection with the Dutch are too evident to admit of doubt'. Then in the next few months the French engaged in provocative activities in Bengal, challenging British authority. On 1 August Harris wrote that there would soon be a major development and that France intended to send troops to the Dutch bases in India. On 8 August he reported that the crisis is "drawing nearer and nearer every hour". On 16 August Sydney, the Home Secretary, responsible strangely enough for most aspects of foreign affairs, sent an account of the French naval capacity to King George III. George III replied with a letter which he dispatched within a few hours, in which he said something like this, "France certainly under the name of flutes (a French word for military ships disguised as transport ships), can soon collect a considerable naval force in the East Indies". Three days later Pitt's Cabinet decided

to establish a settlement in New South Wales. They made that decision on a Saturday and announced it on the Monday. These were features of the rich tapestry that made the British decision to found the colony of New South Wales urgent and necessary.

## **Humanitarian Issues**

The humanitarian aspects of the proposal to establish a colony in New South Wales deserve special mention. Phillip wrote that he was “serving the cause of humanity”. I have already explained the basic difference between the way the convicts were treated in Virginia and Maryland before the American Revolutionary Wars and the way they were proposed to be treated in New South Wales. What was hoped to be achieved under the New South Wales experiment was that the convicts would be improved (‘improvement’ was a key word of the Enlightenment) and reformed; that the men would become peasant farmers; the women would raise children; and that the land would be settled. These goals were infused by a utopian idea of a simple rural society without money, where convict men and women would become re-born through hard physical labour and subsistence farming. The pillars of this scheme of improvement were, as I have mentioned, the cultivation of the land and the distribution of land grants to deserving persons.

## **Aborigines**

Let me also tell you something about Phillip’s attitude to the Aborigines. His instructions from George III stated, among many other things, that he was to “conciliate the affections of the Aborigines” and that he was to encourage everyone under his control to “live in amity and kindness with them” and to punish all who would “wantonly destroy them or give them any unnecessary interruption in the exercise of their several occupations”. There is no doubt however, that in a well-intentioned but misguided eighteenth century sort of way, they did cause harm. Phillip wanted to cultivate the friendship of the Aborigines but he did not really appreciate that his men

were actually invading their lands, destroying their fishing grounds, ruining their oyster beds, chopping down their trees and undermining their sources of sustenance and living. But Phillip tried hard, despite his apparent obliviousness to those matters, to cultivate the friendship of the Aborigines. At first they stayed away, which caused Phillip to be desperately upset although he should not have been surprised. Eventually after about 10 months, he decided that something had to be done, so he sent a group across to Manly where they effectively kidnapped Arabanoo. In due course, Arabanoo and Phillip became close comrades. They could often be seen pottering about the harbour in a boat together. When the smallpox epidemic struck in the second year of the settlement, Arabanoo and Phillip went around together to the coves and little beaches picking up dying and sick Aborigines and brought them back to the hospital at the Rocks. The hospital was the first establishment that Phillip established.

### **Gender Imbalance**

Another issue that deserves comment is the substantial gender imbalance. Some people predicted dire consequences. Phillip's instructions were therefore to procure 'comfort women' from the Pacific Islands. This was something that Phillip studiously ignored. He actually wrote to Sydney saying that to do so would only be bringing those women to "pine away in misery". Instead he suggested that it may be best if the 'most abandoned' of the female convicts might be "permitted to receive the visits of the convicts in the limits allotted to them at certain hours and under certain restrictions". In other words he wanted state sponsored prostitution. Sydney and Nepean would not come at that but I suspect it happened and Phillip turned a blind eye. Although tolerant of prostitution, he did however take a strong view about sodomy and murder. The actual words he used were these "For either of these crimes I would wish to confine the criminal till an opportunity offered of delivering him as a prisoner to the natives of New Zealand, and let them eat him".



## Slavery

Slavery is another issue on which Phillip was ahead of his time. You will have to read more about it in the book. He had deep personal experience of slavery in Brazil under the Portuguese and in Cape Town under the Dutch. He saw the very worst of slavery in those places. As you know, ultimately over five million West Africans were shipped to Brazil and other states of South America. And that is not including those who were sent to North America. Phillip saw the mines where they worked; and he saw the Dutch Slave Code in operation. It is no surprise that he wrote before he left England that “There can be no slavery in a free land and consequently no slaves”. So the colony was to be established with no slaves, no currency, and convicts who were intended to be emancipated and given land in order to become free settlers, who would cultivate the land and develop the colony. Phillip was on the right side of the slavery issue. Pitt had already spoken against slavery. And Pitt’s closest friend was William Wilberforce. If you ever saw the film *Amazing Grace* you will understand the relationship between those two men. William Wilberforce campaigned for 25 years to stop the British slave trade. Pitt actually said, a little while after Phillip came to New South Wales that “no nation in Europe... has... plunged so deeply into this guilt as Great Britain”.

## Albion

Another aspect of Phillip’s thinking about the colony, and one which I particularly enjoy, is the imagery that emerges from the fact that he decided to call the colony ‘Albion’. Albion is the ancient synonym for Britain. You can read about it in *The Faerie Queene* by Edmund Spenser and many other places. It has been around for many centuries. Phillip was in good company in choosing this name because when Sir Francis Drake claimed the northern coast of California for Elizabeth I in 1579, he called that land ‘New Albion’. Phillip had grand notions of creating a new Britain. In fact he said that he

thought the colony of New South Wales would one day be “the greatest acquisition that Great Britain ever made” and “the empire of the East”.

## Sydney Harbour

There is one feature of the story of the arrival of the British at Sydney that I always enjoy talking about. I usually play Ennio Morricone’s *Gabriel’s Oboe* as I tell this story. Some of you will know that the First Fleet arrived in Botany Bay between 18 and 20 January 1788. Phillip had always been rather distrustful of Banks’ excessively enthusiastic descriptions of Botany Bay and he did not like the look of the charts that Cook had provided. As an experienced naval officer, I think he could see that Botany Bay was too exposed to the elements and probably too shallow. And the water supply was doubtful. So even before he left Britain, he obtained permission to establish the settlement in any other port that he thought fit. He had seen the charts and noticed the entrance to Port Jackson. Cook had sailed past Port Jackson and did not enter. No one knew what was within. As soon as the last of the eleven ships arrived, Phillip took three longboats with eight or ten seamen and a few junior officers in each. The boats rowed up from Botany Bay, about three leagues (approximately 16km), and entered for the first time through the majestic portal that we now know as the Heads.

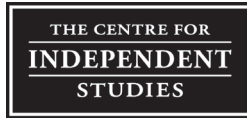
Phillip and his cohort were the first white men in history to go through the Heads. The young men recorded observations full of wonder at what they saw. As they rowed quietly up the harbour, they moved their attention from its sparkling ultramarine waters to the shoreline, where they were taken by the tall trees, the rocky outcrops, the exotic flora and the sense of untouched Edenic beauty. The intense light and brilliant colours filled them with curiosity and wonder. Singing from the tree tops were strange and unusual birds, raucous shrieking cockatoos, absurd laughing kookaburras and brightly coloured lorikeets. Worgan, one of the surgeons, thought that “its beauty beggared all description”. Bowes Smyth, another surgeon, said that the flight of the parrots and the singing of the birds “made all around appear like an enchantment”. Collins, the

Judge Advocate, said later when he wrote down his observations and thoughts, that he earnestly hoped that the convicts might be reformed and we might not sully that purity of nature by “the introduction of vice, profaneness and immorality”. He paraphrased John Milton the poet and evoked a sense of the founding of a new civilisation. This was exactly what they were doing.

## Egalitarianism

When Phillip got the convicts out of the ships and began to establish the colony, he did a number of significant things. First of all there was never a stockade. The convicts were allowed substantial freedom of movement. They could wear their own clothes and build their own huts. Unless they re-offended they were not put in chains. They were given as much slack as was reasonable. *Grace Karskens* describes this in much more detail than I did, and I recommend you read her book. Within months of their arrival, some were complaining that the marines and sailors were punished with the utmost severity for the most trivial offences while the convicts were pardoned, or at least punished in a very slight manner, for ‘crimes of the blackest dye’. Phillip clearly favoured the convicts.

Then there was the question of rations. The marines, in particular, were upset and indeed surprised that they were only given the same rations as the convicts. One wrote that he could not believe that the administration really intended “that the only difference between the allowance of provisions served to the officer and served to the convict be only half a pint (per day) of vile Rio spirits”. In other words, the marines could have some South American rum but apart from that, the rations were the same. Major Ross, now consigned to the dustbin of history, who was the Vice Governor and an *execrable* man, said “Could I possibly have imagined that I was to be served with, for instance, no more butter than any of the convicts, I most certainly would not have left England”. So the colony from the first days was a more egalitarian place than most Englishmen could have imagined. It was an experiment; a function of the Enlightenment; and it was absurdly ambitious. But it all came together. We owe more to Phillip than most of us can possibly realise.



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# FATAL SHORE OR LAND OF OPPORTUNITY?

The Centre for Independent Studies in 2014 hosted a lively event with discussion about how Enlightenment attitudes influenced the founding of Sydney.



**Andrew Tink AM**, author of *Lord Sydney: the Life and Times of Tommy Townsend*, shared fascinating insights about the British Home Secretary who chose Arthur Phillip to lead the First Fleet, and after whom the fledgling convict settlement was named.



**Justice Michael Pembroke**, author of *Arthur Phillip: Sailor, Mercenary, Governor, Spy*, described the remarkable qualities and experience of the man who established the colony with the utopian idea of a simple rural society where convict men and women would become reborn.



**David Hunt**, winner of the 2014 Indie Award for non-fiction for his humorous and fascinating book *Girt: The Unauthorised History of Australia*, MC'd the evening, adding his signature wit and broad knowledge to the subject.

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MICHAEL PEMBROKE AND ANDREW TINK  
INTRODUCTION BY DAVID HUNT

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