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Convict Transportation in the Age of Abolition, 1787-1807

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By

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This work is dedicated to my husband Christopher, I could not have completed this thesis without your encouragement, love and support. Thank you.

Abstract

This thesis examines convict transportation to the Australian colonies through the lens of the British Transatlantic slave trade during the age of Abolition. It challenges the paradigms of understanding the penal punishment through primarily the study of crime history and instead takes an Imperial, Global and Comparative approach to this topic. In doing so, this thesis uncovers previously unexplored elements of convict transportation. It demonstrates that the settlement at Botany Bay was pivotal in the redirection of Britain's Imperial focus. It shows that the contractors, ship-owners and captains who were involved in the transportation of convicts across the seas were pioneers as they looked to exploit markets of intra and intercontinental trade in the Atlantic, Indian and Pacific Oceans. Through an analysis of the 63 convict voyages that took place from Britain and Ireland between 1787 and 1807, this thesis also explores the previously silenced narratives of those who travelled to New South Wales on board convict transports. In doing so, it analyses the hardships endured not only by prisoners, but also the captain, officers, soldiers and crewmen during their passage across the seas. This thesis also compares convict transportation to the Transatlantic slave trade and shows that although contemporaries and historians have highlighted certain similarities between them, they were not alike. The slave trade was a barbarous form of coerced migration whereas convict transportation was in the main very well organised, efficient and executed in a relatively humane fashion. However, as this work shows convict transportation and the slave trade share an interconnected history through merchants, captains, captives, trade goods and the exchange of ideas, knowledge, practice and skill during a period when they coalesced in the British maritime world.

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List of Abbreviations

BL	British Library, London
EIC	East India Company
FFO	First Fleet Online
HRA	Historical Records of Australia
HRNSW	Historical Records of New South Wales
ICNSW	Irish Convicts to New South Wales
NMM	National Maritime Museum, Greenwich
OBO	Old Bailey Online
TASTD	Voyages: Transatlantic Slave Trade Database
THOP	The History of Parliament
TNA	The National Archives
SEAST	Society for Effecting the Abolition of the Slave Trade
SLNSW	State Library of New South Wales
SPIRCP	Society for the Promotion of Industry and the Reform of the Criminal Poor

Chapter One

Introduction

On 25 January 1819, Henry Grey Bennet presented a petition to the House of Commons on behalf of forger Dr Lawrence Halloran, who had been sentenced to transportation for seven years and placed on board the *Baring* which was preparing to sail to New South Wales.¹ The speaker began by detailing the poor care Halloran received during his pre-embarkation journey before moving onto the deplorable conditions transportees were subjected to once they had boarded the vessel.² He advised that the space allocated to each captive was so sparse that they could barely turn over, the prisoners were kept below deck for 15 hours per day and those housed at the bottom of the vessel had almost suffocated as a result of sickness.³ During his condemnation of the hardships endured by convicts, Bennet asked the House:

Who could contemplate the horrors of these white slave ships... their existence recollected the impression that was made all over Europe... by a paper in which the room allotted to each negro in the African slave ships was shown to be only one foot by six inches by six feet.⁴

He claimed that, based on the measurements of the *Baring*, convicts were allocated only one inch by six foot of space per person and thus inferred they had far less room than the enslaved Africans on board the infamous slaving vessel, *Brookes*.⁵ Bennet then went on to question the 'humanity' of such a system.

¹ House of Commons Sitting: 25 January 1819, George III, c. 59, First Series: 39, pp. 88-104.

² Ibid, p. 89.

³ Ibid, p. 90.

⁴ Ibid, p. 90.

⁵ The image of the *Brookes* was circulated from 1788 to demonstrate the overcrowded conditions endured by enslaved Africans during the middle passage. For an image of the *Brookes* see: Unknown Author, *Description of a Slave Ship* (London: James Phillips and George Yard, 1787).

In response, the Secretary of State for War and the Colonies, Henry Bathurst directly addressed Bennet's comparison between the slave trade and convict transportation. He advised:

It ought to be remembered, that no small addition was made to the horrors of the poor African's situation, from the circumstance of being chained down to his berth during the whole of his voyage. Any system of transportation must subject the convicts to certain privations.⁶

Bathurst argued that enslaved African's suffered more intensely than convicts during their individual transoceanic voyages due to their restricted movement. However, he acknowledged that transporting large numbers of convicts across the seas inevitably subjected them to certain hardships. Marmaduke Lawson, MP for Boroughbridge, then went on to comment that the problem between comparing enslaved Africans and convicts was that the former were innocent and the latter were not. He then chastised Bennet for making ill-founded claims about the penal punishment and trying to excite impressions favourable to convicted felons.⁷

Despite the evident links drawn between convict transportation and the slave trade by Bennet and his peers in the early nineteenth century, over the past two hundred years, historians have been more reserved in exploring the similarities and differences between both coerced migration systems. There has been very little investigation on whether transport vessels were actually 'white slave ships', if convict transportation and the slave trade were similar in organisation and execution, or how the penal punishment was able to flourish during and after the movement to abolish the British slave trade. This is particularly perplexing for the period between 1787 and 1807 when both trades coalesced and shared an entangled history. Therefore, this thesis provides the first study of convict transportation in the Age of Abolition and in doing so views the penal punishment through the lens of the transatlantic slave trade. Thus, it makes a valuable contribution to the scholarship on this topic by not only

⁶ House of Commons Sitting, 25 January 1819, p. 93.

⁷ Ibid, p. 97.

uncovering details about voyages to the Antipodes that have previously been overlooked, but also by comparing convict transportation to the slave trade and connecting both together to demonstrate their entwined histories. As a result, it brings to the forefront previously unexplored narratives that connect the two trades through government officials, vessels, merchants, captains, captives and trade goods, all of which occupy a place in the history of both British coerced migration systems.

Although few works have looked to connect convict transportation and the slave trade, both systems have separately garnered extensive and sustained attention from scholars of British, Australian and Atlantic history. Almost every facet of the slave trade has been investigated, with historians taking particular interest in the volume of traffic, revenue generated and the experiences on board slave ships for both captives and crewman. Comparatively, analyses of convict voyages have thus far remained limited in scope, especially for the period before 1815. Although some studies have focused upon the initial ventures to the Antipodes, they have concentrated on the triumphs of the First Fleet or the appalling conditions on board the Second Fleet. Only Charles Bateson's pioneering work has included an investigation of the majority of convict voyages between 1787 and 1807.⁸ However, despite Bateson's efforts we still know very little about the logistics of transporting thousands of convicts across the seas, the trade that took place during the voyage, the common experiences shared by the captain, crew and captives or the improvements that were made to the system to ensure it delivered the maximum number of felons to the Antipodes alive. Thus, in order to redress some of the lacunae still present within the historiography, this thesis will also provide an in-depth investigation of all 63 convict voyages that took place from Britain and Ireland to the Australian colonies between 1787 and 1807.

⁸ Although his analysis is sparse for around a fifth of the vessels which sailed during this time. Charles Bateson, *The Convict Ships, 1787-1868* (Glasgow: Brown, Son and Ferguson, 1959), pp. 94-186.

Exploring the historiography of convict transportation and the slave trade

The slave trade and convict transportation have large historiographies that include themes which encompass the pre-embarkation journey of captives, the movement of coerced migrants across the seas and the sale or use of their labour. The social, economic and political conditions that allowed these systems to flourish have also been addressed along with the transplantation of culture, the hardships endured by captives and the abolition of each forced migration system as well as the labour regimes they supported. Studies of these sub topics are no longer confined to examining the Atlantic World. Historians are now investigating the Indian Ocean slave and convict trades as well. Thus, this study has been influenced by a broad range of works. However, in an attempt to harness the historiography that this thesis broadly fits into the introduction will comment on three principal topics. These are studies of the slave trade, convict transportation and the British Empire; the captive experience and the interconnected history of convict transportation and the slave trade in the eighteenth and early nineteenth century.

Convict transportation, the slave trade and the British Empire

Although to the modern day reader the coerced movement of people and the oppressive labour regimes it supported are a dark aspect of Britain's past, in the eighteenth and nineteenth centuries the forced migration of enslaved Africans and convicts played a pivotal role in shaping and maintaining both the First and Second British Empire.⁹ Between 1718 and 1807 Britain shipped over 2,522,000 enslaved Africans across the Atlantic and over 60,000 criminals to the American and later

⁹ As David Eltis has argued, 'The distinction between free and coerced migration hinges on who makes the decision to leave, the migrant or some other individual.' David Eltis, 'Introduction: Migration and Agency in Global History', in David Eltis (ed.), *Coerced and Free Migration: Global Perspectives* (Stanford: Stanford University Press, 2002), pp. 1-32, p. 6.

Australian colonies.¹⁰ The motivations behind both systems were arguably different, in that the Atlantic slave trade was underpinned by capitalist and economic principles, whereas convict transportation was ultimately driven by social issues and limited penal options in Britain. However, both shared the same fundamental outcomes, as they supplied forced labourers to British colonial frontiers.

The development of Britain's involvement in the slave trade has proven to be a central element of the scholarship focused upon the Atlantic world. However, the historiography of the slave trade began in the late eighteenth-century with debates over abolition long before the term Atlantic history had been coined. During the Parliamentary campaign both those who either supported or condemned the slave trade supplied detailed evidence on the scale, flow and financial aspects of the business. However, between 1807 and 1960, an investigation into the importance of the slave trade to the British economy was replaced by a focus on the triumph of abolition. As an exploration of the numbers of those who crossed the Atlantic began to gain traction, scholars also started to investigate the logistics of the so-called Guinea trade with analysis into which ports slave trading vessels originated from, the goods taken on board slave ships, where they traded for enslaved Africans and where they sold their human cargo.¹¹ The trade was an essential part of the revenues generated during the First British Empire for both Britain and her colonies. The

¹⁰ Statistics on the British slave trade have developed over time. From the 1960s, historians have been profiling the trade, this began with Philip Curtin, *The Atlantic Slave Trade: A Census* (Wisconsin: Wisconsin University Press, 1969). Further strides were taken in 1999 with the creation of David Eltis, Stephen D. Behrendt, David Richardson & Herbert Klein, *Transatlantic Slave trade database* (Cambridge: Cambridge University Press, 1988) and again in 2008 with the launch of Voyages: The Trans-Atlantic Slave Trade Database (TASTD). However, the most influential work on this topic has been the publication of David Richardson & David Eltis, *Atlas of the Transatlantic Slave Trade* (New Haven: Yale University Press, 2010.) For current estimates on the slave trade see TASTD: www.slavevoyages.org. For statistics on convict transportees see Peter Wilson Coldham, *The Complete Book of Emigrants in Bondage, 1617-1775* (Baltimore: Genealogical Publishing Company, 1988); John Dunmore Lang, *Transportation and Colonization; or, the cause of the comparative failure of the transportation system in the Australian colonies* (London: A.J. Valpy, 1837), Roger Ekirch, *Bound for America: The transportation of British convicts to the colonies, 1718-1775* (Oxford: Clarendon Press, 1987) and Bateson, *The Convict Ships*.

¹¹ Curtin, *The Atlantic Slave Trade*; James A. Rawley & Stephen D. Behrendt, *The Transatlantic Slave Trade* (Nebraska: University of Nebraska, 2005); Herbert Klein, *The Atlantic Slave Trade: New approaches to the Americas* (Cambridge: Cambridge University Press, 1999).

profitability of the slave trade has been rigorously explored by scholars such as David Richardson. His work on merchants operating from Bristol and Liverpool has demonstrated the extensive profits that could be made by transporting human cargo across the seas.¹² Furthermore, James Rawley's work has concentrated on London merchants involved in the slave trade, and has demonstrated how they contributed to the commercial success of the First British Empire.¹³ A theme which has been expanded upon by David Hancock, Douglas Hamilton and Stephen Mullen, who have focused on Scottish merchants who made extensive amounts of capital from the trade.¹⁴

The transportation of convicts to America has been explored more sporadically, especially in relation to its crucial role during the First British Empire. Gwenda Morgan and Peter Rushton have focused on the legal and political development of coerced migration in the Atlantic world between 1600 and 1800.¹⁵ In their concluding comments, they have argued that, 'migration and exile were fundamental aspects and traditions of Empire.'¹⁶ The economic and social aspects of the penal punishment have also been explored in terms of the benefits to Britain and her colonies. However, only Farley Grubb has fully investigated the financial

¹² David Richardson, *Bristol, Africa and the Eighteenth-Century Slave Trade to America, vol.1: The years of expansion 1698-1729* (Gloucester: Alan Sutton Publishing, 1986); David Richardson, *Bristol, Africa and the Eighteenth-Century Slave Trade to America, Vol. 2: The years of ascendancy 1730-1745* (Gloucester: Alan Sutton Publishing, 1987); *Bristol, Africa and the Eighteenth-Century Slave Trade to America, Vol.3: The years of decline, 1746-1769* (Gloucester: Alan Sutton Publishing, 1991). David Richardson, 'Profits in the Liverpool Slave Trade: The Accounts of William Davenport, 1757-1784', in Roger Anstey & P.E.H. Hair (ed.), *Liverpool, the African Slave Trade, and Abolition: Essays to Illustrate Current Knowledge and Research* (Bristol: Western Printing, 1976), pp. 60-90; David Richardson, 'The Slave Trade, Sugar, and British Economic Growth, 1748-1776', *The Journal of Interdisciplinary History*, 17:4 (1987), pp. 739-769.

¹³ James A. Rawley, *London, Metropolis of the Slave Trade* (Missouri: University Missouri Press, 2003).

¹⁴ Douglas J. Hamilton, 'Scottish Trading in the Caribbean: The Rise and Fall of Houston and Co.' and David Hancock 'Scots in the Slave Trade', in Ned C. Landsman (ed.), *Nation and Province in the First British Empire: Scotland and the Americas, 1600-1800* (Pennsylvania: Bucknell University Press, 2001), pp. 39-59, 60-93; Stephen Mullen, 'A Glasgow-West India Merchant House and the Imperial Dividend, 1779-1867', *Journal of Scottish Historical Studies*, 33:2 (2013), pp. 196-233;

¹⁵ Gwenda Morgan & Peter Rushton, *Banishment in the Early Atlantic World: Convicts Rebels and Slaves* (London: Bloomsbury, 2013),

¹⁶ *Ibid*, p. 235.

incentives for merchants selling convicts across the Atlantic.¹⁷ Interestingly, this trend reoccurs in the convict trade to the Australian colonies, as scholars have largely overlooked the potential income merchants derived from each venture. In fact, there is a significant lacuna more broadly in this area, as very few historians have analysed the business aspects of transporting felons to the Antipodes.

In order to advance the study of convict transportation, scholars would benefit from exploring the execution of the penal punishment in line with the contractor state, a concept highlighted in the pioneering work of R. J. B. Knight and Martin Wilcox, and other studies that have expanded this narrative to give a comprehensive overview of the government's contracting system especially during times of war.¹⁸ The global reach of merchants contracted to transport convicts has been demonstrated by the pioneering works of Kenneth Cozens, whose MA Thesis detailed the trading activities of Anthony Calvert, William Camden and Thomas King.¹⁹ Importantly, Cozens' work has demonstrated that Calvert, Camden and King were so much more than slave traders, a term that is continually used to describe these merchants within the historiography of convict transportation. In fact, they invested in European trading ventures, whaling voyages, the East India Company (EIC) as well as the slave and convict trades. To build on these works, Chapter Three shows why merchants wanted to transport convicts to the Australian colonies and takes the same approach as David Hancock's *Citizens of the World* by showing the multifaceted and diverse investments made by merchants.²⁰

¹⁷ Farley Grubb, 'The Transatlantic Market for British Convict Labour', *The Journal of Economic History*, 60:1 (2000), pp. 94-122.

¹⁸ R. J. B. Knight & Martin Howard Wilcox, *Sustaining the Fleet, 1793-1815: War, the British Navy and the Contractor State* (Woodbridge: The Boydell Press, 2010). For other works of this nature see, David Syrett, *Shipping and the American War, 1775-1783* (London: The Athlone Press, 1970); David Syrett, *Shipping and Military Power in the Seven Years War* (Exeter: University of Exeter Press, 2008); Mary Ellen Condon, 'Surveying, Measuring and Valuing British Transports during the War against Revolutionary France', *The Mariner's Mirror*, 58:3 (1978), pp. 331-336.

¹⁹ Ken Cozens, 'Politics, Patronage and Profit: A Case Study of Three 18th Century London Merchants' (Unpublished MA thesis, University of Greenwich, 2005).

²⁰ David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735-1785* (Cambridge: Cambridge University Press, 1995).

The American War of Independence and the subsequent loss of Britain's imperial assets across the Atlantic was crucial in the reshaping of British coerced migration. Firstly, the outbreak of war in 1776 destroyed the convict trade to North America and defeat in 1783 meant that Britain no longer possessed a penal dumping ground. Secondly, the war also ended the British slave trade to North America and redirected the commerce in human flesh to Britain's Caribbean colonies. Thirdly, and most importantly, the defeat across the Atlantic initiated a change in the outlooks on both nation and Empire from a British perspective. As Christopher Brown, has excellently demonstrated, the loss of the American colonies produced a fertile environment for abolitionist sympathies to flourish which eventually led to the end of the British slave trade.²¹

Finally, the American War of Independence saw a radical change to the direction of British policy. In 1952 Vincent T. Harlow explored the changes that occurred in the British Empire between 1763 and 1793.²² He advised that there were two British Empires, the first was based on territorial gain and the second on trade. However, instead of using the American Revolution as a turning point Harlow argued that the Second British Empire was constructed around two decades before the loss of the American Colonies.²³ Among the criticisms that this work has received are those related to his argument regarding Britain's Imperial 'swing to the East,'

²¹ Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (North Carolina: North Carolina Press, 2006). The abolition of the slave trade has its own extensive historiography which has been split into those who have argued that the slave trade was ended because of moral reasons and those who have argued economic factors played a pivotal role in abolition. For the former argument see: Thomas Clarkson, *The History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade* (London: R. Taylor, 1808); Seymour Drescher, *Econocide: British Slavery in the Era of Abolition* (Pittsburgh: University of Pittsburgh Press, 1977).

For the latter argument see, Eric Williams, *Capitalism and Slavery* (Chapel Hill: University of North Carolina Press, 1994). For other pioneering works of the abolition movement and its results see, David Eltis & Jim Walvin (ed.), *The Abolition of the Atlantic Slave Trade: Origins and Effects in Europe, Africa and the Americas* (Wisconsin: Wisconsin University Press, 1981); David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (Oxford: Oxford University Press, 1987); John Oldfield, *Popular Politics and British Anti-Slavery: The Mobilisation of Public Opinion against the Slave Trade, 1787-1807* (Manchester: Manchester University Press, 1995).

²² Vincent T. Harlow, *The Founding of the Second British Empire*, 2 vols. (London: Longmans, Green & Co., 1952-1964).

²³ Ibid.

especially in terms of the shift in trading interest. As P. J. Marshall has observed the Atlantic remained central to British trade well into the nineteenth century. However, he concurred that there was a shift in the political outlook on Empire which focused on China, India and to a lesser extent Africa.²⁴ The idea of an Imperial swing to the East has been used as a framework by scholars such as Michael Roe to contextualise the British settlement of the Australia and her decision to house a penal colony in the Antipodes, although this is still a highly controversial topic.²⁵

As Marshall argues, the First and Second British Empire did not merely begin and end with the American Revolution, they 'were divided by war but they were linked by long term and perhaps more fundamental trends than those which have been believed to have divided them.'²⁶ Although Marshall himself has not alluded to it, one of these trends was Britain's participation in the coerced movement of people to the colonies. The British remained heavily invested in the slave trade until abolition and, as David Richardson has pointed out, 'although British involvement in the slave

²⁴ P. J. Marshall, 'The First and Second British Empires: Questions of Demarcation', *History*, 49:165 (1964), pp.13-23.

²⁵ For a selection of works on Australia's place in the formation of the Second British Empire see, Michael Roe, 'Australia's Place in 'The Swing to the East,' 1788- 1810, *Historical Studies: Australia & New Zealand*, 8:30 (1958), pp. 202-213; Start Macintyre, 'Australia and the Empire', in Robin Winks (ed.), *The Oxford History of the British Empire. Vol. V: Historiography* (Oxford: Oxford University Press, 1999), pp. 163-181; Alan Atkinson, 'The First Plans for Governing New South Wales, 1786-87', *Australian Historical Studies*, 24:94 (1990), pp. 22-40; Alan Frost, *Botany Bay: The Real Story* (Victoria: Black Inc, 2012).

The Botany Bay debate as it has been termed has been raging since the 1960s. In short some historians have argued that Australia was colonized because Britain needed a dumping ground for her convicts after the American Revolution had put a stop to transportation across the Atlantic. While others have advised that the colonization of Australia was part of a larger Imperial plan. For selected works on the former argument see, John Dunmore Lang, *A Historical and Statistical account of New South Wales Both as A Penal Settlement and as A British Colony*, 2nd edn. (London: A. J. Valpy, 1837); A.G.L. Shaw, *Convicts and the Colonies: A Study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber & Faber, 1977); Mollie Gillen, 'The Botany Bay Decision 1786: Convicts not Empire.' *English Historical Review*, 98 (1982), pp. 740-766; and Mollie Gillen, 'Response to Alan Frost,' *English Historical Review*, 100 (1985), pp. 327-330; For a range of works on the latter argument see, K.M. Dallas, 'The First Settlement in Australia: Considered in Relation to Sea-Power in World Politics,' *Papers and Proceedings: Tasmanian Historical Research Association*, 3 (1952), pp. 4-12; Geoffrey Blainey, *The Tyranny of Distance: How Distance Shaped Australia's History* (Melbourne: L MacMillan, 1968); Alan Frost, 'Botany Bay: An Imperial Venture of the 1780s,' *English Historical Review*, 100 (1985), pp. 309-27.

²⁶ Marshall, 'The First and Second British Empires,' p. 23

trade formally ended in 1807, systems of slavery that exploited African labour remained major influences on British overseas trade and colonial history well into the nineteenth century.²⁷ Britain also continued to practice convict transportation to the Australian colonies until the end of 1867. Thus, both systems transcended the boundaries of the First and Second British Empire and were important in their foundation and maintenance. This theme has been further enhanced by Clare Anderson's exploration of convict transportation in the Indian Ocean World.²⁸

The convict and slave experience

While some historians have focused their attention on the scale, flow and direction of the slave and convict trades, others have investigated the captives who travelled on board coerced migrant vessels. The first works to highlight the atrocities that occurred on board slave ships were produced as part of the movement for abolition.²⁹ At this time, abolitionists portrayed enslaved Africans as helpless victims of a barbarous traffic. However, more recently, historians have analysed African agency demonstrating that it manifested itself in several forms which were responsible for shaping the Atlantic crossing.³⁰ This has been an important new trajectory reframing earlier studies on the Middle Passage. In both veins of scholarship, the captain and the crew have been typically portrayed as barbarous traders of human flesh. However, as Marcus Rediker's pioneering work has demonstrated, the horrors of the Middle Passage effected everyone on board, including the captain and sailors,

²⁷ David Richardson, 'The British Empire and the Atlantic Slave Trade, 1660-1807', in P.J. Marshall (ed.), *The Oxford History of the British Empire: The Eighteenth Century* (Oxford: Oxford University Press, 1998), pp. 440-464, p. 444.

²⁸ Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790-1920* (Cambridge: Cambridge University Press, 2012).

²⁹ See Olaudah Equiano, *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, The African*, (London: 1789).

³⁰ For analyses on the Middle passage see, Klein, *The Atlantic Slave Trade* and Eric Robert Taylor, *If We Must Die: Shipboard Insurrections in the era of the Atlantic Slave Trade* (Louisiana: The University of Louisiana Press, 2006).

although enslaved Africans suffered worst of all.³¹ The methodological approach taken by Rediker, which has focused on combining the experiences of the captain, crewman and captives in equal measure, has documented a well-rounded view of life on board slave ships. By replicating this approach, Chapter Five demonstrates what life afloat was like on board convict ships.

The experience of convict transportees was first told through the narratives of those who travelled to New South Wales. George Barrington's published memoirs described his comfortable voyage to the Antipodes.³² This was followed by mariner John Nicol's account of the voyage of the *Lady Juliana*.³³ Although both narratives included grave inaccuracies and fabrications, they provided fairly positive views of life on board a convict transport. However, much like the slave trade, historians have looked to highlight the 'atrocities' that took place during voyages to the Antipodes. The Second Fleet and *Britannia* are pervasive themes within the current literature and have typically been used as a lens through which to view the penal punishment before 1815. Robert Hughes' rather sensationalist approach to convict transportation to the Australian colonies in his work *The Fatal Shore* posits the view that, 'After 1815... hell ships were few,' implying that before this date there were many.³⁴ Later he goes on to state, 'Captains kept a vigilant eye on their human cargo, and rumours

³¹ Marcus Rediker, *The Slave Ship: A Human History* (New York: Viking, 2007). Works which have engaged with the voyages of coerced migrants are within the remit of maritime history and have contributed to a large volume of studies which have taken a bottom up approach. Rediker has been pivotal in looking at an array of floating populations. For a selection of his works see: Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seaman, Pirates and the Anglo-American Maritime World* (Cambridge: Cambridge University Press, 1987); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (London: Verso, 2000); Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (London: Verso, 2004); and Marcus Rediker, *The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom* (New York: Viking, 2012).

³² George Barrington, *Memoirs of George Barrington: From his birth in MDCCLV to his last conviction at the Old Bailey on Friday, The 17th of September, MDCCXC* (London: M. Smith, 1790).

³³ John Howell (ed.), *The Life and Adventures of John Nicol, Mariner* (London: T. Cadell, 1822).

³⁴ Robert Hughes has misunderstood or incorrectly interpreted the early years of convict transportation to the Australian colonies in his 'international number one bestseller,' *The Fatal Shore*. The sensational elements of this work has paved the way for other scholars to regurgitate Hughes' inaccuracies. Robert Hughes, *The Fatal Shore: A History of Convicts to Australia, 1787-1868* (London: Vintage Books, 2003), p. 150.

of mutiny brought down summary punishment – though not, as a rule, with the flagellatory orgies staged on early hell-ships like the *Britannia*.³⁵ Moving away from these exaggerated histories of convict transportation, this study instead provides a more balanced view of life on board transport vessels.

The slave trade and convict transportation: An interconnected history.

As Clare Anderson and Hamish Maxwell-Stewart have demonstrated, ‘slavery, penal transportation and indenture have complex intertwined histories.’³⁶ However, until very recently historians have been reluctant to compare, contrast or even connect forms of unfree and coerced labour. It is only during the last decade that scholars have looked at the interconnected history between the slave trade and convict transportation, with the works of Emma Christopher, Cassandra Pybus and Clare Anderson providing a platform on which others can build.

In 2007 Christopher highlighted the interconnected history between the slave trade and convict transportation through the merchant firm Calvert, Camden and King, Captain Donald Trail and William Hill, a soldier in the New South Wales Corps.³⁷ However, as this thesis demonstrates, the Second Fleet has been gravely misunderstood within the literature of convict transportation and provides a contrast to Christopher’s assertion that the voyage of the Second Fleet was particularly disastrous because of the involvement of slave traders. Christopher has positioned her work around Hill’s quote and has argued that his comparison between the slave trade and the Second Fleet was not a rhetorical tool of a later age. However, as

³⁵ Ibid, p. 155.

³⁶ Clare Anderson & Hamish Maxwell-Stewart, ‘Convict Transportation and the Western Empires, 1415-1954’, in Robert Aldrich & Kirsten McKenzie (ed.) *The Routledge History of Western Empires* (Oxon: Routledge, 2014), pp. 211-242, p. 103.

³⁷ Emma Christopher, ‘“The Slave Trade is Merciful Compared To [This]”: Slave Traders, Convict Transportation, And The Abolitionists,’ in Emma Christopher, Cassandra Pybus & Marcus Rediker (ed.), *Many Middle Passages: Forced Migration And The Making of the Modern World* (California: California University Press, 2007), pp. 93-109.

Srividhya Swaminathan and Adam R. Beach have indicated rhetorical comparisons to the slave trade began long before the end of the eighteenth century. They comment that 'Eighteenth- century writers presented slavery to their readers as a contextual term used for maximum effect to signal the most extreme personal, political, or religious oppression.'³⁸ Thus, from the eighteenth century a body of literature flourished, which compared and connected a number of topics including naval impressment, marriage and religious or political persecution to the slave trade or slavery.³⁹ Therefore, scholars such as Christopher must interpret these often very complex comments with caution. Although, this study makes solid connections between the slave trade and convict transportation, a deeper analysis of Hill's quote, Calvert, Camden and King, and Captain Donald Trail contradict several of Christopher's findings.

Christopher's more recent publication, *A Merciless Place: The Fate of Britain's convicts after the American Revolution*, has demonstrated subtler ties between both forms of coerced migration.⁴⁰ Her work has not only filled a significant lacuna in the history of convict transportation by bridging the gap between the American and Australian systems, it has also highlighted the interplay between the penal punishment and the slave trade in Africa. It explores the opinions of slave traders on convict transportation, their objections to housing prisoners within slave forts and also their views on race.⁴¹ Christopher has also demonstrated the links between the founding of the Province of Freedom in Sierra Leone and the penal settlement of Botany Bay.⁴² Her approach to this topic is pioneering, as themes of race, Empire,

³⁸ Adam R. Beach & Srividhya Swaminathan, *Invoking Slavery in the Eighteenth - Century British Imagination* (Surrey: Ashgate, 2013), p. 1.

³⁹ Daniel James Ennis, *Enter the Press-gang: Naval Impressment in Eighteenth Century British Literature* (Newark: University of Delaware Press, 2002), p. 126.

⁴⁰ Emma Christopher, *A Merciless Place: The Fate of Britain's convicts after the American Revolution* (Oxford: Oxford University Press, 2010).

⁴¹ Ibid, pp. 6, 103.

⁴² Emma Christopher, 'A Disgrace to the very Colour: Perceptions of Blackness and Whiteness in the founding of Sierra Leone and Botany Bay', in *Journal of Colonialism and Colonial History*, 9:3 (2008), Project Muse, <https://muse.jhu.edu/article/255264> [Accessed on 20/5/2015].

colonisation and ultimately black freedom and white captivity, at a time when the slave trade was booming in the Atlantic, have been explored.⁴³

Cassandra Pybus' ground-breaking works have also demonstrated the interconnected history between not only convict transportation and the slave trade but also with the Province of Freedom settlement in Sierra Leone. Pybus' approach is unique in that it provides a rare insight into the personal struggles of emancipated slaves after they had regained their liberty and contrasts them with a separate analysis on the experiences of black convicts who were sent to Botany Bay.⁴⁴ What is most striking is that those who relocated to Sierra Leone arguably endured greater hardships than those who travelled to the Antipodes.⁴⁵

Turning away from the Atlantic world, Clare Anderson's *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790-1920* has further enhanced the interconnected sinews between slavery and convict transportation.⁴⁶ This pioneering work brings to light the intersections between forced migration in the Indian Ocean World and moves scholarly attention beyond the Atlantic World which has straight jacketed studies of coercion. It is among the many works by Anderson that scholars have been enlightened about the symbiotic relationship between servitude, slavery and transportation.

All the aforementioned authors feature in the book *Many Middle Passages*, which looks to use the term as a concept through which to explore the transoceanic voyages of forced migrants.⁴⁷ However, while this approach exposes some interesting connections between the slave trade and other systems of coerced migration, it is open to criticisms. Firstly, the sufferings endured by enslaved Africans was horrifically

⁴³ Ibid.

⁴⁴ Cassandra Pybus, *Black Founders: The unknown story of Australia's first black settlers* (Sydney: University of New South Wales Press, 2006); Cassandra Pybus, *Epic Journey of Freedom: Runaway Slavers of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006).

⁴⁵ Ibid.

⁴⁶ Anderson, *Subaltern Lives*.

⁴⁷ Christopher, Pybus & Rediker (ed.), *Many Middle Passages*.

unique in many ways and the term Middle Passage has become synonymous with understanding the atrocities that took place on board slave ships. Thus, it cannot easily be used by other voyages of forced migration. Secondly, by taking this approach it prompts scholars to only look at the horror, violence, suffering and mortality that occurred on board differing coerced migrant vessels. To date, unless we read the idealistic narratives of Hugh Crow, there are no sources which have uncovered humane slave trading voyages where enslaved Africans were happy to leave their homelands or were treated with a degree of respect or dignity.⁴⁸ However, for convicts that travelled to the Australian colonies at least, this was often the case. Thus, there was only one Middle Passage, it was endured by millions of enslaved Africans who crossed the Atlantic and witnessed the unspeakable acts of violence, rape and torture that occurred on every voyage.

Methodology and key aims

This thesis takes a new methodological approach to the study of convict transportation. The foundations of this approach have been built through a combination of comparative, global and interconnected history. Although this study is not a comparative one, it uses elements of comparative history to enhance our understanding of convict transportation by drawing out similarities and differences with the slave trade. In 1967, William Sewell advised that 'comparative perspectives reduce our biases by presenting us with alternative systems of values and world views, and by imparting to us a sense of richness and variety of human experiences.'⁴⁹ However, comparative history has been criticised because scholars must master two topics to effectively use this approach, which is difficult for even the most experienced historians. Thus, to circumvent these criticisms this thesis has chosen to

⁴⁸ Hugh Crow, *Memoirs of the late Captain Hugh Crow of Liverpool; Comprising A Narrative of His Life Together with Descriptive Sketches of the Western Coast of Africa; Particularly Bonny* (Liverpool: G.F. Harris' widow and brothers, 1830).

⁴⁹ William H. Sewell, 'Marc Bloch and the Logic of Comparative History', in *History and Theory*, 6:2 (1967), p. 218.

view convict transportation through the lens of the British slave trade and its abolition. By placing the forced movement of British felons at the forefront and only applying comparisons to gain a greater perspective, this study has been able to harness and analyse only the applicable aspects of the slave trade.

This thesis has also taken a global approach. It shows not only the movement of convicts from Britain through the Atlantic, Indian and Pacific Ocean, but also retraces the routes of transport vessels and the ports visited by their crew in Europe, South America, Africa, Asia and Australasia thereby showing the truly global reach of the convict trade. It also explores the exchange of ideas and the consequences that occurred as a result of rising abolitionist sympathies, the reduction of mortality on board slave ships and notions regarding basic entitlements for floating populations, as well as the effects that the slave trade and convict transportation had on the Empire. In addition, this work incorporates what has been termed in France as *Histoire croisée* which translates loosely in English to “entangled history.”⁵⁰ Rather than looking at the slave trade and convict transportation in isolation, it explores the interconnections between both trades through ideology, ships, contractors, captains, captives and trade goods. In doing so, it uncovers new narratives within Britain’s maritime history.

The time parameters used to frame this thesis have been purposefully chosen to highlight the paradox between the sailing of the First Fleet and the rise of abolitionism in Britain in 1787 and, in turn the legal end of the slave trade in 1807 but the continuation of convict transportation after this date. This period is of particular interest as transportation to the Australian colonies before the end of the Napoleonic Wars has received far less scholarly attention. This is most probably because the sources relating to the voyages that took place after 1815 are more detailed and readily identifiable. In addition, this timeframe encompasses an era when the First

⁵⁰ For an excellent essay on this methodological approach see, Michael Werner & Bénédicte Zimmermann, ‘Beyond Comparison: Histoire Croisée and the Challenge of Reflexivity’, *History and Theory*, 45 (2006), pp. 30-50.

and Second British Empire coalesced. With the loss of the American colonies in 1783, Britain looked to retain her Caribbean imperial assets but expand the Empire in the East. Thus, remnants of the old and new world coalesced, which in part helps to explain some of the similarities and differences between the slave trade and convict transportation. The period also has a balance of peace and war and thus information can be garnered on the changes that took place in the maritime world during periods of conflict.

The central aim of this thesis is to explore convict transportation to the Australian colonies during the two-decade struggle to abolish the British slave trade. It seeks to gain a deeper understanding of the penal punishment by gaining further knowledge of the social, political and economic climate of the period. Furthermore, this thesis aims to offer a comprehensive overview of Britain's Imperial and domestic ambitions in the late eighteenth and early nineteenth century and will demonstrate how they influenced coerced migration. Thus, this work will rely heavily upon Parliamentary records to demonstrate attitudes towards the Empire, colonisation and maritime trade. A systematic review of Parliamentary discussions, speeches, Acts, petitions and charters will shape our understanding of the redirection of Imperial ambitions. They will also provide the basis for an assessment of contemporary ideas regarding the protection and retention of Imperial outposts, the expansion of Britain's maritime trade, colonisation initiatives, domestic policies, penal practices and welfare initiatives which transcended the shores to British vessels. These records will also be used to chart the progress of the abolition movement and the revival of convict transportation demonstrating the fundamental principles on which both campaigns were based. The evidence collected on the slave trade by the Select Committee will be a particularly useful source as it provides first-hand accounts from both abolitionists and Guinea captains which will be used to gain an understanding of trading activities, the middle passage and mortality.

While parliamentary material will give an understanding of both coerced migration systems, this work will also extensively analyse public opinion on the slave

trade and convict transportation. Thus, to supplement the opinions of men in the parliamentary sphere a systematic collection of articles from the British Library's newspaper archive on the slave trade and convict transportation written by members of the public between 1787 and 1807 will demonstrate popular views on both systems.⁵¹ The quantity of these newspaper articles will form a quantitative approach to understanding public concerns, while their content will add to the wealth of qualitative information collected to compare and contrast opinions on both trades. To compliment an in-depth analysis of articles from newspapers throughout Britain, this work will also use contemporary pamphlets to understand attitudes towards both coerced migration systems. It will consult the writings of key abolitionists such as John Newton, Alexander Falconbridge, Ottobah Cugoana and Olaudah Equiano as well as pro-slave trade supporters such as Hugh Crow to give a balanced opinion on the abolition campaign. It will also use the pamphlets written by prison reformers such as John Howard and Jeremy Bentham to obtain their views on penal punishment and the settlement at New South Wales. In order to ensure an all-encompassing approach to public opinion, this work will also use poems and images which circulated during the period. These will be collected from a wide range of sources. While some, like the famous image of the *Brookes*, appeared in contemporary newspapers and was redistributed in pamphlets throughout this period, others, like the kneeling slave cameo, could be found on jewellery, snuff boxes and coins.

Although this study aims to demonstrate parliamentary initiatives and public opinion onshore, as these coerced migration systems operated far from Britain a large volume of the sources that will be consulted are connected to the maritime sphere. These include ship's plans, captain's and surgeon's logs, letters of instruction, receipts of goods traded, private letters, memoirs written by captains, sailors and captives, as well as images of coerced migrant vessels.

⁵¹ Search parameters will include slave, slavery, slave trade, slave ships, negro, African, Africans, Africa, abolition, abolish, convict, convict transportation, convict ships, Botany Bay and New South Wales between 1787 and 1807.

To understand the type of captives that were taken on board and whether, like the slave trade, convict transportation was led by ideas regarding colonial labour, this thesis will also assess the profile of convict transportees. While the transportation registers after 1815 typically record ages and skills, those between 1787 and 1807 did not. Thus, information on the ages of convict migrants will be systematically gathered from census data. Unfortunately, the first census in the Australian colonies was not carried out until 1828, 41 years after the First Fleet set sail. Thus, many of the colonists transported to the Antipodes during the period of concern had died. However, to capture the highest proportion of convicts, the census data will be supplemented with the sporadic information that was recorded in ships logs and transportation lists. This material also supplies some information on the skills of transportees which will provide an analysis of whether certain prisoners were sent to the Antipodes because they would contribute to the survival and growth of the penal settlement.

The second key aim of this thesis is to provide an in-depth analysis of convict transportation to the Australian colonies in the early years of its existence. While there are several works that comment on the penal punishment between 1787 and 1807, they have analysed the topic in terms of crime history or labour migration. Instead, this thesis aims to unshackle the chains of convict transportation and take a more holistic approach to the topic. Only by understanding the economics and business aspects of coerced migration systems can we understand the logistics of convict transportation. Unfortunately, there is no central source base to obtain this information. Thus, to ensure the work is reliable and is taking a holistic approach to the topic, it will use a range of sources.

To explore the organisation of convict transportation it will systematically consult and analyse the correspondence from and to the Treasury, Navy and Transport Board as well as the Home Office between 1787 and 1807. This work will also analyse the collection of private letters from the Governors of New South Wales which have been compiled in several large volumes. Therefore, partially combatting

the limited access to the sources which are held in New South Wales. To explore the provisioning and cost of convict transports it will use Shelton's accounts for all 63 ventures to the Antipodes between 1787 and 1807 which are held at The National Archives. It will also consult the Treasury Board's papers to analyse the items taken on board each ship.

To achieve a comprehensive understanding of the captive experience, this work will use the surviving log books written by captains and surgeons during their transoceanic passage. Unfortunately, the journals for only 22 convict and three store ships have survived. However, memoirs and letters written during or immediately following the passage by colonial officials, literate convicts and passengers all build a comprehensive view of activities on board. To understand convict rights, it will analyse previously unexplored material such as the surviving contracts of effectual transportation and the High Court of the Admiralty cases to understand whether a legal chain of responsibility was established or whether any crimes were brought to trial after convict vessels had arrived in the colonies.

While these elements are important to understanding convict transportation, this thesis also aims to explore the previously silent narrative of the return voyages of transport vessels. To do so it will use the records collected by the East India Company which are held at the British Library. They provide details on the routes plied by convict ships, the items taken on board and the laborious journey home from the far East. Again, unfortunately not all the logs survived but there is a substantial wealth of evidence on which to base solid conclusions.

Chapter structure

In the opening sentence of the epilogue of his pioneering work *Moral Capital: Foundations of British Abolitionism*, Christopher Brown questioned 'How important... was the American Revolution? In the end what difference did American

Independence make?’⁵² This profound question is addressed in Chapter Two, not only in the context of slavery and abolition but also in shaping convict transportation from Britain to the Americas, as well as the social, political and economic outlook of both nation and Empire. In particular, it seeks to understand how views regarding abuses in the colonies and moral depravity in Britain resulted in the rise of abolitionism and the revival of convict transportation. In order to do so, it analyses contemporary discourse on both coerced migration systems that circulated in the public and parliamentary sphere. As a result, it shows the polarised view of ‘victims’ of the slave trade and ‘criminal’ transportees. A secondary aim of this chapter is to assess how important convict transportation was in Britain’s Imperial swing to the East. It analyses why Britain decided to house a penal settlement in the Antipodes and will position this decision within the changes that were taking place in the Empire.

Chapter three explores this theme further by investigating the global reach of convict ventures. It analyses the items traded and the ports visited on the outward and return voyage of convict transports. The chapter moves beyond the regional constraints of analysing maritime history within the boundaries of the Atlantic, Indian or Pacific Oceans. Instead, it takes a global approach to coerced migrant voyages by retracing the trade routes of convict vessels. Through the use of ships logs and the analysis of private correspondence, this chapter has been able to answer the question of why merchants invested in convict ventures and demonstrates the trading opportunities presented to captains during the voyage. It is the aim of this chapter to show that ‘convict ships’ were so much more than their namesake, in fact coerced migrants were only one of a number of precious cargoes that were carried on board these vessels.

This thesis then moves onto understand the collective profile of the men, women and children sent to the Australian colonies. It seeks to investigate the selection process and answers questions relating to why certain convicts were

⁵² Brown, *Moral Capital*, p. 451.

transported while others were not. Chapter Four compares the selection process used in convict transportation to the Americas and in the slave trade as a lens through which to assess whether those transported to the Antipodes were chosen based on the same criteria. It explores the crucial differences of coerced migrant systems founded on economic principles and those based on social cleansing. Thus, it explores how coerced migration was shaped and whether it was based upon drivers from the host or the receiving nation. Through the gathering of extensive primary data from a wide range of sources, this chapter provides the first in-depth analysis of the gender, age and skills of convicts who were transported to the Australian colonies between 1787 and 1807. In doing so, it adds to the debate on whether convicts were transported based on their propensity for labour.

The fifth chapter of this thesis examines the experiences of those who travelled on board convict ships. It analyses the pre-embarkation journey of the convicts from sentencing to their arrival on board a transport vessel, which has been previously neglected in the historiography. It seeks to understand the hardships endured by convicts before they boarded their floating prisons and explores the logistics of conveying men, women and children across the country to their embarkation points. It then moves on to assess the experiences on board convict ships as they plied the Atlantic, Indian and Pacific Oceans to the Antipodes. While historians have typically focused on uncovering the narrative from the captive perspective, this chapter aims to take a more rounded approach, much like Marcus Rediker's, *The Slave Ship* by exploring life afloat for the captain, sailors and convicts. Through an analysis of convict ship logs, personal correspondence and contemporary discourse printed in newspapers, it aims to demonstrate the conditions on board convict ships, daily routines of captives and the crew, relationships created and the punishments metered out. In particular, this chapter moves away from the sensationalist narrative of convict voyages on board the Second Fleet and the *Britannia* and instead demonstrate that for long periods life at sea was monotonous.

Finally, this chapter briefly explores the disembarkation of captives and the eventual end of the voyage after an approximate two years for the crew.

The final chapter of this thesis takes a nuanced approach to convict transportation with an in-depth investigation of whether the penal punishment was a barbarous and inhumane form of coerced migration, which has often been alluded to in the historiography. Historians have typically viewed convict transportation through the lens of the Second Fleet and the *Britannia*. However, although transportees who travelled on board these vessels endured more hardships than most, scholars have misunderstood the problems that took place during the voyage. Through an exploration of court records, newspaper articles and ships logs, it will uncover a previously silenced narrative of convict transportation. Although the Whig interpretation of British history has become vastly unpopular, with scholars exposing negative aspects of the nation and Empires past, Chapter Six explores the currents of humanitarianism and stride for improvement in the late eighteenth and early nineteenth centuries. This chapter explores how convict transportation became relatively efficient from the outset and continually improved to ensure the highest number of felons were delivered to the Antipodes alive. It also explores the role played by the slave trade in improving convict mortality rates and seeks to demonstrate the circulation of knowledge, practice and skill in the British maritime world.

Chapter Two

Attitudes Towards the Slave Trade and Convict Transportation

The loss of Britain's American colonies in 1783 precipitated a period of intense self-reflection, in which important changes to the social, economic and political fabric of the nation manifested. Significantly, in the aftermath of the American War of Independence a number of enlightened attitudes towards moral reform flourished. In particular, focus was placed on eradicating the so-called social ills that undermined domestic life, and the abuses that were taking place in Britain's Caribbean colonies. By 1787 concerns about the moral wellbeing of Britons at home and a growth in humanitarian sentiment for indigenous people and the enslaved overseas coalesced. Together, they culminated in the view that to help stem the growth of un-Christian behaviour in Britain, undesirable characters should be removed from society.⁵³ However, in order to limit the abuses that were taking place in the colonies, the forced movement of enslaved Africans had to be abolished. Thus, at the same time as British abolitionists and social reformers looked at curtailing human rights violations within the Empire through legislation, they looked at new overseas colonialization projects to remove miscreants who were no longer wanted at home. This ideology resulted in the reintroduction of convict transportation and a widespread drive to abolish the British slave trade.⁵⁴

Although, the slave trade and convict transportation were similar in that they both forcibly removed people from their homelands, held them captive on board vessels which crossed the seas and deposited them in labour thirsty regions to

⁵³ Although Britain had a long tradition of removing undesirables from the realm, there was a revived impetus in 1787. On 9 April 1787, 350 of London's black poor set sail for Sierra Leone and on 13 May the First Fleet began their voyage to Botany Bay.

⁵⁴ Ironically a mere nine days after the First Fleet set sail for the Australian colonies, cementing a new chapter of coerced migration from English and Irish ports, the Society for Effecting the Abolition of the Slave Trade (SEAST) was formed.

contribute to the Imperial economy, contemporaries viewed both coerced migration systems very differently. While the former was looked upon by some as a repugnant line of commerce and the potential cause of social instability in the British Caribbean colonies, the latter was celebrated for its ability to rid the nation of a criminal underclass which threatened Britain's social order and moral well-being.⁵⁵ Thus clear distinctions were made. The slave trade was a forced migration system that was underpinned by capitalist ambitions which crushed humanitarian ideals, whereas convict transportation was a penal punishment that served as a potent deterrent. Instead of sending men, women and children to the gallows or returning them to the streets to plague society, transportation removed those who had chosen a life of vice and sin from the realm, whilst giving them an opportunity to reform and contribute to the Empire by expanding the colonial frontier using their labour. Consequently, the very same flourishing ideas of humanity, liberty and social improvement which led to the eventual abolition of the slave trade in 1807, justified the continuation of convict transportation to the Australian colonies until the end of 1867.

Despite the definite interplay between the revival of convict transportation and the growing movement to abolish the British slave trade, historians are yet to connect the two. Scholars of abolition have typically focused on economic or humanitarian motivations to explain the end of the British slave trade.⁵⁶ However, the pioneering work of Christopher Brown has situated the growth of abolitionism within changes to the outlook of nation and Empire following the loss of the American colonies.⁵⁷ In doing so, he has provided a lens through which other campaigns of the era can be analysed and connected to abolition. Therefore, this chapter

⁵⁵ This was particularly pertinent for the protection of property.

⁵⁶ For economic explanations see, Williams, *Capitalism and Slavery*. Williams' thesis is largely outdated today but nevertheless crucial to understanding the historiography of abolition. For the deconstruction of Williams' argument see, Roger Anstey, *The Atlantic slave trade and British abolition, 1760-1810* (Basingstoke: Macmillan, 1975) and Drescher, *Econocide*. For economic and moral arguments see, David Brion Davis, *The Problems of Slavery in the Age of Revolution, 1770-1823* (Oxford: Oxford University Press, 1999). For the mobilisation of abolitionists see, John Oldfield, *Popular politics and British Anti-Slavery*.

⁵⁷ Brown, *Moral Capital*.

demonstrates that Brown's hypothesis is applicable to many other popular movements which shaped the future of the nation and Empire, including convict transportation. Although the choice of Botany Bay as a penal settlement has caused historiographical debate, the reintroduction of convict transportation after its ten-year hiatus has not. Typically, historians have concluded that it was revived because the prison hulks and jails were overburdened and there was a lack of an alternative intermediate stage between corporal punishment and death. It also can be argued that the intention was always to resume convict transportation, as the hulks were only seen as a temporary measure and sentences of this nature were continuously meted out after the American convict trade had ceased. However, with the lack of choices regarding where to house a settlement for convicts and the proposals to move forward with other penal options such as the implementation of a penitentiary or hard labour systems in Britain, there was a choice. Therefore, in an era where forced migration was under severe attack why did Britons call for the revival of convict transportation and thus continue to support the coerced movement of criminals from her shores?

To shape discussion, this chapter will be divided into three parts. Firstly, it will demonstrate that between 1783 and 1787 reformers looked to cleanse the sins of the British nation and Empire, which paved the way for many intertwined sinews of reform to develop. The discussion explores what abuses anti-slavery supporters recognised in the colonies and what steps they initiated to eradicate them. It will examine why ideas of abolition grew in this period and will demonstrate that, although anti-slavery sentiments were evident long before the conflict, it was not until the American War of Independence had ended that such thoughts crystallised into a wide scale protest movement. It will then move on to detail the intense critique of British morals and will demonstrate why there was a belief that the nation needed to be cleansed. Secondly, the chapter will determine why convict transportation was revived over the implementation of a penitentiary system in an era where humanitarian reform initiatives flourished. It will then examine why specifically

Botany Bay was chosen as a penal settlement and will highlight that dual notions of disposing those who were unwanted from the realm and strengthening the Empire shaped the eventual decisions on how and where was best to dispose of delinquents. Finally, the chapter will conclude by analysing public discourse between 1787 and 1807 in order to understand why the general public showed increased abhorrence for the slave trade but not for convict transportation. Crucially, this chapter will demonstrate that the complex ideologies which were brought to light by the American War of Independence generated an intricate interplay between attitudes towards the slave trade and convict transportation, which, on the one hand, brought them together, but, on the other set them on completely different trajectories. It will demonstrate an interconnected history between the slave trade and convict transportation, which transcends views on race and criminality and resituates these institutions within a view of the nation and wider Empire.

1.1 *The need for reform in the British nation and Empire*

The loss of Britain's thirteen American colonies initiated a change in official attitudes towards both nation and Empire. It inspired zealous enthusiasm for political, imperial and religious reforms, which, as Linda Colley has pointed out, were preventative measures to ensure no further national humiliations were suffered.⁵⁸ Some looked towards divine providence to explain the military defeat, prophesising that God was angry with Britain because her subjects had descended into a state of depravity and entered into conflict with a fellow protestant nation. Others criticised a corrupt political class who had put self-interest and avarice before the welfare of both country and Empire.⁵⁹ They believed that war could have been avoided if fellow

⁵⁸ Linda Colley, *Britons: Forging the Nation, 1707-1837*, 2nd edn. (Great Britain: Yale University Press, 2005), p. 353.

⁵⁹ For persistent themes of thought which fed into the moral reform and the role played by the American War of Independence in precipitating change see, Joanna Innes, *Inferior Politics: Social problems and social policies in Eighteenth-Century Britain* (Oxford: Oxford University Press, 2009), pp. 180-190.

citizens had not been exploited, and in part agreed with the principles of liberty and justice which the rebels fought for. These foundations of blame exasperated pre-existing tensions within the realm and gave weight to fears about the future of Empire, God's wrath and the political, economic and social stability of the country. In this period of uncertainty and self-reflection, pockets of the populace questioned not only the abuses which were evident at home, but also those taking place in the remaining British colonies. It was in this context that the roots of abolitionism and the second campaign for the reformation of manners began to grow.⁶⁰

The origin of the movement to abolish the British slave trade can be identified within a wider scheme to eradicate abuses at home and abroad. Although economic determinants may well have been taken into consideration by some, it was within a political and religious setting that the most significant foundations for abolitionism were laid. With regards to the former, the origins of the American Revolutionary War had demonstrated that the maltreatment of colonial subjects could result in the loss of valuable assets within the British Empire. This led to interference with colonial affairs and discussions which centred on perceptions of good rule, progress and the development of subjects within the remit of Imperial regulation. In the same year that the Constitution of 1782 was signed with Ireland, enquiries into the ways in which India was being governed were brought to light. It had been decided that the EIC officials located in Calcutta, Bombay, and Madras had dishonoured the British name with abuses of office.⁶¹ The last years of the war disrupted proceedings but in 1783 the reform of Indian affairs was resumed. The first East India Bill was written by Edmund Burke who believed that the EIC was inherently corrupt.⁶² The bill was presented in parliament by Foreign Secretary, Charles James Fox, during his coalition

⁶⁰ The first reformation of manners occurred in the late 1600s and early 1700s in England. This was revived in the 1780s by Wilberforce and his followers.

⁶¹ Peter J. Stanlis (ed.), *Edmund Burke: Selected Writings and Speeches* (New Jersey: Transaction, 2009), p. 439.

⁶² Burke's role in this saga began in 1781 when he was appointed to the Select Committee which investigated the EIC and ended in 1795 when the verdict of Warren Hastings' trial for impeachment was returned as not guilty.

with Lord North and proposed the replacement of the Company's Court of Directors with selected members from the House of Commons who would be responsible for the rule of India.⁶³ While the proposed India Bill was passed in the Commons, it was vehemently opposed by the King and thus was defeated in the Lords on 17 December 1783.

This episode was perceived as an all-time low in British politics because it was believed that Fox had wanted to use the wealth of the East Indies to corrupt parliament. As a result, the Fox-North coalition was immediately dismissed. However, while Fox may have possessed ulterior economic motives by proposing the East India Bill, Burke did not. It would seem that he was interested only in the redress of abuses in India and gaining justice for colonial subjects. Despite this fiasco, in the subsequent year the newly elected William Pitt passed his own East India Act, which remedied many of the abuses that Burke claimed had been made by the Governor General of Bengal Warren Hastings and other EIC officials. These included exorbitant taxes which were collected through acts of violence or property confiscation.⁶⁴ Furthermore, Pitt's East India Bill stipulated that an investigation would take place over legitimate grievances that were consistent with the justice and laws of Britain.⁶⁵ Thus by shedding light on the abuses that took place, Burke firmly planted the view that British subjects in India should be treated no differently from those within Britain.⁶⁶ The affair highlighted that it did not matter whether colonial officials were overseas, they still had to act with the same moral rigour that they would if they were located in Britain. Burke championed the view that by setting a good example, improvements

⁶³ Stanlis, *Edmund Burke: Selected Writings and Speeches*, p. 440.

⁶⁴ See Fredrick Whelan, *Edmund Burke and India: Political morality and empire* (Pittsburgh: University of Pittsburgh Press, 1996), p. 154; Anna Clark, *Scandal: The Sexual Politics of the British constitution* (New Jersey: Princeton University Press, 2004), pp. 84-112.

⁶⁵ Whelan, *Edmund Burke and India*, p. 157.

⁶⁶ Alicia Schrikker, *Dutch and British Colonial Intervention in Sri Lanka, 1780-1815: Expansion and Reform* (The Netherlands: Brill, 2007), p. 183.

would be made to the lives and constitution of Indian subjects and thus would prevent future antagonism.⁶⁷

To understand whether the clamour over India made it more acceptable to discuss the treatment of non-white colonists in Parliament, or simply coalesced with scrutiny over abuses in Africa and the West Indies, is difficult to ascertain. However, the same philosophies of rectifying abuses in the colonies through notions of 'equality' and better practice by those who presided over non-white colonial subjects was a pervasive theme in arguments about slave holdings across the Atlantic, especially in the minds of those connected to the Church of England. Similarly, for the Quakers the issue with slavery, and thus the slave trade, was linked to their belief that all men and women were equal in the eyes of God and thus it was unjust to retain anyone in a state of bondage. Therefore, by keeping people as slaves in the colonies Britain was committing a sin and as a consequence would continue to feel God's wrath, a sentiment that was continually repeated in arguments about slavery until the Slavery Abolition Act of 1833. Although anti-slavery sentiment appears to have been rising during the eighteenth century it was the conditions of 1783 that made it seem acceptable for the Quakers to send a petition to the House of Commons which urged the end of the British slave trade.⁶⁸ As Christopher Brown has intimated, this was completely out of character for the religious sect.⁶⁹ However, as he explains the conditions after the American War of Independence made it possible for political onlookers to become actors within parliament.⁷⁰ When their petition was received favourably in the Commons, it gave the Quakers the impetus to campaign against the slave trade more vigorously. However, while this religious group fought for equality

⁶⁷ Ibid, p. 183.

⁶⁸ The Quaker abhorrence for slavery can be traced back to founder George Fox's letter of caution 'To friends beyond the sea, that have black and Indian slaves', which argued all men were equal in the eyes of the Lord. For a copy of the letter see, Samuel Tuke, *Selections from the Epistles, &c of George Fox* (York: Alexander and Sons, 1825), p. 94.

⁶⁹ Brown, *Moral Capital*, p. 392.

⁷⁰ Ibid, p. 396.

and in turn liberation of slaves, the Evangelicals began to push for reform and better religious practice in the West Indies to eradicate on-going abuses.⁷¹

The Evangelicals saw the same problems in slavery as they did within the realm which had vice, moral corruption and lack of religion at its root. It must be acknowledged that, as Brown has argued, the Evangelicals did not set out to become abolitionists, their mission was only to promote their religion within the realm and across the British Empire.⁷² Therefore, the abuses they identified in the colonies were not quite as radical as the Quakers in the beginning. The mission of the Teston contingency of Evangelicals, which included some remarkably influential characters, generated the notion that whether in the colonies or within the realm, religious instruction should be taught with vigour to every man, woman and child which included the poor, criminal and enslaved.⁷³ This idea coalesced with the thoughts of a number of friends of the Teston circle, one of whom was Anglican Bishop Beilby Porteus who also agreed that religious direction was needed in the West Indies. In 1783 he spearheaded a crusade to have religious enlightenment bestowed upon slaves. He advised in a sermon entitled *The Civilisation, improvement, and conversion of the Negro-slave in the British islands recommended*, which he preached to a congregation that included members of the Society for the Propagation of the Gospel in Foreign Parts on 23 February, that by withholding religion slaves were 'heathens, not only in their hearts, but in their lives, and, knowing no distinction between vice and virtue, they give themselves up freely to the grossest immoralities, without so much as being conscious that they are doing wrong.'⁷⁴ The point here is that it was

⁷¹ Evangelical is an ambiguous term. Thus in order to clarify this work has mirrored the use of David Brion Davis who advised that 'I mean "Evangelical" to refer to the movement for personal devotion and piety within the Church of England; "evangelical" to refer to the boarder revivalist movements, including Methodism.' Davis, *The Problems of Slavery*, p. 18

⁷² Ibid, p. 335.

⁷³ Teston is a village in Maidstone, Kent. The Teston contingency of Evangelicals included James Ramsay and Margaret and Charles Middleton who were connected to Hannah More, William Wilberforce and Thomas Clarkson.

⁷⁴ Beilby Porteus, *Sermons on several subjects* (London: 1783), p. 387.

Britain's duty to provide religious instruction which would improve the lives and save the souls of enslaved Africans and, as a result, make them better subjects.

Through the civilisation of slaves and spreading the word of God, it was thought that Britain might find a degree of redemption and be reclaimed from her state of depravity. Such sentiments chimed with wider improvements regarding religious instruction, namely with the rise of the Sunday School Society established in 1785. This belief also helps us to understand why, in 1786, William Wilberforce did not outwardly condemn convict transportation, but instead secured the permission of his friend Prime Minister William Pitt to appoint the first chaplain of New South Wales, Reverend Richard Johnson.⁷⁵ Before he departed Johnson was introduced by Wilberforce to the Society for the Promotion of Christian Knowledge, which furnished him with books and tracts to assist him in his work.⁷⁶ In the early 1790s Wilberforce again intervened in matters concerning New South Wales when he lobbied parliament to send more clergymen.⁷⁷ This resulted in Chaplain Samuel Johnson being sent to the penal colony, demonstrating that the religious instruction of convicts was at the forefront of Wilberforce's outlook on British colonisation in the Antipodes.

Despite agreeing that better religious guidance needed to be meted out in the colonies, for a number of those heavily connected to the Teston Evangelicals, such as the Reverend James Ramsay and Thomas Clarkson, the abuses in Africa and the West Indies could not simply be eradicated through religious teachings. They could only be remedied with the abolition of the British slave trade. To excite indignation against the forced movement of enslaved Africans, their works highlighted the cruelty and mistreatment endured by captives during the Middle Passage. The horrors of the Atlantic crossing played on humanitarian sympathies and connected different

⁷⁵ John B. Hirst, *Convict Society and its enemies: A History of Early New South Wales* (North Sydney: George Allen Unwin, 1983), p. 16.

⁷⁶ Australian Dictionary of Biography, Richard Johnson - <http://adb.anu.edu.au/biography/johnson-richard-2275> [Accessed 24/04/2016]

⁷⁷ Hirst, *Convict Society and its enemies*, p. 17.

religious sects together through a common hatred for the trade in human flesh. This led to the formation of the Society for Effecting the Abolition of the Slave Trade in 1787 which garnered a significant degree of evangelical support from the outset. Although the rise of British abolitionism can be identified in the wider context of reformation within the colonies, it is probable that it would not have flourished so quickly if changes were not also taking place in Britain.

While the impetus to reform the colonies was expressed in 1783, so was the beginning of a mass movement to reverse moral degradation in the realm.⁷⁸ To the just, the landscape of Georgian Britain was exceptionally bleak. The late 1770s and early 1780s had witnessed social protest such as the Gordon Riots where activists virtually controlled London for five days, freed prisoners of Newgate and destroyed parts of the jail. The period also saw a considerable rise in liquor consumption and a continual expansion of the population, which contributed to the overcrowding of urban centres by migrant workers and beggars.⁷⁹ The end of the war in America compounded the already troubling social problems, as soldiers and sailors demobilised from combat contributed to soaring unemployment and necessitated a further rise in the Poor Rates.⁸⁰ However, it was arguably the rapid increase in indictments for petty crimes that followed the declaration of peace which generated

⁷⁸ It was these concerns over the social scene in Britain which eventually led to the formation of Proclamation society in 1787, which was spearheaded by abolitionist and humanitarian William Wilberforce, who wrote in his journal on 28 October of the same year, that 'God Almighty, has set before me two great objects, the suppression of the slave trade and the reformation of manners.' See Robert Isaac & Samuel Wilberforce, *The Life of William Wilberforce* (London: John Murray, 1838), p. 149.

⁷⁹ For the rise in alcohol consumption in the 1780s see, G. Talbot Griffith, *Population Problems of the age of Malthus* (Cambridge: Cambridge University Press, 1926), p. 205.

⁸⁰ Clive Emsley has argued that it was not just a simple case of demobilisation that increased crime after wars had finished. He asserts that when Britain was at war, crime was reduced because young men were removed from society when they were at their most vulnerable ages in terms of criminal profile. This meant that in peacetime a higher concentration of men, with the propensity to commit crime, were located in Britain than in preceding and proceeding years of war. See Clive Emsley, *Crime and Society in England: 1750-1900*, 4th edn. (Harlow: Pearson Education Limited, 2010), p. 35.

the greatest moral response.⁸¹ The anxieties that manifested as a result of the perception of a crime wave in the 1780s were rooted in fears of the disintegration of social bonds, fractures in society between classes and the spread of immoral behaviour such as insobriety, religious contempt, vice and ill manners. Thus, panic fuelled concerns and propelled moral reformers into action.

To contemporaries, vice, sin and corruption could be identified at every level of society. The Evangelicals saw influences of each damning trait in almost every pleasure of Georgian culture. Historian Ford K. Brown advised that Evangelicals took offence to a very broad range of pastimes including blood sports, the theatre and gambling.⁸² Activities that were deemed improper or were not religious were also condemned by members of the broader Anglican Church. However, the most offensive behaviour to moral reformers was the growth of illicit sexual relations, including prostitution, pre-marital sex which often led to the birth of illegitimate children, adultery and acts of promiscuity. It was thought that these activities led to the inclusion in criminal networks, which promoted juvenile delinquency, theft and the reception of stolen goods, not to mention barbarous crimes such as murder and infanticide.⁸³ Peter Borsay has argued that moral reformers particularly targeted 'prostitution and improper sexual activities, petty crime, disorderly behaviour, violent animal sports, Sabbath breaking and drunkenness all of which were the most

⁸¹ In times of war large numbers of young men were sent abroad thus helping to drain the labour surplus at home. However, Hay has demonstrated a marked correlation between the coming of peace time and the rise in recorded levels of property offences. He demonstrated that the year 1783 saw the greatest percentage increase in indictments for theft in Staffordshire and the Home counties. See Douglas Hay, 'War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts', *Past and Present*, Vol. 95, (1982), pp. 117-160, p. 145.

⁸² Ford K. Brown, *Fathers of the Victorians: The Age of Wilberforce* (Cambridge: Cambridge University Press, 1961), p. 15.

⁸³ *Ibid*, pp. 21-23.

prevalent among the lower orders'.⁸⁴ Despite identifying vice and sin at every level of society, many reformers specifically targeted the poor and criminal populace.

The fears over the perceived crime wave were further exasperated by notions that methods of rebuke were ineffective. In particular, penal reformers called for a punishment that rehabilitated offenders. As a result, there was an impetus to improve some of the county jails in a hope that the end result would be the basis for a reformatory penitentiary system. Although initiatives for penal reform were present before the American Revolutionary Wars, the outbreak and aftermath intensified them. Over the subsequent decades, men such as John Howard, William Eden and Jeremy Bentham all contributed to the view that a penitentiary system would help reform the criminal masses by providing religious instruction and labour tasks in a setting where the reformation of morals and manners could manifest and flourish. As David Turley, has demonstrated, a number of those who supported penal reform shared sympathies towards the anti-slavery movement, highlighting that broader humanitarian compassions were at work during this time.⁸⁵ However, curiously in this era of reform, Britain chose to revive convict transportation.

⁸⁴ Peter Borsay, 'Urban life and culture', in H. T. Dickinson (ed.), *A Companion to Eighteenth-Century Britain* (Oxford: Blackwell Publishers, 2002), p.196-208, p. 206. The poor were stigmatised as the main culprits for criminal activity throughout the period of study. In 1788 a philanthropic society was formed for the promotion of industry and the reformation of the criminal poor and in 1797 a further society was created for the reform of criminal poor children, or the offspring of convicts which although this chapter does not have the necessary parameters to explore infers that it was believed criminality was passed from parent to child either by nature or nurture. Both societies reinforced that the problems with society originated in the lower orders. For newspaper articles relating to the Society for the Promotion of Industry and the Reform of the Criminal Poor (SPIRCP) see: *Chester Chronicle*, 17 August 1792; *Newcastle Courant*, 4 August 1792; *Northampton Mercury*, 18 August 1792, 1 September 1792, 8 September 1792, 15 September 1792; *Oxford Journal*, 8 September 1792; *The Scots Magazine*, 1 June 1792 and *Derby Mercury*, 12 December 1793. For information on the RCPC consult *Bath Chronicle and Weekly Gazette*, 22 January 1797, 16 February 1797, 27 July 1797; *Morning Chronicle*, 15 January 1801, 3 November 1801, 21 April 1802; *Morning Post*, 7 January 1801, 22 January 1802.

⁸⁴ Clive Emsley has suggested that this was due to a change in attitudes towards criminals and victims. Emsley, *Crime and Society in England*, p. 25.

⁸⁵ David Turley, *The Culture of English Antislavery, 1780-1860* (London: Routledge, 1991), p. 112.

1.2 *The revival of convict transportation*

In an era of reform, where questions over the treatment of non-white colonial subjects and improvements to the constitution of the poor and criminal were commonplace, the decision to revive convict transportation may seem rather peculiar. However, the removal of felons from the nation was an extension of the effort to cleanse the nation. Such concerns weighed heavily on the minds of figures such as William Wilberforce. In a letter to his close friend, MP and later fellow anti-slave trade supporter Sir John Pennington, dated 14 August 1785 he wrote:

I see storms arising, which already, 'no bigger than a man's hand', will by and by overspread and blacken the whole face of heaven[...] it is the universal corruption and profligacy of the times, which taking its rise amongst the rich and luxurious has now extended its baneful influence and spread destructive poison through the whole body of the people.⁸⁶

He went on to state, 'When the mass of blood is corrupt, there is no remedy but amputation.'⁸⁷ It was this very idea of removing gangrenous limbs from the body of the nation that precipitated the revival of convict transportation between 1783 and 1787.

The outbreak of the American War of Independence in 1776 had ended official convict transportation across the Atlantic. However, criminals were still sentenced to transportation despite the inability to send prisoners overseas. As a result, prisons began to fill rapidly and by early 1776 a large number exceeded capacity. In order to temporarily ease overcrowding Parliament sanctioned the use of prison hulks for two years.⁸⁸ Almost simultaneously legislation was also passed to convert sentences from transportation to hard labour around the Thames basin.⁸⁹ However, the relocation of

⁸⁶ Isaac & Wilberforce, *The Life of William Wilberforce*, p. 84.

⁸⁷ Ibid, p. 84.

⁸⁸ The first hulk to contain criminals was Duncan Campbell's vessel the *Taylor* which was chartered by the Home Office in the latter months of 1775.

⁸⁹ Great Britain, *An Act to authorise for a limited Time, the Punishment by Hard Labour of Offenders who for certain Crimes are or shall become liable to be transported to any of His Majesty's Colonies and Plantations*, 16 Geo III c.43, 1776.

prisoners to London was vastly unpopular with citizens of neighbouring towns and villages. They complained bitterly about the noise, filth and threat to security that the hulks berthed on the Thames posed.⁹⁰ To compound these issues further, the convicts suffered intensely on the prison ships in the early years of the war. Prisoners were exposed to the cold, outbreaks of illness and cramped conditions which contributed to high mortality rates. However, sentences of convict transportation continued to be meted out which meant that places of confinement continued to be overcrowded. David Hill has estimated that by the last quarter of the eighteenth century, county jails and prison hulks overflowed as the British penal population increased by more than 1,000 inmates per year.⁹¹ To cope with the demand for space, prisoners were often pardoned, offered a commuted sentence if they joined the army or navy, or released early for good behaviour.⁹² However, many were not reformed and when they were absorbed back into society they returned to their lives of crime.

As a result, penal punishments suffered increased scrutiny. A magistrate's letter that featured in the *Leeds Intelligencer* on 5 September 1786 advised that:

the times afford a sad proof that offences are not lessened by the frequency or severity of punishments; the minds of atrocious offenders are insensible to remorse, shame and all feelings of humanity; they shudder not to behold the sufferings of others, for crimes themselves have often and daringly committed; nay, are so hardened in guilt, as to repeat them at the moment, and in sight of, perhaps, their late accomplice's execution.⁹³

By 1786 there was a public clamour over what to do with criminals who showed no remorse. The penal system was accused of hardening young offenders who had committed petty misdemeanours, increased use of capital punishment was frowned

⁹⁰ G.C. Bolton, 'William Eden and the convicts, 1771-1787', *Australian Journal of Politics & History*, 26:1 (1980), p. 36.

⁹¹ Ironically although the use of prison ships was criticised from the outset they remained an important holding facility for British convicts until 1857. David Hill, *1788: The Brutal Truth of the First Fleet* (Sydney: Random House, 2009), p. 9.

⁹² Space of course was not the only consideration for pardoning, some convicts were given a second chance in a hope they would reform.

⁹³ *Leeds Intelligencer*, 5 September 1786.

upon and corporal reprimands were criticised for returning convicts back to the streets to commit crimes and instigate further moral corruption among the lower orders. The Pitt ministry faced a quandary. As public support for a reduction in the use of draconian forms of capital and corporal punishments increased, the public demanded an effective system which could either free Britain of her criminal class or reform characters so that when they had completed their sentences they would positively contribute to society.

The government had two choices, they could either establish a national penitentiary system or reintroduce convict transportation. While the situation on the hulks and in local jails worsened, penal reformers looked to capitalise on the break in convict transportation with a plan to introduce penitentiaries across Britain which gained parliamentary support in 1779.⁹⁴ However, implementing a new penal system cost both time and money and due to the government's indifference for the scheme and criticisms from landowners, the idea was thwarted in favour of the revival of convict transportation. Despite attempts by penal reformers to gain support for a new prison system, unbeknown to them they were fighting a losing battle as many assumed when Britain had won the war across the Atlantic convict transportation would resume in the same way it had before the conflict. Just before the war ended, King George III advised 'The Americans cannot expect nor ever will receive any favour from me, but permitting them to obtain men unworthy to remain in this island I shall certainly consent to.'⁹⁵ Although a number of obstacles littered the path to finding an appropriate corner of the globe to house Britain's transported criminals, the government endeavoured to find a way in which this form of penal servitude could be enacted once more.

As Emma Christopher has demonstrated, in 1781 male convicts were sent to Africa as soldiers to protect British slave trading bases along the coast.⁹⁶ However,

⁹⁴ The Penitentiary Act, 19 Geo III, c. 74.

⁹⁵ Hill, 1788: *The Brutal Truth of the First Fleet*, p. 19.

⁹⁶ Christopher, *A Merciless Place*, pp. 81-105

this was stopped after fatal disease killed many of those sent to the Guinea coast and concerns were aired by slave traders regarding the reception of convicts.⁹⁷ Despite this disaster, between 1783 and 1785 further enquiries were made as to where was best to house a penal settlement, however a suitable region was difficult to find. The loss of the American colonies meant Britain had lost a valuable piece of her overseas possessions. Although Canada and the West Indies were still ruled by Britain, there was strong opposition from both to accept convict labourers, and the EIC refused to have British criminals within their ranks or anywhere near their trading bases.⁹⁸ Thus considerable attention was paid to an African settlement at Lemaine Island or in the wider Gambia River region. However, this plan was eventually dismissed for a number of reasons, including hostile indigenous peoples, a debilitating climate and an omnipresent threat of disease.⁹⁹ Interestingly, although Britain thought Sierra Leone was an appropriate settlement for her unwanted black population it was not seen as a desirable place for a convict colony.¹⁰⁰

By the end of 1785 public clamour on what to do with prisoners intensified. As David Hill has pointed out, 56 separate petitions from men within the legal profession called for the revival of convict transportation.¹⁰¹ This resulted in pleas for the reintroduction of the penal punishment in the House of Commons the following year. On 7 February 1786 John Pollexfen Bastard, MP for Devon rose in the Commons to enquire whether convict transportation would resume, to which Pitt advised that the government were considering a number of places to settle a penal colony.¹⁰² However, unhappy with this answer the MP for Middlesex, William Mainwaring

⁹⁷ Slave traders had two primary concerns. The first revolved around the intermingling of races, they feared that white female convicts would cohabit with black 'heathens'. The second was that convicts would negatively impact the relationships created with native Africans and disrupt trade. Ibid, p. 337.

⁹⁸ They later opposed having ex-convicts from New South Wales in their settlements. British convicts may have reduced respect and thus made it difficult to govern vast areas of the sub-continent.

⁹⁹ See Christopher, "A Disgrace to the very Colour."

¹⁰⁰ The Province of Freedom was established in 1787 and housed many emancipated black slaves who fought in the American War of Independence.

¹⁰¹ Hill, *1788: The Brutal Truth of the First Fleet*, p. 25.

¹⁰² *The debates and proceedings of the House of Commons during the fourth session of the Sixteen Parliament of Great-Britain*, Vol. 1 (London: John Stockdale, 1786), pp. 57-59.

advised that he believed it was in the best interests of the Government to carry out transportation and not commute the punishment, by substituting it for imprisonment or hard labour.¹⁰³ He stated that his own experience had convinced him ‘that it was owing entirely to having abandoned for some time this sentence of transportation, that such numerous, such daring, and such dangerous gangs of villains had assembled, to the great annoyance of the publick.’¹⁰⁴ He went on to advise ‘it was the substitute of a different mode of punishment, which did not effectually remove from the kingdom gangs [...] that had peopled the metropolis with thieves’.¹⁰⁵ To which Pitt responded bluntly that many options were still under consideration.¹⁰⁶

After further investigations came to nothing, in August 1786 Lord Sydney, President of the Committee on Trade and Foreign Plantations, advised the Treasury that a decision had been made for convicts to be sent to Botany Bay.¹⁰⁷ The reasons behind the government’s decision to house a penal colony in the Antipodes has garnered extensive academic attention.¹⁰⁸ On one hand, it demonstrated that Britain was desperate to find a settlement suitable to house a penal colony and the government were running out of options, as pressures in the realm intensified. On the other, as Alan Frost has argued, the colonisation of the Australian colonies was a strategic plan to protect Imperial assets and gain a trading stronghold in the Pacific. Thus, by settling ‘Terra Australis’ Britain would gain a strategic advantage over her

¹⁰³ Mainwaring was also the chairman for the Middlesex and Westminster Quarter Sessions.

¹⁰⁴ *The debates and proceedings of the House of Commons during the fourth session of the Sixteen Parliament of Great-Britain*, pp. 57-59.

¹⁰⁵ *Ibid*, pp. 57-59.

¹⁰⁶ *Ibid*, p. 59.

¹⁰⁷ The settlement had first been proposed by Joseph Banks, then James Matra suggested Botany Bay to resettle American loyalist, however this plan was adapted to include convicts in 1783. Despite these initial notions that Botany Bay could be a site of disposal, it was likely that the letter sent by Attorney General R. P. Arden to Lord Sydney, who was President of the Committee of Trade and plantations, in early 1785 which detailed a proposal for Botany Bay as a penal colony devised by Sir George Young made the Antipodes a real contender. The plan emphasised the potential benefits of a penal settlement which could stimulate trade in the Pacific and Indian Oceans. In addition, it advised that there was a possibility of cultivating timber and New Zealand flax which would be advantageous to the Navy. Frost, ‘Botany Bay: An Imperial Venture of the 1780s’, p. 316

¹⁰⁸ For an excellent overview of the historiography of the Botany Bay decision see, Daniel J. Foley, ‘The British Government Decision to found a colony at Botany Bay in New South Wales in 1786’ (Unpublished Ph.D. thesis, Kings College London, April 2004), pp. 10-39.

European rivals. Frost's work demonstrates that the Government was very aware that convicts could provide a service to both trade and Empire by being located in the Antipodes.¹⁰⁹ Analysis of the revival of convict transportation, therefore, cannot only posit social factors, it must also be seen through the eyes of an Empire that had just lost a significant part of its overseas possessions.

By colonizing Australia, the government gained a settlement with lands that were suitable for a white settler colony and also a strategically placed settlement which could act as a trading base in the southern hemisphere, an area which was close to the Dutch and British East Indies and a region which it was hoped would produce bountiful resources sustaining naval stores in the region.¹¹⁰ However, it also provided a landmass far from Britain which it was practically impossible for convicts to return from. Thus, reconciling the aims of different stakeholders involved in convict transportation. The revival of the penal punishment was both the product of Imperial ambitions and a way in which Britain could dispose of unwanted miscreants. It helped secure the Empire's economic position in the Pacific and also prevented the further moral corruption of the masses in the realm. Therefore, Botany Bay arguably provided a perfect solution to several problems.

1.3 *Contemporary attitudes towards convict transportation*

The increased use of newspapers to air contemporary opinions and concerns in Georgian Britain enables an insight into how convict transportation was viewed by

¹⁰⁹ Alan Frost, *The Global Reach of Empire: Britain's Maritime Expansion in the Indian and Pacific Oceans, 1764-1815* (Melbourne: Melbourne University Press, 2003), p. 145.

¹¹⁰ At this time, France were also looking to colonise areas of the Pacific and was particularly interested in Australia. This issue have been debated within the historiography from the 1970s. For a sample of key works see, Ged Martin (ed.), *The Founding of Australia: The Argument about Australia's Origins* (Sydney: Hale & Iremonger, 1978); Alan Frost, *Convicts and Empire: A Naval Question, 1776-1811* (Melbourne: Oxford University Press, 1980); Alan Frost, *Botany Bay Mirages: Illusions of Australia's Convict Beginnings* (Melbourne: Melbourne University Press, 1994); and Glyndwr Williams, 'The Pacific: Exploration and Exploitation', in P.J. Marshall (ed.), *The Oxford History of the British Empire: The eighteenth century* (Oxford: Oxford University Press, 1998), pp. 552-575.

the literate public between 1787 and 1807.¹¹¹ In total only 14 articles that were written by a member of the public commented on the penal punishment between its reintroduction in 1786 and the abolition of the slave trade in 1807.¹¹² This is telling in itself given the frequency of correspondents on other pressing causes including abolition and crime. Analysis of this contemporary source suggests the relocation of felons overseas was not a concern during the period. The peak years where attitudes towards convict transportation were expressed in newspaper commentaries were 1786 and 1787. This trend can be explained by the reintroduction of convict transportation and the ephemeral opinions on those who left Britain for Botany Bay in the First Fleet ships.

A 'broadside ballad' entitled 'Botany Bay – A Song', provides a rare insight into popular opinions on transportation.¹¹³ Verses four, eight and ten read:

Of those *precious* Souls who for nobody care,
It seems a large Cargo the Kingdom can spare;
To ship off a *Grace* or two make no Delay,
They cannot too soon go to Botany Bay.

For a general Good, make a general Sweep,
The Beauty of Life is good Order to keep;
With Night-prowling Hateful Disturbers away,
And send the whole Tribe into Botany Bay.

¹¹¹ It is important to note that the articles that have been included in this analyses were written by a member of the public, these include poems and letters to the editor/ printer of the newspaper.

¹¹² For public views on convict transportation see: *Bath Chronicle and Weekly Gazette*, 19 October 1786; *Leeds Intelligencer*, 10 October 1786, *Leeds Intelligencer*, 28 November 1786; *Caledonian Mercury*, 5 April 1787; *Hampshire Chronicle*, 19 February 1787; *Stamford Mercury*, 16 February 1787; *Hampshire Chronicle*, 1 September 1788; *Chelmsford Chronicle*, 9 October 1789; *Leeds Intelligencer*, 17 March 1789; *Chester Chronicle*, 28 March 1794; *Ipswich Journal*, 15 April 1797; *Caledonian Mercury*, 24 October 1801; *Morning Post*, 13 October 1803; *The Scots Magazine*, 1 August 1807.

¹¹³ This ballad was sold on the streets of Britain and featured in newspapers. It was part of a small number of poems or ballads about Botany Bay between 1787 and 1807. Also see, *Botany Bay: A New Song* in *The Country Magazine 1786 and 1787*, p. 176. For the full ballad, *Botany Bay- A Song* see *Leeds Intelligencer*, 28 November 1786.

Commercial Arrangements give Prospect of Joy;
Fair and firm may be kept ev'ry National Tie;
And mutual Confidence those who betray,
Be sent to the Bottom of Botany Bay.¹¹⁴

Transportation was thus seen as a positive means of maintaining order and in the interest of the nation.¹¹⁵ It is clearly evident that the author agreed with the reintroduction of convict transportation and it is likely that many others did too. Two out of the three articles published in 1787 discussed the type of criminals who were transported or at least should have been. An article in the *Hampshire Chronicle* on 19 February signed 'Humanitas' offered the opinion that while murder and burglary should be punished with death, the robber as the 'bane to society[...] deserves to be excluded from that society he has preyed upon; Botany Bay ensures a dereliction, and time may amend the heart.'¹¹⁶ There was no mass response by the literate populace to condemn convict transportation in the same way that they looked to vilify the British slave trade. Although once the penal punishment was revived questions were raised on whether it deterred criminals, reformed offenders, cost more than other punishments and lastly, and perhaps most crucially, whether it was humane. These questions can be identified in public works that commented on convict transportation and also in discussions that took place in the parliamentary sphere.

The most avid opponent of convict transportation throughout the period was penal reformer Jeremy Bentham. He and others raised questions in both the parliamentary and public domain about the economic, social and political implications of convict transportation that chimed with wider social movements to remove abuses from the Empire. In 1791 Bentham vehemently criticised the penal

¹¹⁴ Ibid.

¹¹⁵ What is fascinating is that the author was also aware of Ireland's problems. In verse seven the last two lines read, 'To Ireland be kind, call at Cork on your Way, And take a few Whiteboys to Botany Bay'. The term Whiteboy was a reference to a secret Irish agrarian organisation who were referred to by some contemporaries as the Levellers.

¹¹⁶ *Hampshire Chronicle*, 19 February 1787.

settlement in his pamphlet entitled *Panopticon*.¹¹⁷ He argued that the reformation of convicts was of prime importance and cast shame on moral reformers who had deemed them irreclaimable wretches. Bentham stated: 'I would wish to recommend to the attention of those desponding moralists, who led away by general and hasty conceptions, look upon the reformation of a thorough bred London felon as on an object altogether hopeless.'¹¹⁸ He then advised that by constructing a penal settlement which housed convicts and soldiers together instead of reforming the former it would corrupt the latter.¹¹⁹ On the subject of humanity, Bentham wrote that out of those sent to the penal settlement 20 were sentenced for 14 years, 630 for seven years, 12 for five years and only 35 for life.¹²⁰ He then questioned whether ships would be sent to collect convicts after their terms had ceased. He further claimed that if the government did not make provisions for their return it was an injustice. Bentham's endeavours were aided by the news of the disastrous Second Fleet which prompted questions of the same nature to be presented in the House of Commons the year after.¹²¹

On 15 February 1792, Sir Charles Bunbury called the attention of the House of Commons to the situation of convicts.¹²² Although he raised issue with the hulks, it is his comments on convict transportation and the penal settlement located at New South Wales that are of particular interest here. Firstly, Bunbury voiced his opinion on sending felons to such a distant part of the British Empire. He said that 'in punishing individuals for acts of injustice, [the] Government should, take care themselves not to do any act of injustice'.¹²³ His concern was that those sentenced

¹¹⁷ Jeremy Bentham, *Panopticon or the Inspection House* (London: T. Payne, 1791).

¹¹⁸ *Ibid*, p. 89.

¹¹⁹ *Ibid*, p. 90.

¹²⁰ *Ibid*, p. 227.

¹²¹ Bentham was opposed to the Botany Bay scheme primarily because it rivalled the implementation of his Panopticon. See R.V. Jackson, 'Jeremy Bentham and the New South Wales convicts', *International Journal of Social Economics*, 25:2-4 (1998), pp. 370-379.

¹²² Seventeenth Parliament of Great Britain: Second session (31 January-15 June 1792), 15 February 1792, p. 191.

¹²³ *Ibid*, p. 192.

to be transported were condemned for a prescribed period of time to a colony so distant to their motherland that they would be unable to return when their sentence had expired. Although he did not condemn convict transportation, Bunbury made it clear that not giving convicts the means to return, could be perceived as an act of injustice. Instead, he stated his faith in the punishment but not in Botany Bay. Bunbury intimated that he believed the scheme should be abandoned on the grounds that somewhere more fertile, fruitful of provisions and more likely to be an asset to England should be chosen as a penal settlement.¹²⁴

Within his critique Bunbury also showed concern about the journey to Botany Bay experienced by the convicts. For a full investigation into the voyages, he asked for a detailed account of the number of convicts embarked on the *Neptune*, *Scarborough* and *Surprise*, how many arrived at New South Wales and an account of their health.¹²⁵ He asked for copies of the contracts between the Government and the proprietors of the ships and the stipulations which related to the maintenance of the convicts on board. He argued that 'calamitous indeed, must be the sufferings of the unfortunate convicts, if to the miseries they sustained in their voyage, was to be added the want of the fertility to support them in the place to which they were conveyed'.¹²⁶ When the Commons met in 1793, he returned to his objective 'to lessen the sum of human misery, and to prevent an unnecessary expenditure of the public treasure'.¹²⁷ In his speech Bunbury provides a rare insight into why he brought the topic into the parliamentary domain. He conceived that not only humanity, but also defects in policy provided impetus to turn thoughts in the House of Commons towards the unhappy convicts destined to be transported. He made clear that he doubted the reform benefits of the passage to Botany Bay and claimed that inferior delinquents, such as the very old and young, the crippled, infirm and penitent whom

¹²⁴ Ibid, p. 193.

¹²⁵ Ibid, p. 193.

¹²⁶ Bunbury also commented on the Second Fleet and the abuses that took place on board convict ships. However, this will be discussed in depth in the last chapter of this thesis.

¹²⁷ Seventeenth Parliament of Great Britain: Third session (13 December-21 June 1793), 31 May 1793, p. 607.

the laws sentenced to be transported for seven years, would be more usefully employed in a well-regulated penitentiary house.¹²⁸ Bunbury, like Bentham, was an advocate for prison reform and the implementation of a penitentiary system in Britain.¹²⁹

Despite Bunbury's efforts, he did not persuade the Commons to rethink its decision of sending convicts to Botany Bay. Nevertheless, Bentham continued his campaign to have the Panopticon introduced in Britain. In 1802, he wrote two strongly worded letters to Home Secretary, Lord Pelham, which included comparisons between the Panopticon and New South Wales. These letters were privately printed and were later used as a base for his pamphlet entitled, *Panopticon versus New South Wales* which was first printed in London in 1812. In the first letter to Lord Pelham dated 28 November 1802, Bentham argued that convict transportation did not adhere to any of the four key objectives which punishment should be based upon. These were example, reformation, incapacitation and compensation.¹³⁰ With regards to the first Bentham advised that convicts were removed from sight and therefore transportation did not serve to set an example to others who might commit criminal acts.¹³¹ This was a pervasive theme within critics of the system. In terms of the second, he advised that convicts needed to be assessed through a process of inspection which could not be completed in the infant colony because of lack of infrastructure and qualified personnel.¹³² Using Judge Advocate Collins' appraisal of the penal colony, Bentham demonstrated that only a few people had been reformed and the rest had returned to criminal behaviour.¹³³ This led Bentham to his next point regarding the incapacitation of convicts so they could not commit further crimes. He insisted that the government had only picked

¹²⁸ Ibid, pp. 609-610.

¹²⁹ Ibid, pp. 609-610.

¹³⁰ Jeremy Bentham, *The works of Jeremy Bentham*, ed. J. Browning, 11 Vols. (Edinburgh: William Tait, 1843), p. 174.

¹³¹ Ibid, p. 174.

¹³² Ibid, p. 175.

¹³³ Ibid, pp. 177-178.

convict transportation because it was an easy option and did not allow convicts could not return home. However, he deemed the latter unjust in terms of the law and believed it had corrupted the soldiers sent there.¹³⁴

The penal reformer also accused convict transportation of being inhumane and advised that it actioned incapacitation of criminal behaviour through death. Bentham attributed mortality during the passage to New South Wales to the length of the voyage and the lack of interest of those contracted to transport convicts, a theme which will be expanded upon in the final chapter of this thesis.¹³⁵ Bentham then moved on to illustrate the number of deaths which had taken place in the colony. His findings reveal that out of 5,196 convicts shipped between 1787 and 1795 a shocking 1,458 (or 1 in every 3.6) had died leaving only 3,738 convicts in the colony.¹³⁶ The fourth objective Bentham deemed important was compensation or for want of a better word satisfaction. He advised that the cost of transportation and the upkeep of the colony was in fact far more expensive than what the Panopticon project would be to the Treasury.¹³⁷ He also condemned New South Wales' contribution to the Empire advising that trade was not contributing significantly to wealth.¹³⁸ Despite his claims, they did not result in parliamentary action. In fact, it was not until 1812 that further discussions took place in Parliament which addressed any abuses of convict transportation despite a small number of 'atrocities' being committed on convict ships during the period of silence.¹³⁹ During this era of Parliamentary inactivity, although there were criticisms regarding the expense of the penal settlement, the prevailing view was that it was not the sort of terrible place of exile which some thought convicts deserved.

¹³⁴ Ibid, pp. 183-195.

¹³⁵ Ibid, p. 196.

¹³⁶ Ibid, p. 198.

¹³⁷ Bentham, *The works of Jeremy Bentham*, pp. 203-207.

¹³⁸ Ibid, pp. 207-208.

¹³⁹ See *Report from the Select Committee on Transportation*, 2:573 (1812), pp. 1-117.

1.4 A comparable situation? Enslaved African convicts or victims

Although there was a small group of dedicated opponents to convict transportation, an assault on the penal punishment never materialised during the period in question. As scholars of abolition have demonstrated, to implement change it was not enough for disparate currents of distaste to sporadically bubble under the surface, the public had to be galvanised and only then would they be propelled into action. Those who were sympathetic to the plight of enslaved Africans ripped from their homelands, crammed into the hull of Guineamen and forced to toil for the rest of their lives under brutal overseers had to unite and gain support in the private, public and parliamentary spheres. To do this, abolitionists used a range of tactics, one of which was to deconstruct the arguments put forth by supporters of the trade. Although the majority of these centred on economic repercussions and fears over the security of the British nation and Empire, the argument that enslaved Africans were in fact convicts and thus the slave trade was a form of punitive justice, is of particular relevance here. Firstly, it demonstrates that the majority of the public agreed with a form of enslavement used as a penal punishment as, if not, there would have been little point in supporters of the trade pursuing this line of debate. Secondly, in the mind of some contemporaries, thoughts regarding both forced migration systems coalesced.

It can be argued that avid abolitionist Thomas Clarkson was the first to acknowledge that Africans were legitimately enslaved if they had committed crimes, although he made it explicitly clear that he did not agree with slavery as a punishment. In his pioneering work entitled '*An Essay on the Slavery and Commerce of the Human Species*,' Clarkson identified two types of slaves, voluntary and involuntary.¹⁴⁰ He advised that the former consisted of 'those who were seized by virtue of the authority of their prince' and the latter were 'privately kidnapped by

¹⁴⁰ Thomas Clarkson, *An Essay on the Slavery and Commerce of the Human Species, particularly the African; Translated from a Latin Dissertation which was honoured with the First Prize in the University of Cambridge for the year 1785*, 2nd edn. (London: J. Philips, 1788), pp. 3-4.

individuals.’¹⁴¹ Within his appraisal of involuntary slaves, Clarkson dedicated a whole chapter to convicts. In this he posed two questions, ‘whether the punishment is *proportioned* to the offence, and what is its particular *object* and *end*?’¹⁴² The abolitionist advised that slavery included banishment, a deprivation of liberty plus various corporal punishments. In an analysis of each factor Clarkson criticised the removal of enslaved Africans from their homelands and family.¹⁴³ He then went on to suggest that death was preferred to loss of liberty and when this was added to banishment, Clarkson asked his reader ‘what crime can we possibly imagine to be so enormous, as to be worthy of so great a punishment?’¹⁴⁴ Ironically, if he had looked at the laws in his home nation, he would have had an abundance of examples as to what types of crimes the British government believed were worthy of this sentence.

He then moved on to analyse the purpose of implementing slavery as retribution. The humanitarian advised that it was not to ‘amend the manners of the criminal’ or to render them a better subject as through banishment ‘he can no longer be a subject, and you can no longer therefore be solicitous for his morals’.¹⁴⁵ Clarkson argued slavery was likely to promote crimes through hardships and thus made the subject wicked.¹⁴⁶ Although the point here is to introduce Clarkson’s notion that legitimate slavery did exist and demonstrate his views on it as a punishment, it is worth noting that this pamphlet must have been read by Jeremy Bentham. As demonstrated in the previous section, the law reformer’s arguments used the very same principles to condemn convict transportation 17 years later in his letters to Lord Pelham.

¹⁴¹ Ibid, p. 59.

¹⁴² Ibid, p. 60.

¹⁴³ Ibid, pp. 60- 63.

¹⁴⁴ Ibid, p. 63.

¹⁴⁵ Ibid, p. 63.

¹⁴⁶ Ibid, p. 63.

Clarkson reiterated his thoughts in *A summary view of the slave trade, and of the probable consequences of its abolition*, published in 1787.¹⁴⁷ In this work he claimed that before the slave trade, criminals in Africa were punished in the same manner as they were in Europe. However, he argued that the offences prosecutable with slavery had expanded over time to accommodate the slave trade.¹⁴⁸ Wilberforce continued with this same argument in his speech to the Commons on 12 May 1789. In this, he said that Africans were enslaved as a product of war, oppression, fraud and violence. However, interestingly he admitted that debtors and criminals were also condemned to slavery.¹⁴⁹ Although he and Clarkson clearly agreed that on occasion criminal activity led to enslavement, they cast strong doubts over whether, on the one hand, real felonies had actually been committed and, on the other, whether colonial slavery was an appropriate punishment. Opponents of convict transportation could not question the former because they would have had to suggest corruption in Britain's judicial system. However, as demonstrated, they did question whether convict transportation to Botany Bay was an appropriate punishment, especially when it was supposed that there was no method to return from the distant penal colony.

The slavery interest capitalised on notions that a form of legitimate slavery existed. In the evidence collected by the Select Committee on the Slave Trade in 1789 John Barnes advised enslaved Africans were sold to slave traders after they had been convicted of crimes or had been captured during war.¹⁵⁰ He claimed, that criminal offences which were punished by slavery included murder, theft, adultery, witchcraft,

¹⁴⁷ Thomas Clarkson, *A summary view of the Slave Trade and of the probable consequences of its Abolition* (London: J. Philips, 1787), p. 6.

¹⁴⁸ Ibid, p. 6.

¹⁴⁹ It was common for whole families to be condemned to slavery if one person was convicted for a crime. *William Wilberforce's speech on the abolition of the slave trade, including his 12 resolutions*, delivered before the House of Commons, 12 May 1789. Second resolution.

¹⁵⁰ John Barnes was the Governor of Senegal between 1763 and 1766. He was also part owner of the *Africa* slave ship which ventured to the Guinea coast from London three times between 1788 and 1791. Eltis et al, TASTD, *Africa*, voyage Id. 80087 (1788), 80088 (1789), 80089 (1790); Evidence on the Slave Trade given by John Barnes, Esq., 1789, TNA: ZHC 1/82, p. 5.

debt and gambling.¹⁵¹ He also refuted the suggestions that men, women and children were convicted to increase the number of enslaved Africans that could potentially be purchased, and instead staunchly argued, they were criminals who had been sentenced after a fair trial. He advised that to be convicted Africans had to be tried in public, where evidence would be examined by the elders within the state, and their sentence had not only to be agreed by judges but also those assembled.¹⁵² The African justice system as portrayed by Barnes, loosely chimed with the British system of magistrates and judiciaries, all of whom were present within the courts which sentenced convicts to transportation. To end his argument, Barnes insisted that if the slave trade did not exist then the laws in Africa to punish criminals would be more sanguinary.¹⁵³ This argument is rather interesting as capital punishment had increased in Britain after convict transportation ceased to the Americas and before it was revived to the Australian colonies. Either Barnes was aware of this, or he genuinely believed that if the slave trade did not provide a method of disposal for African convicts they would be put to death.

Another member of the slavery lobby, John Fountain, testified that in the parts of Africa he had visited the greatest number of slaves were made up of gamblers, debtors and witches.¹⁵⁴ The idea that enslaved Africans were criminals remained a constant theme and can be identified again in the testimonies given by the slavery interest in 1790. Among others John Marshall, who had travelled to Africa on no fewer than 19 occasions, argued that the enslaved Africans purchased by slave traders were either slaves at birth, had been taken in wars, or 'forfeited their liberty by committing crimes against the laws of their country'.¹⁵⁵ Marshall also insisted that he did not believe that men and woman were accused of crimes they had not

¹⁵¹ Ibid, pp. 5-6.

¹⁵² Evidence on the Slave Trade given by John Barnes, TNA: ZHC 1/82, p. 6.

¹⁵³ Ibid, p. 9.

¹⁵⁴ Fountain had spent many years in Africa and held various prominent positions, one of the most notable being Governor of Tantom. Evidence on the Slave Trade given by John Fountain, TNA: ZHC 1/82, 1789, p. 160.

¹⁵⁵ Evidence on Slave Trade given by John Marshall, TNA, ZHC 1/84, 1790, p. 381.

committed so they could be sold in the slave trade.¹⁵⁶ He declared that the crimes punishable with slavery, were theft and the failure to restrain one's sexual appetite among a multitude of other offences.

By demonstrating that a legitimate form of slavery existed as a penal punishment, convict transportation was brought into discourse about the continuation of the slave trade. In 1791 Wilberforce moved the House of Commons to consider the abolition of the Guinea trade. However, he was greeted with fierce opposition. Colonel Tarleton claimed that Wilberforce and other abolitionists had been led astray with a mistaken idea of humanity and philanthropy and had made light of many subjects which were more worthy of their time and efforts.¹⁵⁷ He advised that 'if they wished to exercise their humanity, [they] had better look to the poor rates, and other objects at their doors: or let them examine the last accounts from our new settlement at Botany Bay – there you would find enough for their philanthropy to work on'.¹⁵⁸ This theme reoccurred on 15 May 1797 as Wilberforce rose again to present the motion for the abolition of the slave trade. Charles Ellis, MP for Seaford and the son of a Jamaican planter, opposed the motion because he argued that it would be injurious to Britain and Africa. He added that the gentlemen who moved for the end of the slave trade did not know enough about the subject. He commented 'perhaps Africa received the same kind of benefit from the Slave Trade as this country did from Botany Bay'.¹⁵⁹ However, it would not be until Wilberforce's motion to abolish the slave trade in 1804 that the core principles of the two coerced migration systems were explicitly compared.

¹⁵⁶ Ibid, p. 383.

¹⁵⁷ *Chester Chronicle*, 11 February 1791.

¹⁵⁸ Ibid.

¹⁵⁹ *Gloucester Journal*, 22 May 1797.

On 13 June 1804 John Fuller, or 'mad Jack Fuller' as he was commonly known, rose and advised that he was against the principle of the bill to end the slave trade.¹⁶⁰ Although Fuller presented many other arguments, it was his attack on the charges of injustice that the abolitionists made against slavers that are of particular interest here.¹⁶¹ Fuller advised that they only bought enslaved Africans whom the African states had found guilty of crimes. He counteracted Wilberforce's claim by advising that, what 'these men, women and children had committed were not as the mover of the bill had advised were foolish witchcraft, but of administering slow poison.'¹⁶² Therefore, the African states made a decision to sell criminals into slavery rather than execute them. Fuller then explicitly linked the slave trade to convict transportation, as he asserted that the African states transported offenders, like Britain had to the Americas and Botany Bay. He followed up this statement by drawing attention to the fact that those transported to the former were sold by captains into slavery for seven

¹⁶⁰ Jack Fuller was born in 1757 into a wealthy family of ironmasters and Jamaican plantation owners. He was educated at Eton and inherited the family home, Rose Hill located in East Sussex, alongside the extensive sugar plantation in Jamaica which shared the same name, at the tender age of 20 after his Uncle Rose Fullers death. Fuller was a magistrate and became Sheriff of East Sussex between 1796 and 1797. He succeeded Thomas Pelham as representative of the Sussex constituency in 1801 and from that date opposed any bill brought forth to limit the power or financial success of West Indian planters. This included any proposal for the abolition of the slave trade which he continually spoke out against between 1804 and 1807. The History of Parliament: British Political, Social & Local History (THOP), Biography of John Fuller, <http://www.historyofparliamentonline.org/volume/1790-1820/member/fuller-john-1756-1834> [Accessed on 1/02/16]; THOP, Biography of Rose Fuller, <http://www.historyofparliamentonline.org/volume/1754-1790/member/fuller-rose-1708-77> [Accessed on 1/02/16]

¹⁶¹ Fuller also asserted that if the slave trade was abolished it would be taken up by other nations and they would rise to prominence. He condemned the practice of kidnapping upon the African coast which Wilberforce had advised existed. He also claimed slaves were better treated in the colonies than in Africa and advised he would feel no kind of uneasiness to purchase a slave, to give him participation of his estate, and to allow him not only subsistence but something to spare. He argued that slaves could save from their earnings and he gave an example of one of his slaves who had been twenty years in his service, who had lately given £200 for his freedom. Lastly, he accused abolitionists of being haters of the West Indies because they were the means of bringing such mass opulence to the mother country. He insisted that they hated that wealth because it tended to promote the dignity of the monarchy and uphold the constitution, as well as the strength and glory of the country. He also claimed that many Naval triumphs had been funded by slavery.

¹⁶² *Papers presented to the House of Commons on the 7th May 1804, respecting the slave trade* (Oxford: Oxford University, 1804), p. 54.

or fourteen years. Thus Fuller highlighted that the African Princes and Britain were both sending convicts from their homelands to labour in the colonies.

Fuller was well founded in his ascertains regarding convict transportation to the American colonies. During his time as a magistrate in the 1780s it is likely he became privy to the practices of sending felons overseas and probably supported the re-introduction of convict transportation from Britain to the Antipodes. Between 1796 and 1797, he also served as Sheriff of East Sussex and it is through both roles that he built up an extensive knowledge of the penal system. However, despite Fuller's conscious coupling of the slave trade and convict transportation, he did not provoke a reaction from the Commons. The only response to his comments were made by Philip Francis who became an abolitionist in the 1790s.¹⁶³ He advised that Britain did not have the right to do as she pleased with felons, because if that was so they would return to torture or racking on the wheel.¹⁶⁴ These dry comments strangled Fuller's argument and the conversation moved to further matters relating to abolition.¹⁶⁵

1.5 *Demonization and Victimization*

While the slave trade and convict transportation were brought together through parliamentary discussions on legitimate slavery, the abolitionists made it very difficult for the public to imagine enslaved Africans and British convicts in the same light. To gain support for their campaign they demonised those involved in the slave trade and positioned enslaved Africans not as perpetrators of crime, but innocent victims of a

¹⁶³ In April 1796 Francis' attempt to introduce a bill 'for the better regulation and improvement of the situation of negroes' was resoundingly defeated in the Commons. THOP, Biography of Philip Francis, <http://www.historyofparliamentonline.org/volume/1790-1820/member/francis-philip-1740-1818>. [Accessed 24 April 2016]

¹⁶⁴ *Papers presented to the House of Commons on the 7th May 1804*, pp. 54-55.

¹⁶⁵ On 27 June 1804 the Commons voted on whether the slave trade should be abolished, those in favour won with a majority of 69 to 36. However, Lord Hawkesbury postponed consulting the Lords until the following year. In 1805 the motion was defeated.

barbarous traffic. This notion moved thoughts away from the plight of British convicts, to focus on the sufferings of enslaved Africans. In doing so, abolitionists drew on humanitarian sentiments by exposing the criminal acts that took place in the slave trade. Contemporary discourse in newspapers and published pamphlets were filled with the horrors of the Middle Passage, which included 'transportable' crimes such as rape, manslaughter and murder.¹⁶⁶ The crimes against humanity that were presented appealed to religious beliefs, moral consciousness and humanitarian sentiments. They struck a moral chord appealing to a broad section of the British public interested in reforming social ills. It can be argued that this method of demonization and victimization had the biggest impact on the public as it excited indignation towards the slave trade and propelled people into action.¹⁶⁷

For those governed by religion the abuses committed in the slave trade were crimes against human and divine law.¹⁶⁸ A pamphlet written by the Reverend James Ramsay declared that the slave trade could not be believed to be just and lawful because it was mentioned in the scriptures, as it conflicted with many of the core Christian beliefs. He insisted that unless it could be instructed how men could go to the coast of Africa and enslave innocent people without committing a crime the slave trade must be abolished. The crimes Ramsay referred to were fraud, violence, oppression, theft and murder all of which were condemned by religious persons whether they happened in Britain or on foreign shores.¹⁶⁹ Other religious figures also came forward and condemned the actions of those involved in this line of commerce.

¹⁶⁶ Murder was typically a capital offence, however there is evidence to suggest some transportees were sentenced for committing this crime. See the profile of John Clifford and James Connor who both travelled on board the *Marquis Cornwallis* in 1796; Peter Mayburry, *Irish Convicts to New South Wales, 1788-1849*, [ICNSW] John Clifford, <http://members.pcug.org.au/~ppmay/cgi-bin/irish/irish.cgi?requestType=Search2&id=4276> [Accessed 11/10/15]; James Connor, <http://members.pcug.org.au/~ppmay/cgi-bin/irish/irish.cgi?requestType=Search2&id=5120> [11/10/15]

¹⁶⁷ For a study of how inciting indignation helped the abolition cause see, Michael E. Woods, 'A Theory of Moral Outrage: Indignation and Eighteenth-Century British Abolitionism', *Slavery & Abolition*, 36:4 (2014), pp. 662-683.

¹⁶⁸ Rev. James Ramsay, *Examination of the Rev. Mr. Harris's scriptural researches on the Licitness of the Slave - Trade* (London: James Philips, 1788), p. 12

¹⁶⁹ *Ibid*, p. 5.

Ex-slave trade captain, the Reverend John Newton in his work *Thoughts upon the African Slave Trade* condemned those involved in slaving voyages and accused them of murder, rape and other abuses in a 43-page pamphlet published in 1788.¹⁷⁰ Both authors presented the view that the slave trade could not be carried on without breaking every human and divine law. They put forward the view that if it could not be completed without cheating, violence, oppression and murder then it must be abolished.¹⁷¹ They portrayed a system that was not presented in the scriptures and advised they were 'not combating an ideal slavery; but slavery accompanied with robbery, oppression, misery, murder... [And] horrid crime, be it intrinsically never so just.'¹⁷² For those who supported abolition for religious reasons, a trade which included criminal characteristics and such vehement abuses could not be agreed with by radical religious dissenters or conformists.¹⁷³ Thus uniting the two through a common cause.

For those propelled to support the abolition campaign due to humanitarian sentiments, the crimes committed by those involved in the slave trade gave the abolitionists the means to present cases which penetrated the heart of even the hardest men, never mind those of the supposed fragile fairer sex. They outlined the worst type of abuses, those committed on woman and infants, mothers and their children, a bond which every parent could relate too.¹⁷⁴ There are far too many examples of this nature to be discussed here, however one of the most disagreeable cases was put forth by Isaac Parker, in his evidence against the trade in the

¹⁷⁰ John Newton, *Thoughts upon the African Slave Trade* (London: Printed for J. Buckland, 1788).

¹⁷¹ Ramsay, *Examination of the Rev. Mr. Harris's*, p. 12.

¹⁷² Ibid. p. 6.

¹⁷³ Although several works have tended to emphasise the contribution to the abolitionist cause by non-conformists, Nicholas Hudson has shown that a number of Anglicans and social conservatives also supported the campaign. Nicholas Hudson, "'Britons Never Will be Slaves': National Myth, conservatism and the Beginnings of British Antislavery", *Eighteenth-Century Studies*, 34:4 (2001), pp. 559-576.

¹⁷⁴ Anne K. Mellor puts forth the view that female poets condemned slavery because it violated the familial bonds between mother and child and husband and wife. See Anne K. Mellor 'The female poet and the Poetess: Two traditions of British women's poetry, 1780- 1830', *Studies in Romanticism*, 36:2 (1997), p. 267.

Parliamentary investigation of 1790. He advised that he had witnessed the abuse of an enslaved African child by the first mate and later captain of the voyage Mr Marshall.¹⁷⁵ Parker insisted that the baby had been flogged with the cat-o-nine tails after refusing both the mother's breast and food prepared for the slaves. While the master whipped the child, he said "Damn you, I will make you eat, or I will kill you."¹⁷⁶ During the voyage as the child's feet began to swell Captain Marshall ordered the cook to boil some water, on dipping a finger into the pot he advised Marshall that it was too hot, however the captain ordered the infant's feet to be placed in the water regardless, which resulted in the child's skin and toenails falling off.¹⁷⁷ Marshall then advised Parker to wrap the feet and bathe them in oil.¹⁷⁸ Later the child refused food once more and again the infant was flogged, an action which was repeated at every mealtime over four or five days.¹⁷⁹ When the captain still could not force the child to eat he whipped the infant a final time and tied a log of mango which was between 18 and 20 inches long and about 12 to 13 pounds in weight around the child's neck, an hour after the infant died. He then called the baby's mother to the deck to throw the body overboard. When she refused, he whipped her in a vicious manner until she threw her baby overboard.¹⁸⁰ Parker advised the enslaved child was around nine months old.¹⁸¹

It is probable that this event was fictitious, particularly as throughout his testament Parker does not provide the enslaved name, identification number or gender of the child. In addition, the infant's age would suggest that he or she would not refuse sustenance willingly or would be able to withstand the weight of a log that was almost a stone around their neck, or for that matter be able to stand or walk. However, Parker clearly wanted the trade abolished and to do this creating or

¹⁷⁵ 'Evidence on Slave Trade given by Isaac Parker, 1790', TNA, ZHC 1/84, p. 122.

¹⁷⁶ Ibid, p. 122.

¹⁷⁷ Ibid, p. 122.

¹⁷⁸ Ibid, pp. 122-123.

¹⁷⁹ Ibid, p. 123.

¹⁸⁰ Ibid, p. 123.

¹⁸¹ Ibid, p. 127.

embellishing a fable about a child who was brutally beaten and murdered appealed to Georgian sensibilities. Here we see the abolitionists using the murder and manslaughter of an infant to highlight the abuses of the slave trade. Parker also told the story of the violation of the bond between mother and child furthering its appeal. This tactic was especially prevalent during the abstention campaign and galvanised women who supported abolition.¹⁸² If this case had occurred in Britain, the sentence surely would have been death and it is likely many would have appeared at the scaffold to see the sentence enacted.

As consumers, women played a vital role in the abolition movement. They were a key part of the abstention campaign. In order to enlist their support, once again language was used to portray the inhuman treatment of enslaved Africans as a crime. Thomas Cooper commented on the lives lost for Europeans to drink sugar in their tea, he advised that the 'unexaggerated computation will turn out, that the infernal voracity of European avarice has been glutted with the MURDER of ONE HUNDRED and EIGHTY MILLION of our FELLOW-CREATURES! Good, God, cries the astonished Reader, for what purpose? – *That the Gentlemen of Europe, (my friend) may drink sugar in their Tea!*'¹⁸³ The provocative imagery demonstrated that through the consumption of slave grown produce people were more or less condoning the trade in human flesh and slavery as an institution. As Clare Midgley has pointed out, the promotion of the abstention campaign in the 1790s resonated with contemporary Evangelical condemnation of 'vices' which included the excessive consumption of alcohol among other things.¹⁸⁴ The launch of the abstention campaign in 1791 prompted William Fox to describe 'sugar as steeped in the blood

¹⁸² Clare Midgley has analysed the important role of women during the abolition campaign. She has made the point that women were the most influential group during sugar boycotts as they held the responsibility of buying products and therefore controlled their family's consumption habits. Clare Midgley, *Women Against Slavery: The British Campaigns, 1780- 1870* (London: Routledge, 1992), p. 37.

¹⁸³ *Ibid*, p. 25.

¹⁸⁴ Alcohol consumption was also believed to be a cause of criminal behaviour. Clare Midgley, 'Slave sugar boycotts, female activism and the domestic base of British anti-slavery culture', *Slavery & Abolition*, 17:3 (1996), p. 142.

of our fellow creatures' an image which brought abuses such as murder and violent manslaughter to the forefront with every spoonful consumed.¹⁸⁵ Ottobah Cugoano was extremely clever in his approach of laying the abuses that occurred in the slave trade at the door of the British public. He stated that if the inhabitants of Great Britain were to hear of another nation 'that murdered one hundred thousand innocent people annually they would think of them an exceedingly, inhuman, barbarous and wicked people'.¹⁸⁶ He appealed to the British public as he asked could the inhabitants of Britain, the most learned and civilized people in Europe think 'slavery, robbery and murder are no crimes?'¹⁸⁷

However, it is doubtful that the demonization of those involved in the British slave trade would have been so successful without the equally important victimization of the human cargo sold into slavery. The enslaved African portrayed as a victim became a popular trope as the dissemination of items such as Josiah Wedgwood's medallion of a kneeling slave in chains asking "Am I not a man and a brother", became a fashion accessory in Britain. Women could be seen wearing broaches, hairpins and jewellery made by Wedgwood which contained the infamous cameo.¹⁸⁸ Abolitionists exploited flourishing ideas of humanitarianism, sentimentalism and religiosity by highlighting the death and slaughter of innocent victims, in order to gain support. However, in quick succession first Ottobah Cugoano and then Olaudah Equiano rallied public support removing the shackles of the voiceless victim. At the end of Equiano's narrative, he states the crimes of the trade, 'tortures, murders, and every other imaginable barbarity and iniquity are practiced upon poor slaves with impunity'.¹⁸⁹ Both authors gave the 'victims' a voice to speak

¹⁸⁵ Unknown Author, *An address to the people of Great Britain, on the propriety of abstaining from West Indian sugar and rum*, 10th ed. (Philadelphia: Re-printed D. Lawrence, 1792), p. 5.

¹⁸⁶ Ottobah Cugoano, *Thoughts and sentiments on the evil and wicked traffic of the slavery and commerce of the human species, humbly submitted to The Inhabitants of Great-Britain by Ottobah Cugoano, A Native of Africa* (London: 1787), p. 98.

¹⁸⁷ Ibid, p. 112.

¹⁸⁸ Judith Jennings, *The Business of Abolishing the British Slave Trade, 1783-1807* (New York: Routledge, 1997), p. 39.

¹⁸⁹ Equiano, *The Interesting Narrative of the Life of Olaudah Equiano*, p. 357.

about the crimes committed within the slave trade which was extremely successful.¹⁹⁰

To summarize, by demonizing barbarous slave traders and victimizing innocent enslaved Africans through a demonstration of the 'crimes' that took place on the Guinea coast and on board slave ships, abolitionists were able to demonstrate the slave trade was incomparable and more repugnant than any other migration or line of commerce. By doing so they completely removed any possibility of convict transportation being compared to such a vile commerce in human flesh and garnered significant support throughout the realm. In order to illustrate the difference between thoughts on convict transportation and the slave trade, Figures 1.1 and 1.2 show two medallions designed by William Hackwood for production by Wedgwood. While the first demonstrates a social utopia in which the Empire prospers from hard work, it has no sign of its coercively motivated inhabitants, just a positive scene of progression. In contrast the second, is the emotive scene of an enslaved African in chains begging for humane treatment and support. These two visual representations perfectly portray the dichotomy between ideas about imperial ambition and prosperity, and human suffering situating convict transportation and the slave trade as opposing ends of the spectrum of good versus evil in the Empire.

¹⁹⁰ They also contributed to a change in opinions regarding black men and women.

Figure 1.1: 'Hope encouraging Art and Labour under the influence of Peace,' Sydney Cove Medallion c.1789



Source: The British Museum, London: 1985, 0506.1

Figure 1.2: 'Am I not a man and a brother,' Medallion c.1787



Source: The Wedgwood Museum, Stoke-on-Trent: 1787, 11679

Conclusion

The fears that permeated the British consciousness after the American War of Independence regarding the nation and Empire laid the foundations that shaped both Georgian and later Victorian society. The 1780s saw a rise in anti-slavery sentiment and moral reform initiatives which looked to bring Britain from the brink of despair. The depravity at home and the atrocities committed in the colonies gave impetus for moral reform to flourish. Reformers of Empire focused on justice, humanity and better religious instruction which transcended boundaries of race. However, while these sentiments paved the way for the abolition of the slave trade, they provided a push for the reintroduction of convict transportation. In the period between 1787 and 1807, while the populace raged against the injustices of the slave trade, very few looked to condemn convict transportation. Despite the issues raised with the penal punishment by Bentham and Bunbury, convict transportation remained a celebrated part of Britain's penal system.

Although opinions on the slave trade and convict transportation differed, Thomas Clarkson's admission that a legitimate slavery existed as a punishment for criminality chimed with ideas about convict transportation which transcended the eighteenth century. The 13th Amendment to the U.S. Constitution which is still relevant today states, 'Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.'¹⁹¹ However, the assimilation of both trades by the pro-slavery interest gained very little attention because the abolitionists worked tirelessly to demonstrate that enslaved Africans were victims of the barbarous 'crimes' committed in the slave trade. This mind-set of criminals and victims led to the abolition of the slave trade but endorsed convict transportation to the Australian colonies for a further six decades after 1807.

¹⁹¹ Franklin Benjamin Hough, *American Constitutions: Comprising the Constitution of Each State in the Union, and of the United States, with the declaration of Independence and Articles of Confederation* (Albany: Weed, Parsons and Company, 1872), p. 594.

Chapter Three

The Business of Transporting Convicts.

The period of uncertainty that followed the American War of Independence not only generated thoughts on how to reform aspects of life at home and in the colonies, it also generated fears regarding the economic stability of the Empire. Although these were short lived, particular anxieties focused on the effects that the loss of the American colonies would have on Britain's economy and maritime trade, as well as whether she would be able to protect her remaining Imperial possessions.¹⁹² Although 1783 did not devastate British maritime trade, it did have a noticeable effect on the expansion and future direction of international commerce. The thirst to cement Britain as a leading world power at sea, significantly contributed to the growth and efficiency of the maritime sector. The late eighteenth and early nineteenth century experienced vast improvements in seaborne trade, long-distance shipping, maritime technology, shipbuilding and port facilities alongside a commercial infrastructure which supported the growth of the British maritime world. As David Starkey, has demonstrated Britain's merchant maritime sphere grew significantly in the late eighteenth and early nineteenth century despite the pressure applied to its labour force by the Royal Navy.¹⁹³ Thus highlighting a vast expansion in Britain's maritime activity.¹⁹⁴

Before the American Revolution private merchants in the shipping sector had primarily concentrated on exploiting ports in Europe or around the Atlantic basin. However, after 1783 their confidence in new shipping technologies and

¹⁹² See C. Ernest Fayle, 'Shipowning and Marine Insurance', in C. Northcote Parkinson (ed.), *The Trade Winds: A study of British Overseas Trade during the French Wars, 1793-1815* (London: G. Allan & Unwin 1948), pp. 25-26.

¹⁹³ David Starkey, 'The British Seafaring Workforce: Size and Occupational Composition, 1707-1828' in H. Hamre & J. ter Brugge (eds.) *Maritime People* (Stavanger, Stavanger Museum, ISBN 978-82-90054-76-7).

¹⁹⁴ Ibid.

improvements in geographical knowledge propelled British merchants to seek out a diverse range of foreign markets which they had previously been unable to exploit. They, were further supported by a change in the states outlook on maritime trade and emerging disinterest in private charters. The resurgence in convict transportation from 1787 was thus not just a response to domestic pressures – and, in particular, the crime wave sweeping Britain during the mid-1780s – but was instead a key part of official policy and private action in changing the direction of Britain's overseas trade. It reconciled the Pitt ministry's desire for obtaining a strategic base in the east, as well as providing new business opportunities to extract natural resources from the Indian and Pacific Oceans. While the slave trade presented a coerced migration system that very much remained within the traditional sphere of transatlantic commerce, the relocation of convicts to the Australian colonies was part of a new era that concentrated upon opening trade with the Pacific and the southern Hemisphere more generally. New trading opportunities, in particular with Southern Africa, Asia and the Australian colonies from 1787 onwards became increasingly important to sustaining Britain's imperial ambitions.

Whilst it has traditionally been the movement of people that has preoccupied the historian's interest in terms of British overseas settlement, advances in slave trade scholarship provides a model for exploring neglected business aspects of the multifaceted convict trade to Australia. Convict transportation was not just a penal punishment; it was also a business venture in which merchants strove to profit from the relocation of captives. Because scholarly enquiry into the profitability of the organisation, structure and commercial activities of convict transportation remains limited this chapter seeks to remedy this lacuna. Unlike earlier scholarship, it posits the transfer of felons to the Australian colonies, much like enslaved Africans shipped to the Americas, as part of long-haul transoceanic commerce during the age of sail. By re-situating coerced migration within larger models of intra- and inter-continental maritime trade during the late-eighteenth and early-nineteenth centuries it helps to explain why merchants were supportive of colonisation plans from micro rather than

macro perspectives. Crucially, this chapter not only demonstrates that while the pre-voyage organisation of slave and convict transportation bore some striking similarities, the objectives, structure and completion of these ventures were significantly different.

This chapter will be split into four areas of analysis. The first will situate convict transportation within the changing nature of British overseas trade and in particular the idea of a political and commercial 'swing to the east' after the 'loss' of colonial American markets in 1783. Secondly, it will explore the logistical similarities between the shipping of enslaved Africans and convicts. It will discuss how vessels were fitted out for the reception of human cargo and demonstrate that a number of common fixtures and fittings were present on board convict and slave ships that were pivotal to the relocation of people as freight. Thirdly, the chapter examines convict transportation through the lens of a long-distance tramping venture. It will demonstrate that the merchants who organised convict voyages and the captains who navigated these vessels were maritime pioneers, who looked to capitalise on economic opportunities as they expanded their business portfolios with the security of government funding on the outward leg on the voyage. Lastly, this chapter will draw together the interconnected history between the slave trade and convict transportation through an analysis of goods that were circulated through both trades. The connections of slave and convict voyages demonstrate how both coerced migration systems were inextricably linked to each other and formed part of a larger global word of maritime trade. In pursuing these lines of enquiry, this chapter demonstrates that although lawmakers and reformers had a vested interest in the recommencement of transportation in 1787, business interests – including ship-owners, port agents and insurance brokers – gained significantly from the revival of the penal punishment. Though scholars of convict transportation need to remember the voices of the coerced migrant trade, some of the voices that remain silent include commercial men and their workers who enabled the migration of felons to the Australian colonies between 1787 and 1807.

2.1 Accessing protected markets in the Indian and Pacific Worlds

After the loss of the American colonies the British Empire experienced a political and commercial swing to the east.¹⁹⁵ While the settlement of Botany Bay was very much part of the former, the business of transporting convicts to New South Wales was synonymous with the latter. During the decade that followed 1783 a number of social, political and economic factors coalesced with the desire of London based merchants, to organise financially lucrative business ventures into the Pacific and Indian Oceans.¹⁹⁶ However, the EIC's royal charter thwarted any chance of private merchants exploring new lines of commerce or trading in regions to the east of the Cape of Good Hope and west of the Straits of Magellan. Therefore, the only way merchants could engage in trade with the East was to either have their vessel commissioned by the EIC or find a way to circumvent its royal charter.¹⁹⁷ After the decision to construct a penal colony at Botany Bay was made, merchants advised Parliament they could transport felons from Britain at a cheaper rate if convict ships were hired by the EIC for the return voyage.¹⁹⁸ After government pressure, the

¹⁹⁵ This term was coined by Vincent T. Harlow to explain the shift in priorities that took place between the First and Second Empire. See, Harlow, *The Founding of the Second British Empire*.

¹⁹⁶ These factors included Pitt's India and Commutation Acts, both passed in 1784. The former redressed the EIC's mishandling of the Asian subcontinent and brought it further within the remit of imperial rule, while the latter lowered the duty payable on imports of tea from 119 to 12 ½ per cent which stimulated the astronomic rise in sales from 6 to 9 million pounds per annum. This demonstrated to private merchants that large sums could be made from East Indian commodities. There was also a flood of investment in the Atlantic World by wealthy American and European merchants. In addition, geographical and scientific advancements in the sphere of maritime shipping made the world seem somewhat of a smaller place and thus made voyages into the Indian and Pacific oceans shorter and thus less costly. Captain James Cook's voyages which circumvented the globe provided pioneering information about the Oceans and settlements to the East while copper sheathing and improvements to rigging all contributed to the reduction of sailing times which meant vessels could venture to the East more readily. For further information on these factors see, H.V. Bowen, 'Sinews of trade and Empire: The supply of commodity exports to the East India Company during the late eighteenth century', *Economic History Review*, 55:3 (2002), pp. 466-486; Alain Le Pichon, *The China Trade and Empire: Jardine, Matheson & Co. and the Origins of British Rule in Hong Kong, 1827-1843* (Oxford: Oxford University Press, 2006), p. 3; Jacob M. Price, 'What did Merchants do? Reflections on British Overseas Trade, 1660-1790', *The Journal of Economic History*, 49:2 (1989), pp. 267-284

¹⁹⁷ The EIC typically hired extra vessels from merchants who had possessed extensive patronage.

¹⁹⁸ Bateson, *The Convict Ships*, p. 90; Thomas Keneally, *The Commonwealth of Thieves: The Story of the Founding Fathers of Australia* (London: Vintage Books, 2007), pp. 50-51.

directors agreed to charter convict ships on the condition that a survey was carried out on each vessel by their own officers and they could refuse any which they deemed unfit for the transportation of their produce.¹⁹⁹ This breakthrough gave contractors and ship owners a means to reconcile their private economic interests with the ambitions of the government to rid the nation of part of her criminal class. Convict transportation was thus a way to secure an income on two legs of the voyage while exploring new markets of trade in the East.²⁰⁰

On 1 September 1786, the following advertisement was placed in the *Morning Post and Daily Advertiser*:

The Principal Officers and Commissioners of his Majesty's Navy do hereby give notice, that on Tuesday 12th of next month, at One o'clock, they will be ready to treat for about 1500 tons of shipping by the ton, to carry persons and provisions to Botany Bay, on the coast of New South Wales. Also ships to carry some blacks to the coast of Guinea.

Further particulars may be known at this Office. No letter will be received as a tender, where the writer or an agent for him does not attend; nor will any be received after twelve o'clock. The parties will not be called in on their tenders, but the lowest will be accepted, and the writer thereof declared to be the contractor.²⁰¹

As this advertisement instructed that only the vessels were to be supplied by the contractor, it indicates that there may have been some confusion as to how convict transportation was to be executed. It can be argued that the Under-Secretary of State for the Home Department, Evan Nepean, believed that the forced movement of felons to New South Wales would replicate the American system whereby the

¹⁹⁹ Although this stipulation may appear in theory to have given the Company an element of control when tested the government forced the Directors to charter convict ships which they deemed unfit to carry their stores. Bateson, *The Convict Ships*, p. 90.

²⁰⁰ This also brought the cost down for the government on the first leg of the voyage because merchants were prepared to tender a lower cost to obtain these contracts.

²⁰¹ This article announced the tendering of ships for the resettlement of London's black poor to Sierra Leone. This flashpoint brings the Botany Bay and African settlement together, as does the fact that a substantial number of government officials were involved in both schemes. Thus demonstrating the coalescence of different forms of coerced mobility. *Morning Post and Daily Advertiser*, 4 September 1786.

contractor supplied the victuals and water for the outward voyage. However, Third Sea Lord and Comptroller of the Navy, Sir Charles Middleton and the Navy Office, who were responsible for this advertisement, assumed that convict transportation to the Australian colonies would be modelled on the transportation of troops to America during the War of Independence and thus the government would source and provide all necessities.²⁰² Despite this misunderstanding, using contractors to transport convicts to New South Wales was never questioned. The government's use of contractors had developed over time as Martin Wilcox and R.J.B. Knight have advised, by the latter half of the eighteenth century Britain used contractors for war supplies and manufacturing, which initiated and developed large industrial sites in the south that were vital in the 'administrating, inspecting and assembling' of the goods they supplied.²⁰³ This was important as it enabled the government to successfully delegate tasks whilst also facilitating the increased efficiency of contractors. Thus by 1786 when the agreement between William Richards and the government was signed for the First Fleet contract, Britain had a solid infrastructure which allowed the 'contractor state' to flourish.

Surprisingly, it would seem that William Richards had no interest in exploiting new markets in the East. Instead, he looked to gain a permanent contract with the government and provide himself with a stable income. From the outset, Richards invested in the humane movement of transportees, a theme which will be expanded on in Chapter 5. In total, he was paid almost £54,000 for organising ships for the First

²⁰² In subsequent advertisements, the contractor was advised to supply vessels, clothing and provisions. For more information on the misunderstanding between the Navy Board and Home Office see, Gary L. Sturgess, 'A Government Affair? Reassessing the contractual agreements for Australia's First Fleet,' *The Great Circle*, 38:2 (2016), pp. 1-19.

²⁰³ Knight & Wilcox, *Sustaining the Fleet*, p. 4.

Fleet.²⁰⁴ However, some of the ship-owners that supplied their vessels to Richards clearly had other economic motives and ideas about trading in the Eastern markets.²⁰⁵

The first company to fully explore how profitable convict transportation could be, were the contractors of the Second and Third Fleets, Anthony Calvert, William Camden and Thomas King.²⁰⁶ The London based firm formed part of a small number of merchants who invested in both the slave and convict trades. After the passing of the Commutation Act in 1784, a group of London merchants of which Anthony Calvert was one, complained that the EIC could not ship enough tea back to Britain to meet consumer demand and therefore merchants should be allowed to venture to China and trade on their own account.²⁰⁷ Coincidentally, after this intervention Calvert's ship the *Ranger* was chartered by the company most likely to carry bullion to China and collect stores as a way of reducing the cost on the return voyage. Thus, when the vessel returned home in 1787 she was laden with a variety of teas and silks.²⁰⁸ The revenues garnered from this voyage and the inability to secure permanent charters

²⁰⁴ Unfortunately, it has been impossible to work out how much of this sum was profit for Richards. However, it can be suggested that he made a healthy profit from the venture as he supplied another tender for the Second Fleet. It is known that the government paid Richards £7 per ton for each ship. The EIC were charged around £10 per ton for those that visited China before returning home. Thus ship-owners and merchant contractors who supplied their own vessels, like Anthony Calvert, William Camden and Thomas King, must have gained a substantial income from these ventures. During wartime both the government and EIC likely paid more for the use of vessels. By 1808 it was common knowledge that the EIC contracted convict ships to transport their stores for £16 per ton to the extent of the charter party and £8 for every surplus they could carry. This gives a basic overview of how much could be gained on the homeward leg alone. See Alan Frost, *The First Fleet: The Real Story* (Victoria: Black Inc., 2011), p. 21, and Letter received by the Navy Office, NMM: ADM B 234, 28 December 1808.

²⁰⁵ The *Charlotte*, *Lady Penrhyn* and *Scarborough* all left New South Wales to collect tea from the East Indies.

²⁰⁶ In this thesis, the term Second Fleet does not include the *Lady Juliana* although acknowledgement is made that some historians do consider her to be part of this fleet despite sailing three months before the rest of the vessels. However, she was not supplied by Calvert, Camden and King as part of the Second Fleet contract.

²⁰⁷ Gary L. Sturgess & Ken Cozens, 'Managing a Global Enterprise in the Eighteenth Century: Anthony Calvert of the Crescent, London, 1777-1808', *The Mariner's Mirror*, 99:2 (2013), p. 179.

²⁰⁸ *Ibid*, p. 184.

for extra vessels with the EIC likely sparked Calvert's interest in convict transportation.

The merchant's desperation to gain access to the commercial markets of the East is demonstrated in the firm's tender for the Second Fleet. In it they proposed to transport, provide clothes and feed the convicts for a mere £17/7/6 per head.²⁰⁹ The bid was low so that they could not be priced out by any other potential contractor. It is probable that the firm looked upon convict transportation as a permanent means of entering China via an alternative route to contesting the EIC's charter.²¹⁰ However, as the news of the horrendous death rate on the Second Fleet vessels made its way home this seemed highly unlikely. Nevertheless, Calvert, Camden and King had already secured the Third Fleet contract for the slightly higher amount of £19/10/0 per head and they had an innovative idea on how further income could be made

²⁰⁹ Michael Flynn, *The Second Fleet: Britain's Grim Convict Armada of 1790* (Sydney: Library of Australia, 1993), p. 28.

²¹⁰ While it is noted that Calvert wanted to break into the East, it is possible that the firm also took stock of what was happening in the slave trade and decided that it was better to invest spare capital in convict transportation. By 1791 the slave trade had been plagued with the impending doom of abolition and it is likely that the firm felt a pinch in their profits after the passing of the Dolben Act. In a number of the vessels that they sent to the Guinea coast between 1786 and 1788 far more slaves were stowed than would have been allowed after this Act was passed. The *John* which weighed 182 tons voyaged to the Bight of Biafra and the Gulf of Guinea then to Jamaica in 1786 with 155 slaves. Under the Dolben Act two years later this vessel would have only been able to carry approximately 120 slaves. The same vessel travelled again to Jamaica the following year carrying 180 slaves; once again if the vessel had made this voyage in 1789 the number of slaves shipped would have been far less. The *Venus* weighed 142 tons she made three voyages from Africa in 1784, 1785 and 1788. In 1784 the vessel shipped 320 slaves to South Carolina; under the Dolben Act the ship would only be able to transport around 85 slaves. The following year the vessel transported 300 slaves, 215 more than would have been allowed in 1789. It is likely that for these reason coupled with the onset of war with France in 1793, that the *Surprise* was taken from the slave trade and sent to the antipodes with convicts in the last contract signed between the firm and the government in 1794. The slave trade was a risky line of commerce during war time as ships had to sail past France. Between 1793 and 1794 the number of slaves which embarked on British slaving vessels decreased dramatically from approximately 46,236 to 27,454. The French Republic prevented at the very least 39 British vessels from slaving on the African Coast at this time. Calvert, Camden and King owned three vessels trading in Africa between 1793 and 1794 in comparison to five between 1792 and 1793. By removing the *Surprise* from slave trading activities to convict transportation the risk of losing a vessel as a prize was reduced. For information on how the war effected the slave trade see, S. Desan, L. Hunt & W. M. Nelson, *The French Revolution in Global Perspective* (New York: Cornhill University Press, 2013), p. 139.

which revolved around clandestine trade to the East Indies.²¹¹ The firm believed that they could make extensive revenues from the Third Fleet and thus committed 40 per cent of the total tonnage they possessed into the venture.²¹² Alongside their own vessels, in the spirit of encouraging commercial growth in another line of commerce that they also invested in, they chartered ships from merchants involved in the whaling trade. Two of the most notable were John St. Barbe and Samuel Enderby. Thus, the Third Fleet largely represented the commercial swing to the east by British whaling merchants in the 1780s who wanted unrestricted access to Indian and Pacific Oceans.²¹³

However, the Third Fleet was not the financial success that Calvert, Camden and King had hoped for. In fact, it was a complete disaster. The illicit trade goods that had been shipped to Bombay were confiscated. The *Admiral Barrington* was taken by pirates off the coast of India, and the *Albemarle* and *Active* were taken by French privateers after making their way back to the south coast of Britain. The *Matilda*, one of the firm's whaling vessels, was lost in the Pacific and the *Queen* returned home successfully with cotton but was too late in the season to make any significant profit. Only the *Mary Ann*, which had ventured into the Pacific to whale, completed a successful voyage as she returned home with oil and seal skins which offered the potential to have been sold for a high price.²¹⁴ In light of these events, Kenneth Cozens and Gary Sturges have estimated that instead of making between £80,000

²¹¹ Sturges & Cozens, 'Managing a Global Enterprise,' p. 123.

²¹² Ibid, p. 181.

²¹³ After the start of the American War of Independence the South Sea Fisheries had been crippled by the loss of skilled workman and harbours located across the Atlantic. However, the political and commercial swing to the east provided rejuvenation in this line of commerce. In 1789 prominent whaling merchant Samuel Enderby wrote a letter to the Board of Trade, which urged the committee to grant permission for whalers to have the unlimited authority to whale in any ocean. Although whalers could be granted a licence to go whaling in the Indian and Pacific Oceans each venture had to be agreed by the EIC. However, convict transportation was a way to ensure that whalers would be guaranteed this privilege. Thus, Enderby offered his ships to Calvert, Camden and King in 1790. See Michael Roe, 'Australia's place in "the swing to the east"', p. 202; See John Newton, *A Savage History: A History of whaling in the South and Pacific Oceans* (New South Wales: University of New South Wales, 2013), p. 43.

²¹⁴ Sturges & Cozens, 'Managing a Global Enterprise', p. 193.

and £90,000 profit from the venture, it was likely that the firm lost £35,000.²¹⁵ However, despite the failings of the Third Fleet, Calvert still looked to pursue contracts for convict transportation so he could expand commercial opportunities to the East. And once again he agreed to transport prisoners to the New South Wales aboard the *Surprise* in 1794.

In wartime, convict contracts appealed to both whaling merchants and those who tendered extra ships to the EIC.²¹⁶ This was likely because transporting convicts was one of the safest lines of secured commerce at this time – especially given so much time was spent away from the conflict zone. Although insurance premiums soared, the government offset the costs of the majority of the voyage to the Australian colonies and once the vessels reached the East Indies they sailed back to Britain in convoy. In theory, the only commodities that could have been lost were convicts, which the contractor had not purchased. While for the majority of these merchants, convict transportation was a fleeting line of commerce with only one contract signed during the period of study, for whalers Samuel Enderby and Daniel

²¹⁵ Ibid, p. 193.

²¹⁶ Robert Wigram, who organised the convict voyages of the *Commandrel and Experiment* with his partner Joshua Reeve in 1803 chartered 17 vessels to the EIC, in total they made at least 56 voyages to the East Indies between 1791 and 1810. As demonstrated by Huw Bowen, Wigram made extensive amounts of money from the EIC. H. V. Bowen, *The Business of Empire: The East India Company and Imperial Britain* (Cambridge: Cambridge University Press, 2005), p. 294. Also see H. C. Hardy, *A register of ships employed in the service of the Honourable The United East India Company from the Year 1760 to 1810* (London: Black, Parry and Kingsbury, 1811). For information on each of these vessels see: *Contractor*, p. 191; *General Goddard*, pp. 131, 149, 161 and 175; *Lady Jane Dundas*, pp. 202, 217, 234, 250, and 271; *Lascelles*, pp. 167 and 179; *London*, pp. 156, 170, and 189; *Marquis of Ely*, pp. 216, 233, 254, and 278; *Middlesex*, p. 148; *Retreat*, pp. 246, 257, 280; *Rockingham*, pp. 161, 177, 192, and 204; *Tottenham*, pp. 221, 237, and 274; *True Briton*, pp. 143, 166, 179, 196, 207, 236, 259 and 275; *Walpole*, pp. 189 and 190; *Walthamstow*, pp. 201, 218, 235, 252 and 273; *Wexford*, pp. 225, 241, 264 and 283; *Windham*, pp. 210, 224, 265 and 281; *Woodcot*, p. 186 and *Woodford*, pp. 263 and 284; TNA: Shelton's Accounts, No. 25, pp. 270-287.

George McKenzie Macaulay, Thomas Larkin & Thomas Hurrey, *ibid.*, *Tigris*, pp. 230 and 248;

Euphrates, p. 231 and *Ocean*, p. 194; TNA: Shelton's Accounts, No. 21, pp. 216-233;

William Christopher who organised the voyage of the *Kitty* in 1792 was a merchant in the whaling industry. See W.J. Mills, *Exploring Polar Frontiers: A Historical Encyclopaedia* (California: ABC-CLIO, 2003), p. 698; It is likely James Colnett who was contracted to transport convicts in the *Glutton* in 1802 was employed by the Admiralty in 1793 to discover ports which were suitable for South Sea whaling vessels could call at to replenish their supplies. See R.L. Webb, *On the Northwest: Commercial whaling and the Pacific Northwest, 1790-1967* (Canada: The University of British Columbia Press, 1988), p. 15.

Bennett, and global entrepreneur Peter Everitt Mestaer, this line of commerce must have yielded extensive benefits as they signed multiple contracts.²¹⁷

In total 28 contracts were signed between the British Government and merchants to transport convicts from ports of embarkation in England or Ireland to the Australian colonies between 1786 and 1807.²¹⁸ These agreements played a crucial role for traders who jostled for position to challenge the EICs trading monopoly over Asian markets.²¹⁹ By transporting convicts, they were able to expand their trading portfolios, exploit potentially lucrative trading opportunities on the return voyage, and mitigate a certain degree of financial risk, which became more pertinent as the Atlantic became embroiled in yet another war. Their aim was to generate enough money on the first leg of their voyage to cover the fixed costs associated with the full venture. When they eventually discharged their captive cargo, and reached new trading regions at the extremities of the globe they were then in a superior position to secure the shipment of goods with the potential to generate greater profits. As a result, the majority of the vessels which deposited convicts in the Australian colonies obtained a contract with the EIC to collect cargo, while others continued in the Pacific to harvest whale and seal by-products.

²¹⁷ Out of the three contracts Mestears signed two alone in 1805 and 1812 and one was signed with John Lock in 1806. See TNA: AO 3/291, Shelton's Accounts, No. 26, pp. 288-299; No. 27, pp. 300-313; No. 39, pp. 446-453;

The first contract signed by Bennett was for the *Indispensable* in 1795, the second was for the *Hillsborough* in 1798, the third was for the *Duke of Portland* in 1806. See Shelton's Accounts, No. 12, pp. 123-132, No. 17, pp. 169-185, No. 29, pp. 324-337.

The first contract signed by Samuel Enderby was with Christopher Willoughby for the *William* in 1793, the second and third contract for the *Britannia* in 1798 and *Speedy* and 1799. See Shelton's Accounts, No.9, pp. 115-116, No. 16, pp. 163-168, and No. 18, pp. 186-189.

²¹⁸ *The Gorgon* has been omitted from these contracts despite being part of Thomas Shelton's accounts as it was a naval vessel. See, Thomas Shelton's Accounts, TNA: AO 3/291/1-29, pp. 1-337.

²¹⁹ For information on the positive financial implications of being employed by the East India Company see H. V. Bowen, *The Business of Empire*, pp. 291-295.

2.2 Equipping ships for human freight

Once a contract had been signed to transport convicts to the Australian colonies, vessels were taken to Deptford where they were prepared for their voyage.²²⁰ While the charter parties stipulated that transports had to be substantial both below and above the water line, and furnished with ‘masts, sails, yards, anchors, cables, ropes, cords’ and other nautical equipment, they did not comment on the specification or layout of individual vessels.²²¹ The specification was determined by the officers, and the convict quarters were ascertained by the naval agent at Deptford. Typically, transports were square rigged ships or barques, with the small exception of a few brigs.²²² Their size ranged from the 274 ton First Fleet vessel *Friendship* to the much larger 914 ton *Royal Admiral* which sailed from Torbay on 7 October 1792. The average tonnage of the convict ships that sailed to the Australian colonies between 1787 and 1807 was 471 tons. Although the majority of these vessels were typical merchantmen which could be used in a range of trades, a small proportion like the *Pitt* (see Figure 2.1), which was built for the EIC, were designed for specific trades.²²³ Thus it was not immediately apparent what commodities these ships were carrying once at sea.

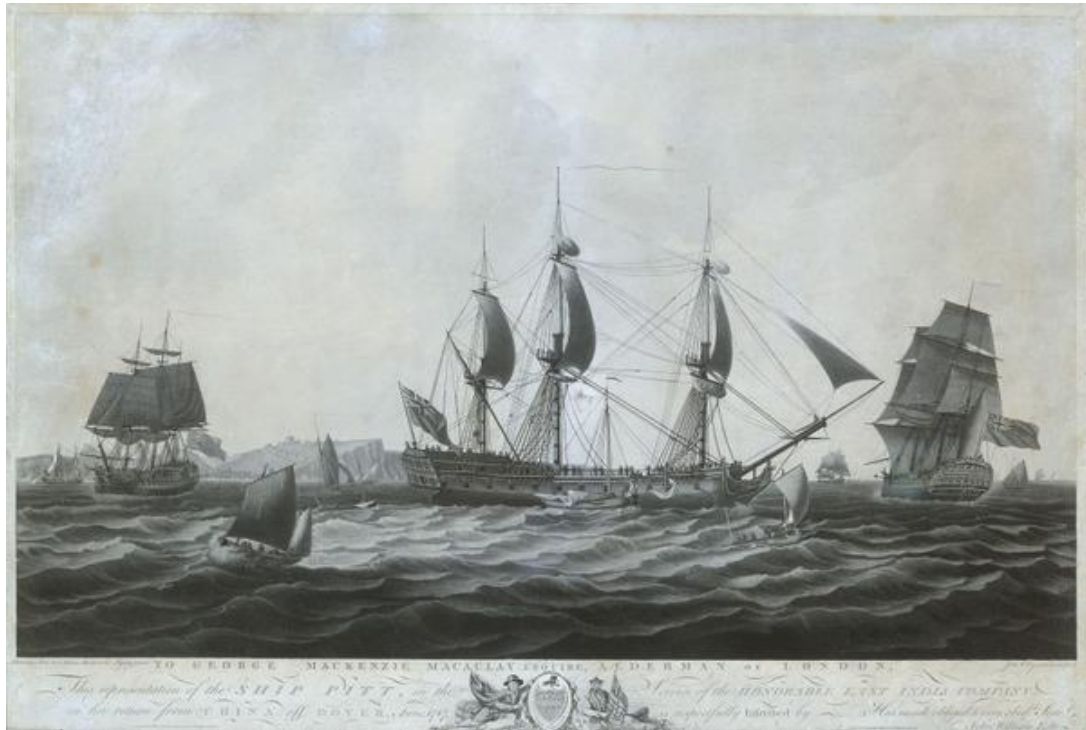
²²⁰ In the period before 1815 contracts for the transportation of convicts were signed infrequently. During wartime, it was typical for between one and three ships to leave England and Ireland.

²²¹ Contract for the *Queen*, NMM: MKH/9/1-6

²²² Bateson, *The Convict ships*, p. 83.

²²³ No ships that carried felons to New South Wales had originally been slavers. However, three made a voyage to the Guinea coast after they had been used as convict transports. These were the *Queen*, *Mary Ann* and the *Surprise*. All of these vessels were owned by Calvert, Camden and King. The *Queen* plied the ocean from Cork to New South Wales with the Third Fleet in 1791, and subsequently made a voyage to the Jamaica with enslaved African in 1795, TASTD voyage id. 83257: The *Mary Ann* also sailed with the Third Fleet vessels and crossed the Atlantic with enslaved Africans in 1798, *Ibid* voyage id. 82636; Lastly, the *Surprise* made her first convict voyage in 1790 with the Second Fleet. When the vessel returned to London she was then sent on a slave trading venture in 1793. The year later the ship was then sent to New South Wales once again with a cargo of convicts. TASTD, voyage id. 83648.

Figure 2.1: The *Pitt* near Dover returning from China, c. 1787



Source: National Maritime Museum, Greenwich, product code PZ5921

From the inside, however the fixtures and fittings gave a clear indication that these vessels were destined to carry human freight. Every convict transport was fitted with an on-board prison which was typically created from the sides and bulkheads of the vessel. Much like slave ships, if they were housing both men and women two separate confinement spaces were created. The largest of these would be reserved for the reception of male captive passengers. In a slave ship, men were stored under the main deck in a space that usually extended from the main mast to the bow of the vessel and was no more than four feet and four inches high.²²⁴ To access their holding cell enslaved male Africans had to climb through hatches located on the floor of the main deck. Once the human cargo was stowed inside, the hatchways were closed. The use of wooden or metal gratings on top of these entrances further ensured that nobody escaped the hold whilst allowing some air into the prison room.²²⁵ For the

²²⁴ Rediker, *The Slave Ship*, p. 68.

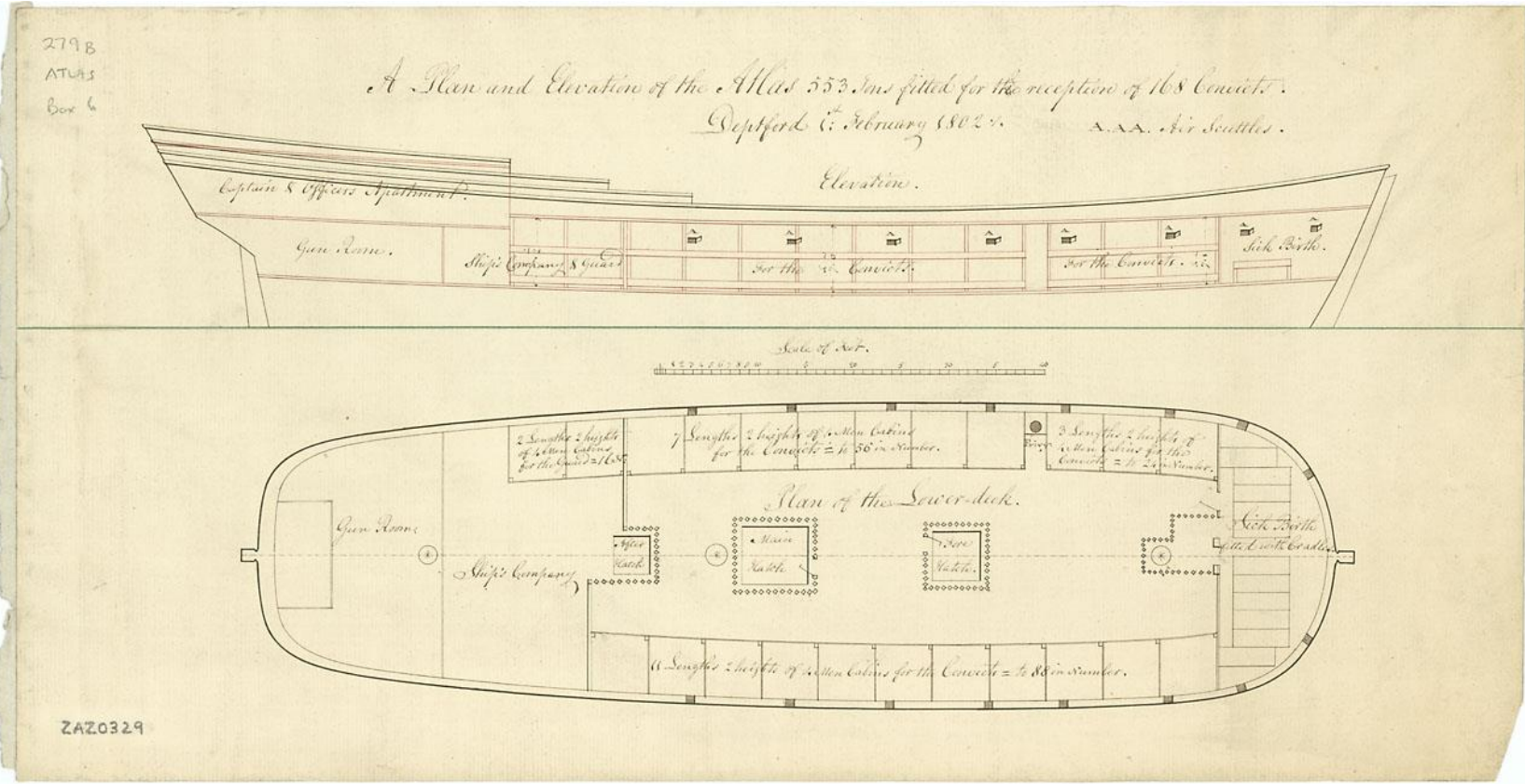
²²⁵ Ibid, p. 68

purpose of providing a sufficient supply of fresh air, supply holes, often referred to as scuttles, were cut into the framework of the vessel, however these were small in size and when slave ships moved slowly across the seas due to lack of wind they provided no solace for captives. The second prison room was smaller in size and suitable for the confinement of women and children.²²⁶ It was usually constructed on the same deck as the men but at the opposite end of the ship.

On board convict ships women and men were also kept apart by the construction of two different prison quarters and the same features of air holes and gratings were found. However, where these were located on the vessel is difficult to ascertain because the ship plans for merchantmen have seldom survived for this period. It would appear that on the majority of convict transports these spaces of confinement occupied the same position as those on board slave ships. The only surviving plan of a convict transport in this period, is that of the *Atlas* shown in Figure 2.2.

²²⁶ Ibid. p. 68

Figure 2.2: A plan and Elevation of the *Atlas* 553 tons fitted for the reception of 168 convicts, c.1802



Source: Plan of the *Atlas* NMM, 279B (c.1802)

As demonstrated in Figure 2.2, the *Atlas*, which sailed from Cork on 30 May 1802, contained one large and one smaller compartment for the male convicts in the middle of the vessel. There were also 16 air scuttles carved into the ship to supply oxygen to the captives. When vessels possessed three decks, such as the *Neptune*, which sailed from Portsmouth on 19 January 1790 with the Second Fleet, the convicts were usually kept on the lowest deck. Figure 2.2 also demonstrates that the officers' quarters were located in the bow of the vessel as far away from the convicts and sick berths as possible and were situated near the gun room for security. The layout of the *Pitt*, which sailed from Yarmouth on 17 July 1791 can be seen as something of an anomaly, as two compartments of confinement were constructed on the top deck and one on the gun deck for female transportees.²²⁷ Two of these measured six feet and seven inches in length and seven feet and ten inches in width and were intended to house 10 women each, whereas the third was 13 feet long and seven inches wide and was provided for 27 women.²²⁸

As captives were allowed out of their prisons and onto the upper deck at specific times during the voyage, various alterations were made to transports for the safety and security of both the passengers and crew. When commenting on the safety of convict ships, Philip Gidley King, serving as Second Lieutenant on the HMS *Sirius* and later Governor of New South Wales, advised that the First Fleet vessels possessed strong and thick bulkheads filled with nails and loop holes to position guns in the event of an insurrection.²²⁹ He also advised that the vessels possessed a 3 foot high barricade which was situated on the upper deck and was covered in 'prongs of iron to prevent any connections between the Marines & Ships Company, with the Convicts.'²³⁰ He went on to state that the hatches were secured with bars, bolts and locks to keep the prisoners below deck and that sentinels were placed at the Hatchways alongside a guard who was always under arms on the Quarter Deck to

²²⁷ Pictured above in Figure 2.1.

²²⁸ Bateson, *The Convict Ships*, pp. 139-140.

²²⁹ Hughes, *The Fatal Shore*, pp. 69-70.

²³⁰ *Ibid*, pp. 69-70

prevent any improper behaviour by the convicts.²³¹ Similar features were also adopted on board slave trading vessels, thus demonstrating that these safety mechanisms were common features on board British coerced migrant vessels during the period.²³²

As well as modifying the vessel for the security of the free persons on board, convict and slave ships employed a higher number of personnel than were used in other maritime trades. Although it was exceedingly difficult to recruit sailors between 1793 and 1807, as the period was plagued with naval impressment, merchants in both trades knew it was imperative to employ a large crew on such a long-haul journey. In the slave trade this was for multiple reasons, the first being that a number of sailors died on the African coast and the second being that guards were needed to watch over their captive cargoes. David Richardson has estimated that around one third of the crew which sailed on board slave ships were employed to watch over the captives on board.²³³ Towards the end of the eighteenth century the number of captives per crew ratio increased from around 7.5 to 9.5 in the slave trade.²³⁴ This may have been a by-product of war and the lack of able seamen for this line of commerce or because the slave trade constantly developed and became more efficient and thus fewer sailors were needed. The compliment of crew on board convict vessels was larger than slave ships in size. In 1801 the contract signed by Brown, Welbank and Petyt for the *Coromandel* and *Perseus* advised that they had to provide a crew that equalled six men and one boy per every 100 tons of the vessel.²³⁵ The *Coromandel* was measured at 522 tons and contained 138 convict men which meant that there was one crewman on board for every 3.4 captives. The *Perseus* had a larger crew per captive ratio of one man or boy for every 4.5 convict men, as she

²³¹ Ibid, pp. 69-70.

²³² Not all the First Fleet vessels possessed a barricade, others had a raised quarter deck.

²³³ David Richardson, 'The cost of survival: The transport of slaves in the Middle Passage and the profitability of the 18th-Century British Slave Trade', *Explorations in Economic History*, 24:2 (1987), p. 191.

²³⁴ Herbert S. Klein, *The Atlantic Slave Trade*, pp. 84-85.

²³⁵ This was a standard clause in most transportation contracts throughout this period. Bateson, *The Convict Ships*, p. 13.

measured 362 tons and took 113 felons on board. In addition, all male transports also carried a guard on board which in the early years was made up of recruitments of the New South Wales Corps, although their presence at times threatened the security of the vessel more than the convicts themselves.²³⁶

The items taken on board British coerced migrant vessels to prevent captive insurrection included the usual confinement apparel such as manacles for the wrists and ankles to restrict movement. However, those used on convict transports and slave ships varied. In the convict trade, manacles typically had a chain in the middle which allowed some movement, whereas those used on enslaved Africans had a short bolt between both cuffs.²³⁷ However, during the Second Fleet, it is possible that convicts were forced to wear the very same leg irons that had been worn by enslaved Africans in previous voyages. Instead of using the common shackles it was reported that Calvert, Camden and King had used irons with a short rigid bolt in the middle which meant that movement was impossible.²³⁸ This led the second captain of the New South Wales Corps, William Hill, to report that 'it was impossible for them to move but at the risk of both their legs being broken.'²³⁹ Alongside the manacles loaded onto both vessels, captains in the slave and convict trades kept several cat-o'-nine-tails to assert authority and thumbscrews to disable potentially mutinous or violent captives.²⁴⁰

²³⁶ The *Lady Shore* was the only convict ship carried away by mutineers during the period of study. The disastrous voyage saw members of the New South Wales Corps rise up and murder the captain and various members of the crew before taking the ship to South America. For information regarding the mutiny see, John Black, *An Authentic Narrative of the mutiny on board the Lady Shore; with particulars of a Journey through part of Brazil in a letter dated "Rio Jeneiro, Jan 18, 1798," to the Rev. John Black* (London: G.G. & J. Robinsons, and T.N. Longman, 1798). After this event several ships sailed without a military guard and instead the government paid the contractor to source their own men to watch over the convicts during the venture.

²³⁷ See Hill's letter which highlights the difference between the manacles used on enslaved Africans and convicts. HRNSW: 1798-1792, pp. 366-67.

²³⁸ Ibid, p. 366.

²³⁹ Ibid, p. 366.

²⁴⁰ For more information on punishments, see Chapter Four.

While protecting the vessel from insurrection was paramount to an economically successful venture, so was keeping crewmen and captives alive during the lengthy voyage around the world. As a result of the number of people on board multiple barrels and casks of flour, salted meat, rice, peas, bread, rum and water were stowed in the hull of the vessel. It is probable that the provisions stowed on board coerced migrant vessels far exceeded those needed in any other line of maritime commerce. For slave traders, provisions had to last long enough to trade on the African coast and cross the Atlantic, not least to keep enslaved Africans alive but also to ensure they appeared healthy when they were disembarked. After 1700, the rule of thumb was for merchants to provide twice the provisions that would normally be expected for a voyage of the same length in another trade.²⁴¹ During the Middle Passage enslaved Africans typically survived on a diet of beans, peas, rice, flour, bread and water which was supplemented with fish and meat. To quench their thirst, they were given water and occasionally wine or rum. Herbert S. Klein has found that on the slave ship *Brothers*, which made the Atlantic crossing in 1789, enslaved Africans were given lime juice or vinegar as mouthwash in the mornings to prevent scurvy, then three pounds and ten ounces of yams, two ounces of flour, three and a half ounces of beans, salted beef and ten ounces of biscuits per day which was accompanied by plantain and an ear of corn every third day.²⁴²

In comparison, the quantity of provisions for convict ships was equally substantial. When fitting out the Second Fleet in 1789 Calvert, Camden and King had to provide enough victuals to adhere to the weekly rations set out by the charter party, displayed in Tables 2.1 and 2.2.²⁴³ In addition to the food, the charter party also advised that 120 gallons of water for each convict had to be provided.²⁴⁴ Thus each convict vessel must have reserved a large quantity of space in the hull for provisions.

²⁴¹ Gad J. Heuman & James Walvin (ed.), *The Slavery Reader* (London: Routledge, 2003), p. 8.

²⁴² Klein, *The Atlantic Slave Trade*, p. 94.

²⁴³ Contract of the *Queen*, NMM: MKH/9/3.

²⁴⁴ Ibid.

Table 2.1: Rations of provisions for each mess of six male convicts per week.

Bread	Flour	Beef	Pork	Pease	Butter	Rice
Lb	lb	Lb	lb	Lb	lb	Lb
16	12	14	8	12	1 ½	2

Source: Contract of the *Queen*, NMM, MKH/9/3

Table 2.2: Rations of provisions for each mess of six female convicts per week

Bread	Flour	Beef	Pork	Pease	Butter	Rice	Tea	Sugar
Lb	Lb	lb	Lb	Pints	Lb	Lb	lb	Lb
20	12	7	6	12	1 ½	2	3/4	3

Source: Contract of the *Queen*, NMM, MKH/9/3

In summary, while convict transports may have looked like any other ordinary merchantman from the outside, from the inside they mirrored the layout of slave ships. In both trades, the specialist nature of shipping human cargo can be identified, as these vessels were modified and items were taken on board that were only used during coerced migrant ventures. While convicts and enslaved Africans may have been seen as bulk freight goods, the measures taken to protect the vessel and the necessity of supplying basic sustenance must have been a constant reminder that, unlike any other commodity shipped across the seas, these men women and children had beating hearts.

2.3 *The differences between convict transportation and the slave trade from a trading perspective*

Although there were discernible similarities between the organisation and fitting out of convict and slave ships, the actual trading voyages carried out by these coerced migrant vessels were very different. The journey of slavers was predetermined, as on

each leg of the voyage only goods of a certain variety were shipped, all of which were gained from a specific market. For example, on the voyage from Britain to Africa merchants filled their vessels with trade specific goods such as cowrie shells, cloth, precious metals, British and Indian manufactured wares, weapons and ammunition. Once trading had begun off the West Coast of Africa, vessels were filled with enslaved men, women and children. If possible, the captain would sometimes purchase ivory or gold, however the majority of the cargo was living and breathing in the body of the ship. When these vessels had reached the Americas, they emptied their human cargo and typically returned to Britain in ballast, however a small number did make the voyage back across the Atlantic with sugar, tobacco, coffee or other raw materials.²⁴⁵

In comparison, the trading goods taken on board convict ships were sourced from a diverse range of markets. Their ventures forged new network connections in unpredictable trading climates, as they connected Britain and the smaller Indian and Pacific Ocean islands. As will be documented, an overview of each leg of the voyage provides a glance into a maritime world which connected the Atlantic, Indian and Pacific Oceans in a single business venture. Instead of focusing solely on intercontinental trades around a single oceanic market, like the slave trade and many other Atlantic based enterprises, the contractors and captains of 'convict ships' looked at the wider oceanic trading zones, as they mixed intra and intercontinental trade together on a grand scale. This was not an easy task. The business acumen of the contractors, entrepreneurial skills of the captain and the will of both to make money were easily swept away by an unforgiving passage, enemy privateer or a vigilant customs agent.²⁴⁶ However, we must look upon these ventures as lucrative lines of commerce and must acknowledge that the men who organised and commanded convict ships were global pioneers. As David Starkey, has demonstrated in 1790 only 83 vessels were employed in the South Whale Fisheries and a mere 64

²⁴⁵ Klein, *The Atlantic Slave Trade*, p. 97.

²⁴⁶ All charter parties stipulated that private trade was not allowed on the voyage from Britain to the Australian colonies.

were exploiting markets in Asia.²⁴⁷ However, captains of merchant ships were combining Indian and Pacific Ocean trade with exploration around the Australian colonies. Analysis of the routes taken by convict ships and the ports into which these vessels sailed demonstrates the diverse markets in which commanders made transactions and the skills involved in navigating to the extremities of the globe.

2.3.1 Trading activities on the first leg of a convict voyage: London to New South Wales

The loading and fitting out of convict ships was a time of intense activity for all those connected with the voyage. The contractor made final preparations, the captain sorted out his affairs and, sailors and dock workers carried barrels and casks of provisions, government stores and articles of private trade on board to be stowed away deep in the hold. The loading of the ship was extremely important, because if the transport was overloaded with illicit trade goods, the contractors had not sourced the correct provisions, or items had been stowed poorly, everyone on board eventually suffered.

Once the vessel had embarked from England or Ireland the path of convict transports was largely dictated by the ocean currents (see Map 2.1) and the prevailing trade winds that filled the sails and propelled vessels into motion. As a result, transports sailed down to the Equatorial Counter following the Canary current before rounding West Africa. They then met the South equatorial current before joining the roaring forties which propelled them towards the East Coast of Brazil. The first port of call to re-victual and trade private goods was Rio de Janeiro.²⁴⁸ Although the evidence is fragmentary as private trade on the outward voyage was forbidden,

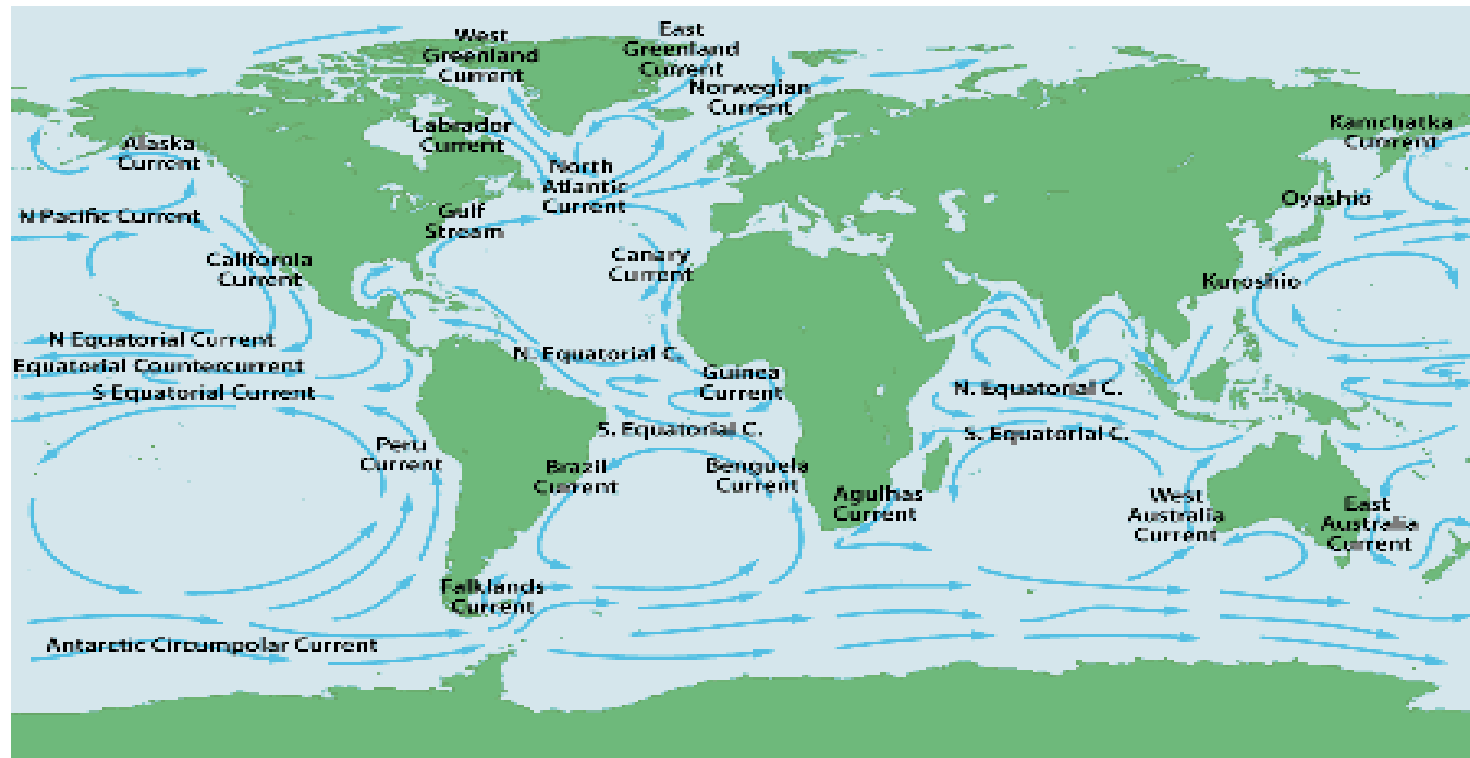
²⁴⁷ David Starkey, 'Private Enterprise, Public Policy and the Development of Britain's Seafaring Workforce, 1650-1815' in Cheryl Fury (ed.), *The English Seaman, 1650-1815*. Woodbridge, Boydell. (forthcoming)

²⁴⁸ Although the First Fleet called at Tenerife this was not commonplace.

snippets of what goods were traded, how and when transactions took place and by what measure, can be pieced together. For example, through the trial notes of Captain Thomas Dennott there is evidence to suggest some captains traded goods at Rio. The commander was investigated for killing six convict men and his general conduct during the voyage was questioned. During his trial in New South Wales, Third Mate Isaac Froome alleged that the soldiers and convicts had been left on the shore in Rio, for a number of days without food, while the *Britannia* was being fixed, because the boats were engaged in shuttling articles of the master's private trade back and forth from the ship.²⁴⁹

²⁴⁹ Froome's account is somewhat misleading. The convicts were probably landed so they could recover from scurvy which shows concern for their wellbeing rather than negligence. F.M. Bladen, *Historical Records of New South Wales (HRNSW): Hunter, 1796-1799* (Sydney: Charles Potter, 1895), p. 51.

Map 2.1: Global Ocean Currents



Source: National Oceanography Centre: Natural Environment Research Council, <http://noc.ac.uk/research-at-sea/exploration-at-sea/surface-above/measuring-currents> [Accessed 1 May 2016].

Once the vessel had been restocked and commodities had been exchanged at the Brazilian port orders were given to weigh anchor. At this point, the captain had a choice of either sailing to the Australian colonies directly, which was common after the turn of the century, or calling at the Cape. If he decided on the latter, the ship was navigated through the South Atlantic via the prevailing western winds into the Benguela current, which took him directly to another thriving foreign market. As a central point of differing maritime worlds, the Cape was frequented regularly by all manner of vessels from almost every European and Asian country. Captains such as John Cameron of the *Barwell* and Richard Brooks of the *Atlas* carried out extensive commercial activities at the Cape.²⁵⁰ To complete their trading activities both deliberately delayed their voyages to New South Wales because they worried a profitable market to dispose of European goods would not be found at Port Jackson, although this sometime worked against captains, as typically the agreement with the EIC advised that vessels had to arrive in China or India before a certain date.²⁵¹

A study of the trading activities of the *Atlas* demonstrates what articles of trade were taken on the outward voyage to the Australian colonies, how and where they were stowed inside the ship, and how the private interests of the contractor and captain shaped the convict experience during the voyage.²⁵² The *Atlas* left from Cork with the *Hercules* transport on 29 November 1801. Both travelled to Rio before journeying to the Cape, eventually reaching Botany Bay on 7 July and 26 June 1802, respectively. When the vessels arrived, an inquiry into the high mortality experienced on board each transport took place. Although this will be discussed in more detail in Chapter Five it is worth noting that one in every 3.8 convicts were lost on the *Hercules*, whilst one in 2.6 prisoners died on the *Atlas*. The case cleared Captain

²⁵⁰ See Bateson, *The Convict Ships*, p. 165.

²⁵¹ Some of the cargo was disposed of at Rio where the master met commander who had recently been to New South Wales and was informed that the settlement was saturated with European goods therefore commodities would be sold for a greater price at the Cape of Good Hope. With this in mind Brooks sailed there and disposed of articles which were sort after in the markets presented at the Cape.

²⁵² Despite this inquiry Brooks was employed as commander of the *Alexander* transport in 1806.

Luckyn Betts of any wrongdoing with regards to the shipment of porter and spirits but found that Captain Brooks had laden the *Atlas* with a variety of trade goods which he stored in the 'tween decks.²⁵³ These included a large quantity of spirits and other articles which, as a result, 'deprived the convicts of air, and the means to be kept clean.'²⁵⁴ The inquiry judged that the sheer amount of bulky private trade goods stowed on the *Atlas* contributed to the mortality that prevailed during the voyage.²⁵⁵

An insight into how the voyage was conducted is found in Surgeon Thomas Jamison's letter to Lord Hobart dated 8 November 1802.²⁵⁶ In this he advised that Brooks had shipped 'a far greater quantity of goods and Merchandize for his own private trade than could be possibly warranted.' He went on to state that 'the Ship was so deeply laden that it become necessary to keep the air Scuttles... closed, and the deadlights frequently shut in,' which considerably contributed to the high death toll during the voyage. Jamison went on to explain that because the ship had been laden with goods, one half of the hospital was used as a sail room and thus some of the sick were forced to sleep in the prison which caused the spread of disease.²⁵⁷ The surgeon also claimed any act of humanity devised or executed by Brooks was a cloak for hidden motives which revolved around profit. He commented that at Rio the convicts were landed, which was conducive to improving their state of health.²⁵⁸ However, this was so the prison could be loaded with 'Sundry Kinds of Lumber, principally Mr. Brooks' private property'.²⁵⁹ Jamison went on to advise that to accommodate these goods the vessel had to be modified, noting that the spars on the upper deck had been raised three or four feet higher around the waist and the long boat was moved to the middle of the vessel. The letter also suggested that

²⁵³ Letter from Mr. J. Harris, Naval Officer, to Mr. R. Brooks dated 12 September 1802, *Historical Records of Australia* (HRA), Vol. III, 1801-1802 (Sydney: William Applegate Gullick, 1915), p. 720-722.

²⁵⁴ Jamison was most likely an unreliable witness because he had issues with Brooks and felt he had not received the respect he deserved throughout the voyage. Ibid, p. 584.

²⁵⁵ Ibid, p. 648.

²⁵⁶ Ibid, pp. 701-705.

²⁵⁷ Ibid, p. 702.

²⁵⁸ Ibid, p. 702.

²⁵⁹ Ibid, p. 702.

Brooks stowed the main hatchway full of casks and trading articles so close to the after hatchway that it appeared boarded up and in consequence air could not pass freely into the prison.

During a list of the many other abuses mentioned by Jamison his concluding statement demonstrated how private interest prevailed on board the *Atlas*. He advised that the 'immense quantity of private trade[...] was a Source of Calamity on board'.²⁶⁰ The surgeon proposed that the captain's investment in private trade alone, if it had met a good market, would have offset any costs generated by the voyage to New South Wales exclusive of any payments made by the government. Jamison also advised that Mr. Bryon and Mr. Wellen, the first and second mate had also invested in private trade.²⁶¹ Thus illicit trade on the first leg of the voyage could make a considerable profit for all involved. Although, Jamison had a fraught relationship with Brooks he highlighted the problems of hiring contractors, demonstrating that the Captain was 'totally absorbed in commercial speculations for his own individual Emolument, every duty he owed to the Government was disregarded.'²⁶²

2.3.2 *Trading in the Australian colonies*

After leaving the Cape, convict ships crossed the Southern Indian Ocean to the bottom of Australia before they sailed into Sydney Cove. Once the transports had dropped anchor at Port Jackson, the sailors were mobilised and ordered to empty the vessel of her human cargo and government stores. This could take a series of weeks as boats ferried men, women and children, as well as vital necessities for the colony from the vessel to the shore. Although all goods received on behalf of the government were permitted to be landed, the captain had to receive consent from the Governor if he wished to sell produce to the inhabitants of the colony. In most cases, there is evidence to suggest that permission was largely granted, unless the

²⁶⁰ Ibid, pp. 703-704.

²⁶¹ Ibid, p. 704.

²⁶² Ibid, p. 701.

commodities included large volumes of alcohol. For example, Brooks was informed by Governor Philip Gidley King that the large quantity of liquor shipped by the *Atlas* was not permitted to be sold in New South Wales or the islands under his jurisdiction. In total, Brooks requested to land and subsequently sell 2,166 gallons of spirits and 120 gallons of wine. However, he was only allowed to sell 800 gallons of liquor to the French explorers who had moored off the coast of Port Jackson.²⁶³ In truth, the refusal of permission to sell goods was rare. Although for some ships private trade was forbidden, typically in the early years the governors could not refuse the bountiful stores that were transported to the infant colony alongside convicts. Despite numerous complaints to the Government, the Australian colonies were constantly in need of food, never mind building equipment and materials, clothes and useful commodities. This want and often necessity for goods meant that some of those who were permitted to land stores found a lucrative market upon arrival at New South Wales.

After the goods had been removed from the vessel, our knowledge of the trading activities of captains remains incomplete. It is likely that the first captain to begin retailing in the colony was Captain Aiken, commander of the *Lady Juliana*. He sold large quantities of cloth and items of clothing.²⁶⁴ Captain Donald Trail, commander of the Second Fleet vessel *Neptune*, followed in Aiken's footsteps selling the rations that were left over from the voyage and other articles of private trade. In 1791 the captain of the *Pitt*, Edward Manning opened a store as soon as he arrived and by all accounts the commander must have done a roaring trade.²⁶⁵ This caused bitterness and resentment in Governor Arthur Phillip, as he immediately wrote a letter to Henry Dundas, in which he complained that the government could have used the space in the vessel reserved for private trade to supply the colony with vital

²⁶³ Bateson, *The Convict Ships*, p. 186.

²⁶⁴ Flynn, *The Second Fleet*, p. 20.

²⁶⁵ Dan Byrnes, 'Finding a place for a London alderman, George M. Macaulay, in the story of convict transportation to Australia before 1800,' unpublished article, p. 7. Accessed through www.academia.edu/11881463/Finding_a_place_for_a_London_alderman._George_M._Macaulay_in_the_story_of_convict_transportation_to_Australia_before_1800, [Accessed 05/02/2016].

necessities. The ship must have carried a large quantity of goods because in the same letter Phillip advised that the commodities sold exceeded £4,000.²⁶⁶ As the governor's letter indicates, trade that took place in the colony could be extremely profitable for the contractors and their employees.

2.3.3 *From Botany Bay to the East Indies and the wider Pacific: The second leg*

Once convict vessels had disembarked their human cargo, government stores and some of their articles of private trade at New South Wales, they loaded fresh provisions and set out on the second leg of their voyage. Some vessels called at Norfolk Island where they sourced more victuals and possibly traded a few leftover goods that were not sold at New South Wales. Others began their voyage deep into the Pacific or back into the Indian Ocean towards the East Indies. Before the vessels had left Britain, the captain was typically advised where the ship was destined, although much like commanders in the slave trade changing circumstances meant that sometimes it was not possible for captains to follow the original plan, thus ports of call were at the master's discretion. In the curious case of the *Lady Penrhyn* the crew were only advised of their next venture after the vessel had sailed from New South Wales. Before the ship had embarked from Portsmouth with the First Fleet on 13 May 1787, a bundle of letters was stored in the captain's cabin which he had been advised could not be opened until the vessel had left the Australian colonies. On 18 May 1788, the ships officers gathered and the papers were read aloud. They stated that George McKenzie Macaulay with consent from the owners had chartered the ship and her company to sail to the 'Sandwich Isles and North West Coast of America to trade for furs and after proceed to China and barter the furs for teas or other goods which would turn to good account in Europe'.²⁶⁷ However, they did not proceed on this venture because scurvy had appeared among the crew and forced the captain to

²⁶⁶ HRA, 1788-1796, p. 377.

²⁶⁷ State Library of New South Wales (SLNSW): Arthur Bowes Smyth Journal, Album ID: 823394, 1787-1789.

call at Tahiti for fresh provisions, which in turn, would have delayed the vessel's arrival in China and meant they would have had to wait for the next tea season before returning home. Therefore, the captain eventually decided that this voyage was not possible and sailed straight for China.²⁶⁸

Unfortunately, little information has been found regarding the route or trading activities of the transports which set out to hunt for whales throughout the period of concern. However, pioneering work by Dan Byrnes has retraced some of the voyages of the Third Fleet and has found that the *Britannia*, owned by prominent whaling merchant Samuel Enderby, hunted off the coast of New South Wales before returning to Norfolk Island.²⁶⁹ The *Mary Anne* set out to harpoon the marine mammals off the coast of the smaller penal settlement and voyaged across the Pacific to Peru, before presumably rounding Cape Horn and making her way up the Benguela current to the coast of Africa and back to Britain.²⁷⁰ Lastly, as highlighted above, the remaining whaling vessel, the *Matilda*, was lost on a Pacific reef shortly after she had left Tahiti.²⁷¹

Some of the vessels that were chartered by the EIC to collect their stores from India or China touched at the port of Penang as they sailed to their second major trading base.²⁷² Whilst they visited the settlement, captains of convict ships bartered for seal skins and rattans (canes or sticks) to sell at their next port of call. The sailors of the *Sovereign* anchored at the port of Penang on 1 April. Over the subsequent

²⁶⁸ Ibid.

²⁶⁹ For each vessel mentioned in this paragraph only information regarding the route has been extracted from Byrnes' work. See Dan Byrnes, 'Emptying the Hulks: Duncan Campbell and the First Three Fleets to Australia,' *The Push From the Bush*, 24 (1987), pp. 2-23, pp. 10-11.

²⁷⁰ Ibid, pp. 10-11.

²⁷¹ Byrnes advised the *Salamander* harpooned whales off Norfolk Island and then travelled to India. However, the EIC did not allow whalers to trade in India and there is no evidence of the vessel sailing this route in their archives.

²⁷² These included the *Bellona*, *Sugar Cane*, *Surprise*, *Sovereign* and *Friendship*. See the following ships logs: Log of the *Bellona*, BL: IOR/L/MAR/B/353A, 24 July 1792-29 September 1794; Log of the *Sugar Cane* BL: IOR/L/ MAR /B/ 435A, 12 March 1794- 2 April 1795; Log of the *Surprise*, BL: IOR/L/MAR/B/447B and D, 5 December 1790- 27 January 1791 and 21 August 1795- 2 June 1796; Log of the *Sovereign*, BL: IOR/L/MAR/B/195A, 11 May 1795-24 February 1797; Log of the *Friendship*, BL: IOR/L/MAR/B/358B, 10 May 1800-17 July 1801.

three days the crew took on board water, which they stored in the fore hold, prepared the vessel for trade and sent out long boats to source commodities. Unfortunately, the goods that were sent on shore from the vessel are unknown, however from 7 April to the 10 April the ship received 5,008 bundles of rattans to 'stiffen the vessel' and 224 pigs and 6 bags of block tin.²⁷³ In addition, soldiers were also taken from the settlement destined for Calcutta. The *Sovereign* set sail from Penang on 14 April and arrived at Calcutta on 11 May where the captain sold 3,298 bundles of rattans and all of the block tin, before the ship was surveyed by the EIC to take on their cargo.²⁷⁴

Unfortunately, for a number of vessels it is not possible to discern where convict ships traded, as the captain's log books submitted to the EIC began when the transports entered China or India. However, it is clear that some traded between New South Wales and the East Indies. For instance, although Captain Robert Cummings' logbook began when the *Rolla* reached Whampoa, shortly after the vessel arrived he sent 294 pigs of lead, 11,258 seal skins and 8 boxes of birds' nests to the shore.²⁷⁵ It is probable that the lead was brought from Britain, seal skins were purchased at New South Wales and the birds nest whatever port he traded on the way to China. Thus, it is clear Cummings was versatile in his trading opportunities. On 17 August 1803, the HMS *Porpoise* was wrecked off the coast of New South Wales. Somehow a number of stores from this vessel ended up being shipped to China with the *Rolla* and Cummings noted that he sold them all at auction.²⁷⁶ The point here is that whatever opportunities were presented to captains of convict ships no matter how abstract, they were capitalised upon in an attempt to make money. It is probable that convict ships visited alternative settlements to Penang, as they made their way from New

²⁷³ Log of the *Sovereign*, BL: IOR/L/MAR/B/195A, February 1797, p. 76

²⁷⁴ Ibid, p. 6.

²⁷⁵ Log of the *Rolla*, BL: IOR/L/MAR/B/312A, 4 November 1802- 5 November 1804, p. 67.

²⁷⁶ Ibid, p. 68.

South Wales to India or China. However, as of yet unfortunately no information has been found to confirm which alternative islands were frequented.

2.3.4 Trade in China and India

Most ships chartered by the EIC made their way to China to collect cargoes of tea. The goods received by the *Royal Admiral* were standard for the ships that sailed to the Asian settlement. This vessel received 500 chests of Bohea, 2,026 Congo, 2,097 Twankey, 1,960 Hyson and 600 chests of tea that were not listed plus 100 chests of Nankeen cloth.²⁷⁷ Tea was also the choice for the profitable privilege trade, which allowed officers a certain amount of private commercial activities with the permission of the EIC, although, on occasion, masters bought East India manufactured goods such as chinaware to bring back to Britain.²⁷⁸

The vessels which made their way to India typically collected a more diverse range of goods than those found in China. The *Sovereign* was surveyed by an EIC Supercargo on 24 May 1796 who deemed the vessel in good working order and instructed her captain to load the EIC's cargo.²⁷⁹ Between 25 May and 5 July the *Sovereign* was filled with 3,623 bags of sugar, 320 bales of pout, 10 casks of rum, 6 chests of shellac and 19 of turmeric plus 88 bags of seed on behalf of the EIC.²⁸⁰ The water casks and ships stores were deposited in the fore-hold, while the sugar and pout were packed into the hold on top of mats bought for dunnage, the latter was also stored in the 'tween deck as was the rum and turmeric.²⁸¹ The *Sugar Cane* stowed an even wider range of the EIC goods. The vessel reached Calcutta on 12

²⁷⁷ Bohea, Congo, Twankey and Hyson were all popular types of tea. Log of the *Royal Admiral*, BL: IOR/L/MAR/B/338E-F, 2 February to 9 March. The *Surprise*, *Rolla*, *Hercules* and *Bellona* also collected the same types of tea from China. See, Log book of the *Surprise* BL: IOR/L/MAR/447B; Log of the *Rolla*, BL: IOR/L/MAR/13/312A; Log of the *Hercules*, BL: IOR/L/MAR/B77A-C; Log of the *Bellona*. BL: IOR/L/MAR/B/353A.

²⁷⁸ Log of the *Hercules*, BL: IOR/L/MAR/B77A-C, p. 75.

²⁷⁹ A Supercargo was a person employed by the EIC. They were in charge of the goods that were to be stored on board the vessel voyaging back to Britain.

²⁸⁰ Log of the *Sovereign*, BL: IOR/L/MAR/B/195A, pp. 7-11

²⁸¹ Ibid, pp. 7-11

March 1794 and was cleared to receive commodities 15 days later.²⁸² Between this date and 11 May the crew carried on board 300 Bamboo mats, 4,188 bags of salt pine, bales and cases of Munjeet, 170 cases of indigo, 42 cases of shell-lac, 4 teak plants and two pipes for Colonel Broscow and Captain Pearson. These items were stowed in all available areas of the ship including the gun room.²⁸³

2.3.5 *Homeward bound: The last leg of convict ship voyages*

Once convict ships had finished collecting profitable stores in the Indian and Pacific Ocean, they weighed anchor and set off on their often long and boring journey home. The large, cranky whaling ships would have been predominately filled with whale oil and baleen.²⁸⁴ The former was used for lights and candles and the latter was essential in the production of a number of household goods, as well as of items of clothing such as women's corsets. It was also possible that some of these vessels sailed back to the London with whaling by-products that were highly sort after in the British market. For example, the teeth of whales were used much like ivory collected from Africa to produce luxury consumer goods. Thus, if successful, these ventures must have made an extensive amount of money. It is likely that whaling ships returned home by rounding Cape Horn, the southernmost point of South America, and into the Southern Atlantic most likely calling at Cape Verde or St. Helena for replenishments before mooring at London with their goods.²⁸⁵ The convict ships which had gathered commodities in the East Indies set off from China and India with a range of stores, including tea, cotton, sugar and spices among many others. On their way back to Britain they sometimes anchored at Table Bay but all visited St. Helena.

²⁸² Log of the *Sugar Cane*, BL: IOR/L/ MAR /B/ 435A, see 12-27 March.

²⁸³ Ibid, 27 March-11 May.

²⁸⁴ For an excellent study on the South Sea Whale Fishery see, Jane M. Clayton, *Ships employed in the South Sea Whale Fishery from Britain, 1775-1815* (Oxford: Berforts Group: 2014).

²⁸⁵ Ibid, p. 5.

In the war years, convict ships that were sailing east to west tended to anchor at St. Helena to meet with a convoy in order to sail through the dangerous North Atlantic Ocean where there was a potential of meeting a fleet of French privateers. It is possible that some private trade was agreed on the islands, however no instances have yet been found, although some commercial activity was done by commanders on behalf of the EIC. In his log, Captain George Storey of the *Sovereign* recorded that the sailors were employed moving the cargo from the main hatchway to get to the rum so it could be sold on account of the EIC.²⁸⁶ He also had the men store a boat load of water and six casks of provisions for use of the crew on the remainder of the voyage.²⁸⁷ The island was mainly used for victualling, however for those who were affected by ill health during the return voyage to London there was also a hospital at St. Helena where sailors or passengers could be taken for treatment.²⁸⁸ The time spent at St Helena ranged from ten days to a month. During this time, it is likely here, that any effects of scurvy which had set in from the voyage from China or India were remedied.²⁸⁹

Although there is no proof that valuable commodities were bought or sold at St. Helena on private accounts, ironically the little island provided a cargo which brought the *Royal Admiral* captained by Essex Henry Bond full circle in 1793, as coerced migrants were once again stowed in her hull. The vessel dropped anchor at Jamestown on 16 June, the following day the master accepted a group of French prisoners from HMS *Thetis* and *Leopard*.²⁹⁰ The equipment used to transport convicts on the first leg of the voyage likely came in useful to contain the prisoners of war. The

²⁸⁶ Log of the *Sovereign*, BL: IOR/L/MAR/B/195A, p. 38.

²⁸⁷ Ibid, p. 38.

²⁸⁸ For instance, Mr and Mrs Michaels boarded the *Sugar Cane* at Madras as passengers but on account of ill health Mrs Michaels was removed from the ship at St. Helena and was taken to the hospital. She was still not well enough to travel when both the ship and her husband departed the island on 3 November. See, Log of the *Sugar Cane*, BL: IOR/L/ MAR /B/ 435A, 28 October 1794

²⁸⁹ The *Sovereign* stayed at St Helena a mere 10 days see Log of the *Sovereign*, BL: IOR/L/MAR/B/195A, p.38 but the *Rolla* was anchored at this port for a month from 13 July to 13 August, however no log entries were recorded during this time, Log of the *Rolla*, BL: IOR/L/MAR/B/312A, p. 110.

²⁹⁰ Log of the *Royal Admiral*, BL: IOR/L/MAR/B/338E-F, 17 and 19 June.

advantages of bringing a human cargo home in this context was that the owners and captain would likely have received payment for each passenger from the government, which would have contributed to the total proceeds of the venture. While the majority of vessels sailed straight from St. Helena to the Thames, the *Sovereign* called at Cork harbour and spent from 8 to 24 January in Ireland before making her way to London.²⁹¹ It could be argued that it was completely unnecessary for the ship to call at Cork, unless the captain wished to offload trade goods without the knowledge of Company officials.²⁹² However, evidence of this has not yet been found.

2.3.6 *Back in the River Thames*

The forest of masts moored along the River Thames must have been a welcome sight for the sailors of convict ships. They signalled that the long and arduous voyage that these men had undertaken was almost over; after around two years at sea they were finally home. Most of those who were employed on board convict transports had visited South America, Africa, Australasia, and Asia, and had sailed the Atlantic, Southern, Indian and Pacific Oceans. However, before they could be discharged from the vessel into the arms of their loved ones or the various taverns scattered around the docks of London waiting to relieve them of their hard-earned wages, one final task had to be completed. As the transport ship dropped anchor, the vessel once again became a hive of activity as noise and commotion descended among the decks. The captain barked orders and the men scuttled up and down the ladders as they prepared the vessel to be disembowelled. Old water casks, personal possessions, and most importantly the precious chests and containers of trade goods had to be hauled from the hold onto the main deck and then loaded onto the lighters which drew up beside the transports. Vessels which had been on a trading voyage to the East Indies

²⁹¹ Log of *Sovereign*, BL: IOR/L/MAR/B/195A, pp. 52-54.

²⁹² Ibid, pp. 52-54.

were unloaded at Long Reach and/or the deeper waters located at Blackwall rather than in the congested bustle of the Pool of London.²⁹³ Depending on the size of the vessel and the volume of cargo carried home, the unloading of a convict ship could take anywhere from two weeks to a month.²⁹⁴ Personal goods which would contain very little but a few old rags would be taken away with their owners, whereas private and EIC trade goods were taken to the Company's storehouses which were concentrated on Billiter and Cutler Streets. Although no documentary evidence has yet been found, it is likely that convict ships that went on to whale dropped anchor in Rotherhithe at the Greenland Docks or the wider Surrey Commercial Docks, so they could take advantage of the boiling houses within the surrounding the area.

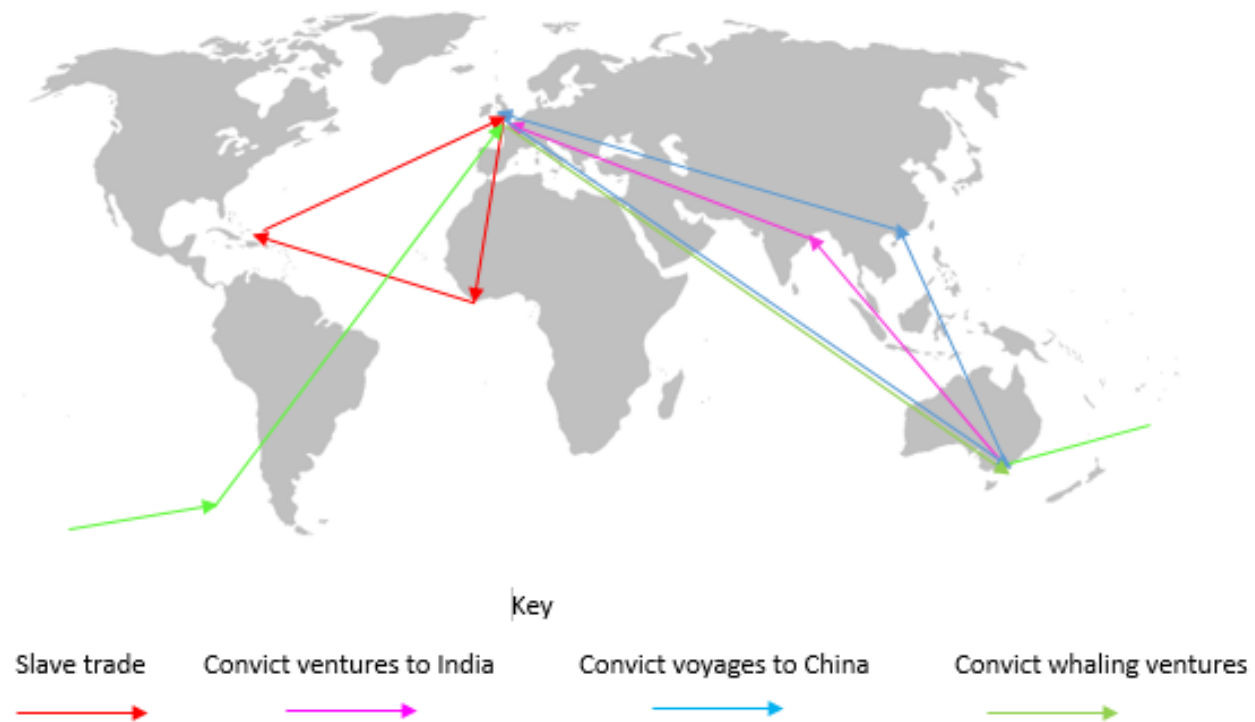
2.4 *The ebb and flow of goods from Britain's multidirectional trade*

Although slave and convict ships plied through waters on opposite sides of the globe, as depicted in Map 2.2, both followed transoceanic triangular routes which centred on trade in three primary nodal markets which they exploited for profit.

²⁹³ 'The East India Docks: Historical development', in Hermione Hobhouse (ed.), *Survey of London: Vols 43 & 44, 'Poplar, Blackwall and Isle of Dogs'*, (London: London County Council, 1994), pp. 557-582- <http://www.british-history.ac.uk/survey-london/vols43-4/pp575-582> [Accessed February 23, 2015].

²⁹⁴ The *Sovereign* unloaded between 4 February and 23 February 1797, Log of the *Sovereign*; BL: IOR/L/MAR/B/195A, The *Rolla* discharged her cargo from 19 October to 3 November 1804, Log of the *Rolla*, BL: IOR/L/MAR/B/312A; The *Sugar Cane* was cleared between 13 March and 2 April 1795, Log of the *Sugar Cane* BL: IOR/L/MAR/B/435A. The *Royal Admiral* was unloaded from 26 August to the 25 September 1793, Log of the *Royal Admiral*, BL: IOR/L/MAR/B/338E-F.

Map 2.2: The nodal points at which slave and convict ships visited, 1787-1807.



The slave trade was a distinctly Atlantic commercial venture, which bound Britain, Africa and the Americas together. In comparison, convict voyages were truly global, as they often encompassed the Atlantic, Indian, Southern and Pacific Oceans and brought together Britain, South America, the Australian colonies and East Indies. While historians have often been preoccupied by activities in the Atlantic or Pacific Oceans, late eighteenth and early nineteenth-century traders did not acknowledge the geographical boundaries that modern scholars have imposed on the world and thus they created a flowing global trade in commodities that were imported and exported from Britain. The goods shipped to and from Britain by slave and convict vessels can be used to indicate how commodities were circulated and both enhanced and rivalled other lines of commerce. Thus, the goods brought back from these ventures not only demonstrates a cyclic trend in the global trading world market, they also present another point within the interconnected history of the slave trade and convict transportation.

Three of the most common commodities imported into Britain as result of the slave trade and slavery were sugar, rice and tobacco. These slave grown commodities made their way into convict ships. Rice and sugar was used for sustenance, however while the former was issued to every captive despite their gender, a ration of the latter was given only to women, so they could make their tea taste sweeter.²⁹⁵ Savvy crew members carried tobacco on board convict ships and sold it for extortionate prices.²⁹⁶ Although it has not been explored in this chapter, it should be noted that the crew may have dabbled in smaller commercial activities, buying items such as trinkets or small manufactured wares to sell back in Britain.

The commodities stowed in the hold of convict ships, which eventually made their way on board Guinea vessels, were typically sourced in India. Arguably, saltpetre was the most important as it was used to barter for human cargo and was loaded into guns and cannons to provide protection for the vessel against mutiny, insurrection

²⁹⁵ Contract for the *Queen*, NMM: MKH/9/3.

²⁹⁶ Ibid.

and in the war years, enemy privateers.²⁹⁷ Two further commodities shipped back to Britain from the Asian subcontinent by convict ships were Indian textiles and dyes. The former included materials such as Nankeen cloth and the latter consisted of indigo and turmeric to colour British manufactured fabrics, both of which could be found in the outward cargo of slave ships, as they were used in one way or another to barter for slaves in Africa. In addition, stowed away in the Guinea captain's cabin it is likely that pout was found in its manufactured form. The paper on which the master wrote to the ship owners, noted transactions and penned his log on to, was all likely to be partially made from pout, especially after the turn of the eighteenth century.²⁹⁸ Finally, the salt which was shipped back from India was used to preserve foodstuff like beef which was enclosed in wooden casks for consumption.

Not only were goods transhipped in slave and convict vessel, at certain times the commodities that they imported back into Britain directly rivalled one another. After Parliament failed to pass the Abolition Bill presented by Wilberforce in 1791, as mentioned in Chapter One, more radical members of the anti-slavery campaign decided to abstain from sugar in an attempt to strangle the profits of West India merchants. Propaganda prints (see Figures 2.3 and 2.4) were published to project the anti-saccharite cause. However, for those that did not want to abstain from sugar completely, there was a drive to purchase it directly from the EIC, as it had the commercial advantage of not been made by slaves.²⁹⁹ This trope became more prominent in the 1820s as sugar bowls were crafted and inscribed with the words 'East India Sugar not made by SLAVES.'

²⁹⁷ Saltpetre was used to make gun powder and its extraction from India was crucial to Britain's war effort.

²⁹⁸ Pout was extremely profitable, *The European Magazine* reported that it could be bought in Bengal for five shillings per cwt and was sold in England at 20 shilling or 29 shillings per cwt. See Philological Society, *The European Magazine and London Review containing portraits, views, biography, anecdotes, literature, history, politics, arts, manners & amusements of the age*, Vol. 40 (London: Philological Society, 1801), p. 489.

²⁹⁹ Although this did not mean that it was made by free wage labourers.

Figures 2.3: 'Barbarities in the West Indies'



Sources: National Portrait Gallery London, NPG D12417, hand coloured etching by James Gillray, published by Hannah Humphries on 23 April 1791.

Figure 2.4: 'Anti-saccharites, - or John Bull and his family leaving off the use of sugar.'



Source: National Portrait Gallery London, NPG D12446, hand coloured etching by James Gillray published by Hannah Humphries on 27 March 1792.

The large quantities of tea shipped to Britain from the East Indies also rivalled coffee from the West Indies. Although coffee houses were prominent meeting places for men in the late eighteenth century, tea became synonymous with women and notions of respectability. Due to the fact that women were the primary purchasers of household goods of consumption, tea could be found in the majority of middle-class homes across Britain. Thus depending on a preference for taste, tea and coffee rivalled one another to be the hot beverage drunk by the majority of the public. While some commodities rivalled one another others were used together to make British manufactured goods. For example, shellac shipped back from the East Indies by convict ships was applied to wood such as mahogany, that was likely felled by slaves, to give it a varnished appearance.

Conclusion

The economic, political and social climate experienced in Britain after the American War of Independence provided fertile conditions for the growth of private merchant interest in business ventures to the East Indies.³⁰⁰ It is against this backdrop that convict transportation must be understood. In the period before 1792 these ventures were used to circumvent the EIC charter and infiltrate foreign markets that were not open to private merchants. However, after this date the transportation of convicts was typically organised by men who had already secured charters with the EIC for their ships and could access the South Sea Whale fisheries without the need of an alternative route. For these merchants, ventures to New South Wales with captive passengers was a way to make substantial amounts of money on the first leg of their voyages and thus exposed them to potentially greater profits. While convict transportation was an innovative line of commerce that helped expand trade with

³⁰⁰ For further information on the states use of maritime trade to enhance Britain's military and political prowess see 'Private Enterprise, Public Policy and the Development of Britain's Seafaring Workforce, 1650-1815' in Cheryl Fury (ed.), *The English Seaman, 1650-1815*. (Woodbridge: Boydell, forthcoming).

remote parts of the British Empire, the slave trade remained a central part of pre-existing imperial interests until abolition in 1807. However, the ways in which these vessels were constructed and the fixtures and fittings which were taken on board brought the two together.

Unlike any other trading voyages in the late eighteenth and early nineteenth century, captive cargoes had to be housed appropriately, provided for adequately and guarded intensely. Despite this, the actual voyages of slave and convict ships differed vastly after coerced migrants were disembarked. For captains in the slave trade, once captives were offloaded they prepared their vessels for the voyage home either with commodities purchased from an agent or typically a network connection of the vessels owner, or in ballast. However, commanders of convict vessels prepared themselves for up to a further 12 months at sea, as they sought to indulge in intracontinental maritime trade. These men sourced commodities from far more diverse market, than those presented in any other sinews of maritime trade. Therefore, both contractors and captains should be perceived as pioneers who looked to make extensive profits from whatever business opportunities were presented in the East. The interconnected history of the slave trade and convict transportation can be blatantly identified through the merchant firm Calvert, Camden and King and the vessels they used to transport convicts to the Antipodes. However, a subtler link between the commodities brought back to Britain by slave and convict ships should also be acknowledged.

Chapter Four

Selecting Convicts for New South Wales

The decision to send convicts to Botany Bay in 1786 marked the beginning of a new chapter in the history of penal transportation from Britain and Ireland. While the system which had relocated over 50,000 criminals to the American colonies between 1718 and 1775 bore striking similarities to the slave trade in terms of function, organisation and structure, the reformed transport scheme, designed to rid Britain of her ever increasing 'banditti', was a very different enterprise. Every aspect of the penal system was regulated by the state, with Whitehall playing a pivotal role in matters concerning sentencing, the conveyance of criminals across the seas and the use of their labour in the Australian colonies. Thus, reliance on private firms that had largely dictated the removal of felons from Britain was replaced by a centralised government plan to reconcile the emptying of overflowing jails and hulks with a mission to colonise a strategically placed settlement in the Antipodes. In consequence, the processes and procedures which determined who was selected for transportation changed dramatically as the primacy that had once been placed on a convict's capacity to work in a labour-intensive environment was often substituted for their ability to merely survive the arduous voyage to the Australian colonies.

Through an examination of the criminals embarked on board convict ships between 1787 and 1807, this chapter will argue, that unlike enslaved Africans and convicts relocated to the Americas, very few felons were selected for the Antipodes based solely upon their prospective productivity. Only on rare occasions is there evidence to suggest that convicts under the sentence of transportation were sought out because they were of a particular age, stature or possessed skills that would benefit the infant colonies. Instead, convicts were selected because they were deemed to be of no use to Britain and were likely to survive the voyage. Therefore, rather than being a coerced labour migration system like the slave trade and earlier

convict transportation to the Americas, from the outset convict transportation to the Australian colonies was primarily a coerced penal migration system, which, as a by-product, supplied a variety of labour.

To help explain the selection process, this chapter identifies two important differences between convict transportation to the Australian colonies and other forced labour migration systems in the eighteenth and nineteenth centuries. The first was a consequence of the revisions to the governance of the British Empire and the procedural changes to convict transportation when it resumed after the loss of the North American colonies. In the wake of 1783, the scattered nature of Britain's overseas possessions became a prime concern for decision makers in London. Colonial governance became more centralised and Imperial affairs were increasingly dealt with in the capital with the organisation, conveyance and execution of convict transportation being arranged by various government departments. This extension of the sinews of state power meant that transportees remained under the crown's control even after they had disembarked at New South Wales. As the earlier opportunity for contractors to sell convicts in the colonies was removed, so too was their determination to transport only desirable men, women and children. The second difference to be explored was the type of society into which coerced migrants were transported. The convicts and enslaved Africans who ventured across the Atlantic were absorbed into an established society in which the colonists dictated the flow and type of forced labourer they purchased. However, as Botany Bay was deficient of a white settler population, Britain had greater freedom to choose who would be despatched. The dual function of socially cleansing the nation and supplying a newly acquired settlement with undesirables for colonisation meant that from Britain's perspective most convicted felons were desirable candidates to be shipped out of the realm, regardless of their age, gender, physical stature or labour skills. In the early years, their role was merely to clear land, establish the basic infrastructure needed by the fledgling colony, and cement the imperial frontier.

In order to thoroughly explain this hypothesis, it is useful to put it into the context of a settlement model which includes four distinct stages. The first stage relied on a small number of white settlers who depended on forced migrants to push back the imperial frontier, clear land and implement basic infrastructures. In their infant form newly acquired settlements were not appealing to free European workers who looked for opportunities outside their home nations. This coupled with the high number of deaths caused by foreign disease meant that a constant stream of forced labourers was essential. The second stage was experienced when voluntary free migrants began to arrive and their labour was combined with a coerced workforce to rapidly build and expand the economy with industry and commercial systems. In this stage, it was characteristic for the free population to remain vastly outnumbered by their coerced counterparts. The third stage occurred when expansion of inhabitable territories had been completed and labour supply could feasibly be sustained without a constant replenishment. In this stage, it was common for humanitarian concerns to surface which combined with other factors led to the eventual end of the systems which supplied the settlement with forced labourers. Lastly, the fourth stage was experienced when a general distaste for various forms of bondage surfaced. Settlers began to rally against the oppression and violence that were associated with forced labour regimes. The end of convict transportation to the American colonies in 1775 marked the beginning of the third stage of the settlement model experienced across the Atlantic, with the abolition of the British and American slave trade in 1807 and 1808 respectively, demonstrating markers of progression. Meanwhile, between 1787 and 1807 convict transportation to the Australian colonies was housed within the first stage of this model. Interestingly, both systems reached their final stages in the mid-nineteenth century. After the Thirteenth Amendment was passed by the congress of the United States on 31 January 1865. Following the abolition of slavery in America, convict transportation from Britain was swiftly ended and the last convict ship to set sail for the Australian colonies was the *Huguenot* which departed in 1867. However, much like the abolition of slavery it took years for convicts to become free.

Whilst this chapter posits that the selection criteria adopted for the Australian colonies was often all-encompassing, it also demonstrates that the majority of convicts possessed attributes which contributed to the labour supply. These findings concur with the conclusions made by historians such as Deborah Oxley, Stephen Nicholas and Peter. R. Shergold, and Barry Higman, who have all respectively demonstrated that Australia's early economic growth was possible because the convicts sent to the colonies possessed extensive human capital.³⁰¹ However, while their studies have suggested that transportees were selected based upon criteria that would help the colonies flourish, this chapter shows that in the first two decades there is no evidence to suggest this was the case.³⁰² Crucially, while convict transportation supplied a coerced migrant workforce, between 1787 and 1807 it was not as well planned out as previous scholars have suggested. The approach adapted by the state demonstrates that ridding Britain of her criminal masses was the primary driver behind the coerced migration system throughout this earlier period.

To shape this argument, this chapter will be divided into three areas of analysis. The first will explore how the organisation and structure of convict

³⁰¹ Deborah Oxley, *Convict Maids: The forced migration of women to Australia* (Cambridge: Cambridge University Press, 1996), p. 109; S. Nicholas & P.R. Shergold, 'Convicts as Workers', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past* (Cambridge: Cambridge University Press, 1988), pp. 62-84; Barry Higman, *Domestic Service in Australia* (Melbourne: Melbourne University Publishing, 2002), p. 71.

³⁰² Deborah Oxley has suggested that women were assessed and chosen to venture to the antipodes based upon their age, health and severity of sentence. She concludes that selection was restricted to women under the age of 45 who were in good physical condition because they were able to reproduce and contribute to the colonial labour force. Similarly, Stephen Nicholas & Peter. R. Shergold have argued that convicts were selected to serve the functional needs of the colony. Their studies have asserted that convicts were assessed and chosen for the voyage to the Australian colonies based on age, physical attributes and occupational skills. This is a sentiment which has been echoed by Barry Higman, who has concluded that the sentence of transportation meted out by the courts was determined by crimes committed, while the actual decision of who to transport was influenced by what occupational skills were required in the penal settlement. It is worth noting that all of these authors have focused on specific periods of time after the Napoleonic Wars had ended when convict transportation had become more efficient, the settlement was in an advanced stage of colonisation and a more rigorous selection process may well have been adopted. However, all of these authors have been very general in their remarks regarding how convicts were selected in the early years and have made passing comments about this period which could cause some confusion. See Oxley, *Convict Maids*, p. 109; Nicholas & Shergold, 'Convicts as Workers', p. 71.

transportation changed with the decision to send felons to Botany Bay. It demonstrates that this system was very different from that used in the American convict trade. The second will investigate what criteria, if any, prisoners had to meet before they were placed on board a transport vessel. Not only will it highlight that very rarely within this process were convicts evaluated in terms of their propensity or capability to labour in the infant colony, it also documents the many reasons why convict names were repeatedly removed from the transportation lists. Lastly, this chapter will analyse the demographic profiles of the prisoners sent to Botany Bay. It will demonstrate that the selection criteria identified by Oxley, Nicholas and Shergold, and Higman were not adopted in the early period. Rather, the majority of convicts transported to the Australian colonies mirrored the gender, age and physical attributes that were necessary for a newly colonized settlement to thrive because of the demographic profile of those who committed crime in Britain. Roughly 17 per cent of prisoners who journeyed to the penal settlement would have been deemed undesirable in other organised labour migration systems at the time. These findings reinforce the view that penal transportation in the late eighteenth and early nineteenth centuries was based upon who Britain wanted to remove from the realm, rather than who the colonies wanted to receive.

3.1 The organisation and execution of convict transportation to America, 1717-1776

The primary function of convict transportation throughout the eighteenth and nineteenth centuries was to rid Britain of her undesirable criminal characters. As Gwenda Morgan and Peter Rushton have demonstrated, the origins of the penal punishment evolved from the Vagrancy Laws and the age-old practices of banishing

criminals from urban and rural areas which dated back to the Tudor era.³⁰³ However, whilst banishment strove to remove felons from their criminal networks, it provided only temporary relief as there was potential for convicts to return to their accomplices or continue their life of crime elsewhere. After the colonisation of North America and the Caribbean, the sentence of banishment gradually progressed as English courts advised that felons convicted of capital crimes could receive a conditional pardon if they agreed to be exiled from Britain for a number of years.³⁰⁴ In this era, it was commonplace for convicts to organise their own passage across the Atlantic. Those who could afford to pay for their travel were free upon arrival.³⁰⁵ However, the majority typically assigned themselves to a ship captain or settler in the Americas who paid for their passage in exchange for labour, a process which was closely akin to that practiced by indentured servants. Arguably it was this swapping of labour for passage fares that spawned ideas about the economic benefits of sending criminals to the colonies.

Despite the practice of sentencing British miscreants to foreign exile in the seventeenth century, it was not until 1717 that convict transportation was formally placed at the centre of the English criminal justice system.³⁰⁶ In that year, the statute

³⁰³ Banishment was prevalent in Scotland with men, women and children being readily relocated both within the country and beyond the border with England. The English model of transportation to the Americas was not extended to Scotland until the 1766 Act. Before this date Scotland allowed convicts to remove themselves from the country and employed banishment as a penal punishment. After 1766 banishment and transportation were practiced together. See Morgan & Rushton, *Banishment in the Early Atlantic World: Convicts*, pp. 29-43.

³⁰⁴ It was of prime importance that the courts had the consent of convicts before they were exiled to the Americas. The government knew that if consent was not granted questions regarding the rights of freeborn Englishmen and liberty may have surfaced especially during the volatile seventeenth century.

³⁰⁵ This was also practiced after convict transportation to the American colonies was formalized after 1717. See John Poulter, *Discoveries of John Poulter, alias Baxter* (London: R. Goadby, 1754), p. 28

³⁰⁶ The motivation for adopting transportation as a penal punishment was likely influenced by the end of The War of the Spanish Succession. The government had experimentally organised the transportation of 54 convicts to Jamaica in December 1716, another colonial outpost that was in its infant stage of the settlement model. However, the plan failed miserably as the Governor of Jamaica claimed that the convicts were wicked and lazy and had far from changed their ways. This prevented the use of the colony as a place to rid Britain of her criminal miscreants and thus attention was firmly placed on the Chesapeake regions of North America. See Vaver, *Bound with an Iron Chain*, p. 62.

entitled *An Act for the further preventing robbery, burglary, and other Felonies, and for the more effectual transportation of felons, and unlawful exporters of wool; And for declaring the Law upon some points relating to Pirates* (4 Geo I, Cap. XI), commonly known as the Piracy or Transportation Act of 1717, was passed.³⁰⁷ The focus of this legislation was to prevent further criminal activity and to introduce a penal option that fell short of the death sentence but was more effective than the available corporal punishments. From a British perspective, the benefits of passing this act were twofold. Firstly, criminals were shipped out of the realm with the hope that they would never again plague British society. Secondly, those who were removed helped fill the insatiable demand for labourers across the Atlantic, thus strengthening the Imperial economy. The latter benefit can be identified in the following line of the *Transportation Act*, 'Whereas in many of his Majesty's colonies and plantations in America, there is a great want of servants, who by their labour and industry might be the means of improving and making the said colonies and plantations more useful to this Nation.'³⁰⁸ As the American colonies needed a source of cheap labour to enable the growth of industry and business, it is clear that the government saw prisoners as an effective means to help fill the labour vacuum.³⁰⁹ Despite this being inferred, the Act did not directly specify that forced labour was part of the penal punishment, although it was taken for granted from the eighteenth century onwards.³¹⁰

The *Transportation Act* is ambiguous. It does make reference to the labour shortages in the colonies and to the ownership of convicts which infers a state of

³⁰⁷ Convict transportation was abolished in 1857 after the passing of the *Penal Servitude Act*. Much like the eventual abolition of slavery in the United States, it took a long time for the system to cease, the last convict ship, *Hougoumont* did not disembark her felons in Western Australia until January 1868.

³⁰⁸ Danby Pickering, *The Statutes at Large, from the twelfth Year of Queen Anne, to the Fifth Year of King George I*, Vol. XIII (Cambridge: Joseph Bentham, 1764), pp. 471-475.

³⁰⁹ Vaver, *Bound with an Iron Chain*, p. 55.

³¹⁰ The point regarding the absence of a stipulation which specifically advised that a convict was sentenced to labour in the colonies was first detailed in Bruce Kercher's work. See Bruce Kercher 'Perish or Prosper: The Law and Convict Transportation in the British Empire, 1700-1850', *Law and History Review*, 21:3 (2003), p. 533.

bondage. However, if a convict was purchased and then set free or they could pay for their freedom it is not made clear whether the man, woman or child would be in a state of bondage or not. Also, there were no measures within the Act to ensure convicts saw out the terms of their sentence as long as they did not enter the realm before their terms had expired they could not be punished further. This posed a problem in the system of convict transportation to the Australian colonies, especially in the case of the Scottish martyrs. On 5 September 1796, a letter was sent to Governor Hunter from Robert Dundas, Lord Advocate of Scotland. It demonstrates that some confusion was generated because the service of Thomas Muir, Thomas Fishe, William Palmer and William Skirving had not been assigned to their sentence and he questioned whether the men could leave the penal settlement as long as they did not return to Britain. In response Dundas advised, 'The court of Judiciary has full power to adjudge the service or not, as the nature of the offence merits. Many instances have occurred of transporting an offender from this country for life and adjudging his service for 3, 5 or 7 years seldom beyond that period, or transporting them for 7 or 14 years, either dropping, as in the present instance, the adjudication of servitude altogether, or limiting it... to the portion of the term of transportation'. Thus it would seem that opinion was divided. This letter demonstrates that while Hunter believed that the Scottish Martyrs were free in New South Wales and could leave as long as they did not return to Britain, clearly Dundas had the opposite opinion. His argument was that a sentence of a prescribed period of time automatically carried a mandatory sentence of servitude.

It can be argued that it was the ambiguous wording within the Act regarding how transportation was to be organised and executed that led to the sale of convict labour. The Act stated that the court, 'shall have the power to convey, transfer and make over such offenders... to the use of any person or persons who shall contract for the performance of such transportation, to him, or them, and his and their assigns,

for such term[...] of their sentence'.³¹¹ The legal transference from the court to a contractor meant that the merchant owned the prisoner's labour until the end of their sentence and could sell them to whom they wished, with the same fluidity of the slave and indentured servant systems.³¹² By organising convict transportation in this way the government mitigated the cost of shipping felons across the Atlantic, freed themselves from extensive administration duties and transferred all responsibilities regarding the execution of the punishment to the contractor. Thus, once convict vessels had set sail the men, women and children who occupied their holds were no longer Britain's concern.³¹³

The crown fixed only two parameters on the conveyance and execution of the penal punishment, these were the length of the convict's sentence and the subsidy provided to the contractors for the transportation of felons out of the county.³¹⁴ Both were to prevent merchants exercising selection bias and taking only those who would sell for a substantial profit.³¹⁵ By setting a standard term for the majority of crimes at seven years, the state removed the possibility for contractors to transport convicts with longer terms, who might have sold for a higher price.³¹⁶ The subsidy offered to

³¹¹ Pickering, *The Statutes at Large*, p. 472.

³¹² Kercher, 'Perish or Prosper', p. 533.

³¹³ Only if they chose to return to Britain within the term of their sentence was the government forced to intervene as the *Transportation Act* stipulated that those who were caught at large would be executed. Pickering, *The Statutes at Large*, p. 475.

³¹⁴ Grubb 'The Transatlantic Market for British Convict Labour', p. 96.

³¹⁵ Ibid, pp. 100-105.

³¹⁶ For example, if a convict was sentenced to three years it would have been difficult for contractors to make enough money for feeding, clothing and caring for them during the passage. However, if a convict was sentenced to transportation for 9 years, they would have been purchased for a higher price which would have resulted in a higher profit. Although merchants could choose to transport those who had been sentenced for 14 years or life, the risks were arguably greater not only on board the vessel, but also with regards to offloading convicts in the colonies, given that the nature of their crimes were typically deemed more heinous. Grubb's findings on the price at which convicts were sold in the colonies indicates that consumers may have taken crimes committed into consideration. Given that by the mid eighteenth-century opinions of the convict population was low, the site of conviction papers which gave the hint of an irreparable moral compass must have been somewhat off-putting to a prospective buyer. Therefore, it is possible that after the change in attitudes towards convicts which saw their rites aligned with enslaved Africans contractors took criminal convictions into account when deciding who to load onto their vessels. See Grubb 'The Transatlantic Market for British Convict Labour', p. 107.

contractors was also, in theory, supposed to prevent selection bias. However, in practice it did not have the desired effect. Subsidies were offered to offset a large proportion of the cost incurred by contractors for the conveyance of felons, so the lesser fee paid for more undesirable convicts would still give the merchant a small profit. However, they varied on a regional and individual basis. As the problem of overcrowding was more visible in London, partners James Stewart and plantation owner Duncan Campbell were paid £5 per head for transporting convicts from the capital.³¹⁷ However, their long term contract stated they had to accept every convict presented to them, 'without excepting or refusing any by reason of age, lameness or any other infirmities whatsoever', indicating that the prime concern here was to remove all convicts sentenced to transportation regardless of their capabilities.³¹⁸ This was important because it was a precursor to the opinions adapted by the State towards transportation to the Australian colonies between 1787 and 1807. The government not only wanted all available convicts sentenced to transportation removed from the realm regardless of desirability, but they also focused upon cleansing London by providing the only permanent subsidy to Stewart and Campbell.

Other British and Irish jails had to negotiate their own subsidies as they were responsible for the removal of felons in their region.³¹⁹ In these cases, if jailors wanted contractors to ship unhealthy, age inappropriate or physically deficient convicts across the Atlantic they would have to heavily subsidise the process. However, if they possessed a convict who they believed could be sold at a profit, then the contractor was forced to pay them a fee to release the felon into the merchant's custody. The prisoners who were undesirable, who it was felt would neither be of cost nor generate a substantial profit for the contractor, were handed over free of charge. Whilst this system worked in theory, in practice local authorities were more

³¹⁷ This subsidy payment died with James Stewart in 1772. Whilst Duncan Campbell continued the convict business he had to negotiate with courts and jailors like other contractors.

³¹⁸ Don Jordan & Michael Walsh, *White Cargo: The forgotten History of Britain's White Slaves in America* (New York: New York University Press, 2008), p. 250.

³¹⁹ Little is known about Ireland's policy and procedures; however, it is possible that they worked on the same principles.

likely to leave undesirable prisoners wasting away in jail or allow them to disappear rather than pay a large sum for their removal.³²⁰ In addition, contractors still continued to select those who they believed could be sold quickly, as the longer a ship had to remain in the colonies the greater the cost.³²¹

With the use of a highly complex algorithm Farley Grubb has demonstrated that merchants transported convicts across the Atlantic who had attributes which were deemed conducive to labour in the colonies.³²² He has found that contractors looked to fulfil the requirements of consumers located in Maryland and Virginia. In light of the demanding physical nature of labour that awaited convicts, contractors looked to transport men aged between 20 and 30 who were strong and tall in stature and possessed labour skills to suit the needs of the consumer.³²³ As a result of this selection criteria, under 20 per cent of felons sent to the Americas were women.³²⁴ This was not because female convicts sentenced to transportation were in short supply, it was a product of men gaining a higher price in the colonies.³²⁵ For the same reason, felons shipped across the Atlantic were typically over the age of 20. Grubb has found that, in comparison to their prison population, teenagers were massively under-represented, whilst convicts above this age were grossly over-represented. In addition, he has also highlighted that felons were taller on average than their indentured counterparts and thus those transported appeared to have greater physical prowess.³²⁶

The criteria used to select convicts for the Americas was almost identical to those employed in the slave trade, indicating that both systems were driven by a consumer market. Just like contractors in the convict trade, when purchasing captives

³²⁰ Grubb 'The Transatlantic Market for British Convict Labour', p. 99.

³²¹ Ibid, p. 100.

³²² Ibid, p. 99.

³²³ Ibid, pp. 100-110.

³²⁴ Grubb posits that only 16 per cent of the convicts, compared to 50 per cent of the indentured servants that were shipped across the Atlantic were below the age of 20 in Maryland and Virginia. Ibid, p. 110.

³²⁵ Ibid, p. 133.

³²⁶ Ibid, p. 110

on the African coast, captains of Guinea ships assessed those presented to them for purchase based upon gender, age, stature and price.³²⁷ All slave traders looked to purchase as many men as possible given that they were more desirable in the colonies. They also looked to purchase captives of a particular age, as planters sought to buy workers in the peak years of physical fitness to achieve the maximum labour output for their money. The age pattern for enslaved Africans largely mirrored that of convicts, with those between the ages of 18 to 30 being overwhelmingly favoured by the consumer.³²⁸ Whilst Guinea captains would, on occasion, purchase children if adults were in short supply, they would never buy captives over the age of 40. Grey hair, decayed or missing teeth, and wrinkled skin would have been obvious indications of those who were too old to be re-sold across the Atlantic. However, captains understood that those who were too young would also negatively impact profits. A general rule of thumb for British slave traders was that those below '4 feet and 4 inches' were considered to be children and would achieve a lower price.³²⁹

Whilst gender, age, stature and price were of prime importance for the sale of captives in the Americas, ascertaining whether a forced migrant was in good health was also imperative to the captains of slave and convict ships. An outbreak of disease

³²⁷ For guidance, it was customary for captains to receive detailed instructions from merchants before their vessels set sail. A typical correspondence included the number of enslaved Africans the vessels was to carry, the markets in which captains were destined to embark and disembark their human cargo and lastly what type of captives were to be purchased. The instructions issued to Captain Caesar Lawson for the *Enterprise* in 1803 advised, 'By Law this vessel is allowed to carry 400 Negroes, and we request that they may all be males if possible to get them, at any rate buy as few females as in your power, because we look to a Spanish market for the disposal of your cargo, where Females are a very tedious sale. In the choice of Negroes be very particular, select those that are well formed and strong; do not but any above 24 years of age, as it may happen you will have to go to Jamaica, where you know any exceeding that age would be liable to a Duty of £10 P head. See C. M. MacInnes, 'The Slave Trade', in C. Northcote Parkinson (ed.), *The Trade Winds: A study of British overseas trade during the French Revolutionary Wars, 1793-1815* (Oxon: Routledge, 2006), p. 263. For other examples see, Liverpool Record Office, Bostock papers, 387 MD 54-55.

³²⁸ John K. Thornton, 'The African Background to American Colonization', in Stanley L. Engerman, et al (ed.), *The Cambridge Economic History of the United States, 1: The Colonial Era* (Cambridge: Cambridge University Press, 1996), p. 89.

³²⁹ Historians have subsequently settled on the belief that enslaved Africans of this height were around the age of 14. Audra Abbe Diptee, 'Enslaved Children in Jamaica, 1775-1834', in James Alan Marten (ed.), *Children in Colonial America* (New York: New York University Press, 2007), p. 50.

on board would seriously diminish potential profits and could result in the death of the crew and captain. Although evidence has not yet been found regarding any examination process endured by convicts before they were sent to the Americas, it is likely they would have been checked for obvious signs of disease, disabilities or health defects.³³⁰ However, the examination of enslaved Africans was very intrusive and invasive. Whilst on the African coast, surgeons completed an extensive inspection of the captives presented for purchase. In the evidence provided on the slave trade by Doctor James Arnold, surgeon of the slaver *Ruby* in 1787, and Alexander Falconbridge, who occupied the same position on four slave trading ventures prior to this date, gave rare insights into the inspections which took place before every purchase. Arnold advised that 'the slaves are examined to see if they are physically fit, have healthy eyes, good teeth, stand over four feet high, and if men, are not ruptured; if females, have not "fallen breasts."' ³³¹ However, more detail can be gained from Falconbridge's account on what signs of deficiency were searched for during the examination process. He wrote in 1788 that captains first examine enslaved Africans to determine their age before minutely inspecting their bodies for any infirmities.³³² As Falconbridge noted captains had clear selection criteria when purchasing enslaved Africans. They took time to ensure they were not too old and were in good health before goods were exchanged.

There was evidently an intrinsic relationship between the process of selecting both British miscreants and enslaved Africans for the American labour market. To yield the highest price captains in both trades had to purchase captives who possessed extensive human capital which could be invested in the labour-intensive environments. As the consumer across the Atlantic searched vessels and perused convict or slave markets and auctions, they looked for forced labourers who could

³³⁰ The bodies of white and black people were viewed very differently in the eighteenth century. The naked examination of convicts, especially females, would likely have caused outrage.

³³¹ Rawley & Berhrendt, *The Transatlantic Slave Trade*, p. 254.

³³² Alexander Falconbridge, *An Account of the Slave Trade on the Coast of Africa* (London: J. Philips, 1788), p. 17.

participate in physical manual activities for a number of years to reap a return on their investments. Therefore, we can conclude that the selection process which took place in both trades was arranged to choose prime captives with any person who was deemed undesirable being left behind. The parameters used to judge who was desirable are very important. As we shall see in the latter part of this chapter, they can be used to demonstrate that typically convicts were not selected to voyage to the Australian colonies because they possessed attributes suitable for labour in the Antipodes.

In summary, exile was the primary driver behind the passing of the Transportation Act. However, the organisation and execution outlined within this piece of legislation made forced labour a secondary requisite for those sent across the Atlantic. From the start, the system was riddled with abuses as contractors selected convicts who would sell for the highest price in the colonies. Whilst the government looked to prevent merchants selecting the most profitable felons by providing subsidies, they were largely ineffective. The criteria employed by merchants centred upon gender, age and physical fitness, although health and other factors were considered. In principle, between 1717 and 1776 convict transportation was organised and executed in the same way as the slave trade. Coerced migrants were purchased, loaded on board floating prisons and carried across the Atlantic where they were sold. The selection criteria in both trades were shaped solely by consumer need in the Americas.

3.2 Changes to the organisation and structure of convict transportation after 1787

When transportation resumed on a large scale in 1787 the law that governed the penal punishment had changed dramatically. As Jennie Jeppesen has pointed out, the

Transportation Act of 1784 was reworded so convict labour belonged to the state.³³³ Although contractors were still employed for the conveyance of Britain's miscreants, their influence upon the system as a whole was restricted to the passage. Before embarkation, government officials were responsible for corresponding with jailers to ascertain who was available for transportation and negotiating contracts for their conveyance to London or Cork. Gradually, as the business matured towards the end of the eighteenth century, the responsibility of government officials extended to rigorously checking the health of convicts and also evaluating whether the transports were suitable for conveyance before the vessel set sail. Alan Atkinson has argued that the vicissitudes that took place in the organisation of convict transportation can be explained by the changing views of Empire. He posits that in the early eighteenth century power was scattered throughout colonial regions. By the end of the eighteenth century however authority was imposed from London and a more centralised imperial governance emerged, a sentiment which is alluded to in the first chapter of this thesis.³³⁴

Once convicts were disembarked at Botany Bay government officials located in the colony were responsible for their maintenance and upkeep until the terms of their sentence had expired. Unlike the Americas, when the First Fleet landed at Botany Bay there was no-pre-existing plantation economy or social framework in which convict labour, legal rights or social parameters could be placed. This meant that the convict system that evolved at Botany Bay was like no other. As Bruce Kercher has observed, 'If the American colonies were primarily a place of exile for transported convicts, New South Wales was more a place of punishment as well as exile.'³³⁵

³³³ Jennie Jeppesen, "'Necessary Servitude': Contrasting experiences of Convicts in Virginia 1615-1775 and Australia 1800-1840,' (Unpublished PhD thesis: The University of Melbourne, October 2014), p. 17.

³³⁴ This study concurs with Atkinson's sentiment as demonstrated in Chapter One. See Alan Atkinson, 'The Freeborn Englishman Transported: Convict Rights as a measure of Eighteenth Century Empire', *Past and Present*, 144 (1994), p. 88- 115.

³³⁵ *Ibid*, p. 545.

Almost as quickly as those on the First Fleet had disembarked, Governor Arthur Phillip made it clear that the convict men, women and children who stood before him would be treated as servants of the Crown, removing any fears that they had been sent across the seas to be used as slaves.³³⁶ Ultimately, this meant that convict labour would be owned by the colonial government. In the early years, most convicts were put to work on state projects building infrastructure, growing produce for the government stores and contributing to the upkeep of the colony, with others effectively being loaned out to settlers. These latter convicts were assigned to free men who resided in the colony. They took on a role much like indentured servants in the Americas but, crucially, their labour was always owned by the government. The assignment system was more widely employed when public works reduced and the settlement was more heavily populated by free migrants. Thus, in the Australian colonies labour was a by-product of the status of convicts and the necessity to use them productively in order to facilitate reform and eventually transform them into worthy citizens.

The governor and free settlers, comprised of mainly colonial officials in the early years, needed labourers and thus felons were put to work. The fundamental differences in the organisation and execution of convict transportation to the Australian colonies had far reaching implications, none more notable than those on the selection process. When the Transportation Act was passed in 1717 the state wanted all the convicts who received this sentence removed from the country. However, flaws in the ways in which the penal punishment was executed meant that the aged and infirm were left behind. After 1787 an all-encompassing approach was taken and instead of assessing whether convicts would be deemed desirable in the colonies, often the key question appears to have been who did Britain want to remove from the realm? This becomes increasingly evident when the three stages in the selection process are analysed.

³³⁶ Kercher, 'Perish or Prosper', p. 544.

3.2.1 *The Court*

If we turn first to the initial stage in the decision-making process, it is immediately apparent that a number of factors influenced whether a convict was sentenced to transportation by the courts.³³⁷ In order to be added to the list of people who were destined for Botany Bay felons had to be convicted of a criminal offence which the judge deemed worthy of transportation. At this time the judicial process was shaped by discretion and leniency versus the ability to meter out the harshest punishments. Thus, verdicts for similar crimes differed greatly depending upon who presided over the court and what social, economic and political fears permeated the public sphere at the time of judgment.³³⁸ While some judges meted out punishments of a corporal or capital nature, others looked at reformatory sentences, such as confinement, hard labour or transportation. The decision to sentence those convicted of similar crimes to different punishments was often subject to speculation based upon the circumstances of a particular case or the criminal record of the accused. Despite a number of crimes carrying a potential sentence of transportation, there is no evidence to suggest that strict regulations were imposed on judges in order to dictate who should receive the punishment.

The irregularities and idiosyncrasies that existed within the judicial system, in terms of the length or nature of sentencing, were evident throughout the period but become more pronounced when cases are compared. If we concentrate on those sentenced at the Old Bailey in just one year, 1801, the intermittent discretion exercised can provide an insight into how some convicts were given different sentences for the same crimes.³³⁹ For instance, John Jarrett and Charles Dubordieux

³³⁷ Only the Quarter Session, Assize courts and the Old Bailey had the authority to sentence a convict to transportation. The Old Bailey housed both civil and admiralty cases.

³³⁸ For instance, during periods of unrest, the volume for crimes such as sedition increased and punishments became harsher.

³³⁹ The year 1801 was selected because as will be demonstrated in the final chapter of this thesis, transportation had become more efficient by this year and various rules and regulations were implemented by the turn of the century which had not been present in the early years of transportation to the Antipodes, yet as demonstrated there was no clear evidence as to who should be sent to Botany Bay.

were each convicted for the crime of bigamy. However, while the latter received a sentence of transportation for seven years, the former was confined 'in the House of Correction' for one year.³⁴⁰ Meanwhile, Thomas Smith and John Seton were convicted at the Old Bailey for stealing livestock. The former had taken three hens and a cockerel valued in the court at 8 shillings, which resulted in Smith being sentenced to confinement for six months in the house of correction. Seton, on the other hand, was ordered to the Australian colonies for seven years after stealing six fowls valued at 6 shillings.³⁴¹ Again in 1801, Daniel Drury and William Atkinson were tried for pickpocketing and were found guilty of stealing. The former stole a pocket book valued at sixpence, three guineas and a bank note to the value of one pound from Benjamin Sutton. This crime should have been classed as grand larceny, which would have carried a mandatory capital punishment, however Drury was sentenced to confinement for two years in the local house of correction.³⁴² Atkinson, on the other hand, was condemned to transportation for seven years after stealing a pocket book worth one shilling and sixpence. Although there were small differences in all of these cases, it is clear that discretion played a key role in deciding between punishments for crimes that were markedly similar.

Given that the sentence of transportation was only meted out to certain offenders, it is probable that a concealed selection process was exercised by judges based upon their own opinions, experiences and feelings towards the crimes that had been committed. As the courts only passed judgement on whether the accused was

³⁴⁰ Old Bailey online (OBO) John Jarratt- <http://www.oldbaileyonline.org/browse.jsp?id=t18010701-63-off343&div=t18010701-63#highlight>, [Accessed 20/10/2014]; Charles Dubordieux- <http://www.oldbaileyonline.org/browse.jsp?id=t18010916-26-off125&div=t18010916-26#highlight>, [Accessed 20/10/2014]

³⁴¹ OBO, Thomas Smith- <http://www.oldbaileyonline.org/browse.jsp?id=t18010701-46-off255&div=t18010701-46#highlight>, [Accessed 20/10/2014]; John Seton- <http://www.oldbaileyonline.org/browse.jsp?id=t18010415-91-off512&div=t18010415-91#highlight>, [Accessed 20/10/2014]

³⁴² OBO, Daniel Drury- <http://www.oldbaileyonline.org/browse.jsp?id=t18010701-51-off275&div=t18010701-51#highlight> [Accessed 20/10/2014]; William Atkinson- <http://www.oldbaileyonline.org/browse.jsp?id=t18010415-88-off493&div=t18010415-88#highlight>, [Accessed 20/10/2014]

guilty and what punishment they should receive, not whether the man, woman or child would be of use to the colonies, a diverse range of people were sentenced to transportation, some of whom were clearly unsuitable for the settlement due to their age or physical stature. Whilst young men and women may have been favoured by agricultural schemes or apprenticeships in Britain because they were malleable workers, in the early years the infant colony needed labourers who were strong and fit, and who could significantly contribute to the labour output with minimal sustenance. However, it is evident that this was not taken into consideration by the judges who sentenced convicts to transportation before their teenage years.³⁴³

On 16 April 1806, two young boys stood to receive their sentence at the Old Bailey for burglary. John Gable aged a mere eight years old was the youngest to have received a sentence of transportation at this court between 1787 and 1807. His ten-year-old accomplice William Kennovan received the same punishment.³⁴⁴ On 2 June 1802, nine-year-old William Appleton approached the bar to await the verdict of his trial for grand larceny, he was found guilty and sentenced to seven years in the Antipodean penal settlement.³⁴⁵ In the same sitting nine-year-old William Steele was punished with the same fate for stealing.³⁴⁶ In addition, Mary Cavernor, William Tyrer, William Weeks, Richard Simko, George Henshaw and Cornelius Neale were all aged 10 when found guilty at this court for grand larceny and sentenced to

³⁴³ Stephen Nicholas & Peter R. Shergold have advised that those below 15 and above 40 years old would have been more likely to depend on government stores for their upkeep. Stephen Nicholas & Peter R. Shergold, 'Unshackling the past', in *Convict workers*, p. 8.

³⁴⁴ OBO, <http://www.oldbaileyonline.org/browse.jsp?id=t18060416-3-punish19&div=t18060416-3#highlight> [Accessed 20/10/2014]

³⁴⁵ OBO, William Appleton- <http://www.oldbaileyonline.org/browse.jsp?id=t18020602-12-punish76&div=t18020602-12#highlight>. [Accessed 20/10/2014]

³⁴⁶ OBO, William Steele- <http://www.oldbaileyonline.org/browse.jsp?id=t18020602-53-punish288&div=t18020602-53#highlight> [Accessed 20/10/2014]

transportation between 1787 and 1807.³⁴⁷ Although their youth could be an attributing factor to recommendations of mercy, particularly in potentially capital crimes, these cases demonstrate that the judges had not taken into account the impact that transporting young offenders may have on the Australian colonies. However, it is probable that they deemed the juvenile delinquents who stood before them incapable of reform and likely to plague British society with a life of crime, so it was decided that it was better for them to be removed from the realm.³⁴⁸

If we look to the other end of the age spectrum it is also clear that those who would have been deemed too old to work in Britain were also sentenced to transportation. While it can be argued that older members who were not able to perform tasks of hard labour may still have been of some use to the infant colonies with regards to knowledge and experience, they were more likely to have been a drain on resources. Again, there is no evidence to suggest that this was taken into consideration by judges, as they sentenced men and women well in the later stages of life to transportation.³⁴⁹ For instance, Israel Philips was 73 years of age when he appeared in front of the Old Bailey in 1790 for shoplifting. It appears that this was his first offence yet he was sentenced to transportation.³⁵⁰ Thomas Morris was 75 years of age, while Thomas Burgess was aged 78 when they received this sentence for

³⁴⁷ OBO, William Tyrer-<http://www.oldbaileyonline.org/browse.jsp?id=t17900113-103-punish543&div=t17900113-103#highlight>, [Accessed 20/10/2014]; William Weekes-<http://www.oldbaileyonline.org/browse.jsp?id=t18021027-85-punish474&div=t18021027-85#highlight>, [Accessed 20/10/2014]; Richard Simko-<http://www.oldbaileyonline.org/browse.jsp?id=t18040912-76-punish454&div=t18040912-76#highlight>, [Accessed 20/10/2014]; George Henshaw-<http://www.oldbaileyonline.org/browse.jsp?id=t18050918-76-punish398&div=t18050918-76#highlight>, [Accessed 20/10/2014] and Cornelius Neale-<http://www.oldbaileyonline.org/browse.jsp?id=t18051204-54-punish339&div=t18051204-54#highlight> [Accessed 20/10/2014]

³⁴⁸ Although it is possible that judges sentenced children to Botany Bay to offer them a new start, this is unlikely as those who were perceived to be capable of reform tended to be given a lesser sentences.

³⁴⁹ While these cases are rare, the number of criminals over the age of 70 to commit crimes would have been very small.

³⁵⁰ OBO, Israel Philips- <http://www.oldbaileyonline.org/browse.jsp?id=t17900424-66-punish358&div=t17900424-66#highlight>, [Accessed 20/10/2014]

grand larceny in 1804 and 1798, respectively.³⁵¹ As convicts of an advanced age were sentenced to transportation it is clear that they were not evaluated based on any factors which would potentially contribute to the future of the infant colony. Nor does it appear to have been taken into account that even if they lived to board the next convict ship to set sail, it was very unlikely they would survive the voyage let alone act as effective human capital for the Australian colonies. In sentencing these people to transportation the courts had clearly either not considered, or considered and dismissed, the prospect of an alternative punishment. Thus, the first stage within the process of selecting convicts to venture to New South Wales provides no indication that the colony's requirements were taken into consideration at the time of sentencing.³⁵² The evidence points only to a selection process based upon who Britain wanted to remove from the realm.

3.2.2 *Awaiting transportation*

Once a convict had received their sentence they were incarcerated in places of confinement to await their fate. However, not everybody sentenced to transportation made it to the second stage in the selection process whereby it was decided who would board the convict ship. It is difficult to ascertain who was available for the voyage to the Australian colonies out of the various prisons in Britain, as a comprehensive study of each individual jail would have to take place in order to understand why everybody sentenced to the penal punishment was not sent to New South Wales. However, in 1796 Patrick Colquhoun summarised information regarding prisoners residing in the hulks between 1776 and 1795, which can be used to gain an

³⁵¹ OBO, Thomas Morris- <http://www.oldbaileyonline.org/browse.jsp?id=t18041024-42-punish224&div=t18041024-42#highlight> [Accessed 21/10/2014]; Thomas Burgess- <http://www.oldbaileyonline.org/browse.jsp?id=t17981024-55-punish294&div=t17981024-55#highlight> [Accessed 21/10/2014].

³⁵² Although this is not surprising given that the courts did not specifically meter out the sentence of transportation to criminals they had deemed could be desirable to the American colonies, otherwise, merchants in the convict trade would not have had to select convicts based on desirability.

overview of why a number of criminals were removed from the transportation list. He advised that between 1783 and 1795, 7,999 convicts had been ordered to the hulks, 3,244 had received sentences of hard labour and 4,775 of transportation. Out of this number (7,999), 1,610 had been discharged, 790 were pardoned and 130 had escaped. A further 17 were moved to other locations, 2,207 had been transported and 1,946 had died.³⁵³

From these figures, very tentative conclusions regarding the number of convicts who were sentenced but were not transported can be offered. If we deduct the 2,207 of those transported from the 4,775 under sentence of transportation, around 53.8 per cent of convicts never embarked on transport vessels between 1783 and 1795.³⁵⁴ However, it is possible that many more felons never left Britain in the early years of transportation to the Antipodes. Nuanced findings by the Digital Panopticon project have advised that out of 3,801 men, women and children sentenced to this punishment at the Old Bailey between 1782 and 1800, 2,468, which equated to 69.4 per cent, were never transported.³⁵⁵ If these figures are broadly correct, they demonstrate that the system of transportation to the Australian colonies improved in efficiency over time, most likely after 1815 when war was no longer a concern. Historians such as Deborah Oxley have estimated that around only one third remained in Britain between 1826 and 1840.³⁵⁶ This opinion has been reinforced by Clive Emsley, who argues that, except from the beginning and end of convict transportation, between 66 and 75 per cent of convicts sentenced to transportation were sent to the penal settlement.³⁵⁷

³⁵³ Patrick Colquhoun, *A Treatise on the Police of the Metropolis: Containing a Detail of the Various Crimes and Misdemeanors by which Public and Private Property and Security are at present, injured and endangered* (London: H. Fry, 1797), p. 307-308.

³⁵⁴ Ibid, p.328. A flaw of this study is that It does not take into account the latter period covered by this thesis when it was likely the system became more efficient and the situation on the hulks somewhat improved.

³⁵⁵ The Digital Panopticon Project- <http://www.digitalpanopticon.org/?p=665>, [Accessed 03/01/2015]

³⁵⁶ Oxley, *Convict Maids*, p. 60.

³⁵⁷ Emsley, *Crime and Society in England*, p. 283.

The information in Colquhoun's report also gives a very rough estimate as to the reasons why convicts did not travel to Antipodes between 1783 and 1795. As stated above, 2,562 convicts sentenced to transportation on board the hulks never left Britain. As a very rough guideline, if we suppose that those who were punished with hard labour and those waiting to be transported on the hulks either died, were pardoned, escaped or were moved in the same proportion, approximate figures can be estimated. Thus between 1783 and 1795 around 862 transportees may have died, 714 were possibly discharged, 350 pardoned, 58 may have escaped and 8 were perhaps moved to another location. This would therefore suggest that, 1,992 out of 4,775 people would have been removed from the transportation registers for any one of these factors. This does not take into consideration the number of convicts who entered the army or navy on condition of a commuted sentence.³⁵⁸

From this analysis we can conclude that the primary cause of the sentence of transportation being removed was death. This was closely followed by the number of those discharged or pardoned and the likelihood that a considerable number of convicts completed large parts, if not all, of their sentence on board the hulks or in the prisons awaiting transportation. This may have been due to the backlog of those condemned to transportation between 1776 and 1785, as there was no agreed place to dispose of them. An additional factor may have been the threat of war with Revolutionary France (from 1793). There is evidence to suggest that some men were removed from the transportation list because they were useful to the war effort at home by working on various government defences schemes.³⁵⁹

³⁵⁸ Samuel Hall who was supposed to travel on the *Alexander* was pardoned on the condition he served in the Navy. See FFO, Samuel Hall, <http://ltcfirstfleet.uow.edu.au/details.aspx?surname=Hall&gender=&term=&ship=&age=¬es=&-recid=32927> [Accessed 04/01/16]

³⁵⁹ Duncan Campbell to the Duke of Richmond, 5 September 1786 and 12 June 1787, 'Convict Transportation and The Metropolis Letterbooks and Papers of Duncan Campbell (1726- 1803) from the state Library of New South Wales', Marlborough: Adam Matthew Publications, Reel 4, vol. 7, pp. 205, 210 and 321.

The protection of Britain was of prime importance during the hiatus of both the American and French Revolutionary Wars. Correspondence between the Duke of Richmond and Duncan Campbell reveals that some convicts were hand selected to be taken to Langstone Harbour to help construct Fort Cumberland.³⁶⁰ A revealing letter dated 7 November 1787 from Campbell to the jailer of Maidstone requested information 'whether there are any masons among the convicts in your goal under sentence of transportation & if there are... send... a list of their names.'³⁶¹ This was after the Duke of Richmond requested masons for the project from the hulks, but only a handful were found. As the letters between the two indicate, it may have been thought best to keep fit and healthy men who possessed industrious skills at home, as they could enhance the completion of public works. After the start of war with France the demand for convict labour at home increased in association with work on the wharves, docks and in armaments. Therefore, it is unlikely that the pressure to select those with skilled backgrounds for New South Wales was high on the list of priorities for officials at home.³⁶² Thus the relationship between the mother country and the colonies had temporarily reversed. Instead of selecting convicts who would be suitable for the colonies, Campbell and various government officials looked to retain those who were most desirable at home. It was only when the Governor of New South Wales forced the issue that convicts were selected to embark on board transport ships with skilled backgrounds.

In summary, the selection pool was significantly reduced between sentencing in court and embarkation on board a convict ship as prisoners died, received a pardon, completed their sentences in places of confinement or escaped. In the interwar years, Britain's security was of prime importance, therefore convict men

³⁶⁰ On 5 September 1786, a letter was sent from Duncan Campbell to the Duke of Richmond answered the latter's inquiry regarding the Masons, Bricklayers, Stonecutters and Sawyers amongst the convicts on the hulks. A further discussion regarding for masons Langston harbour ensued on 12 June 1787. Ibid, p. 205.

³⁶¹ There is also evidence Campbell sent a letter of the same nature to the jailer of Newgate. Ibid, pp. 358 and 361.

³⁶² N. G. Butlin, *Forming a Colonial Economy: Australia 1810-1850* (Cambridge: Cambridge University Press, 1994), p. 17.

were retained in the hulks so they could work on government projects. Once Britain entered into the French Revolutionary war some convict men were given the choice to enter the army and navy and have their sentences of transportation commuted. Thus it would seem that if a convict was either deemed capable of reform or could provide a service to the country they would be removed from the transportation lists demonstrating that Britain predominantly sent to the colonies those who she did not want to keep in the realm.

3.2.3 *Preparing for embarkation*

Once a vessel was chartered a notice was delivered to every sheriff and jailor in England, Scotland and Wales, which advised them to send a list of felons who had been sentenced to transportation, along with their age, crimes committed and sentence length.³⁶³ It is clear that at certain points these lists were consulted and used to select felons for the colonies. After constant complaints by Arthur Phillip that he needed convicts with skills, *The Times* advised, 'Nine convicts from the hulks at Langstone Harbour and sixteen from the hulk laying off Weevil... embarked on his Majesty's ship *Guardian* bound to Port Jackson[...] The twenty five convicts now embarked all of them are artificers, butchers, house carpenters and blacksmiths'.³⁶⁴ However, unfortunately the *Guardian*, which sailed from Spithead on 12 September 1789, was wrecked at the Cape, which meant that Phillip did not receive the skilled labourers he desperately needed.

It is also likely that the transportation lists were consulted to select the convicts who embarked on the *Pitt*, which sailed for Botany Bay on 17 July 1791. Days before the vessel departed, the newly appointed Home Secretary, Henry Dundas wrote a letter to Phillip regarding the pending embarkation of the convict ship and

³⁶³ No evidence has yet been found on how convicts were gathered in Ireland for ships that embarked from Cork, although it is likely the same process was followed.

³⁶⁴ *The Times* (London), 10 September 1789; Issue 1253, p. 3.

the men, women and children who had been sent on board.³⁶⁵ Dundas advised, '[i]n selecting the convicts who compose the present embarkation care has been taken that no persons but such as are likely to be useful in the settlement will now be sent out.'³⁶⁶ Unfortunately, Dundas did not indicate on what grounds the convicts transported by the *Pitt* were deemed useful, or whether this was a mere token gesture to appease the Governor who had by 1791 complained repeatedly that the convicts sent to New South Wales did not possess the required skills to labour in the infant settlement. Nevertheless, Dundas was true to his word. From the available surviving evidence, the *Pitt* sailed with 352 male convicts who were aged between 14 and 40 and 58 female convicts aged between 16 and 34.³⁶⁷ The gender ratio of this vessel meant that 85 per cent of those who embarked were men.³⁶⁸ Whilst the low number of women created a notable female deficit, New South Wales was in desperate need of male labourers who were of an appropriate age to work the land. Unfortunately, as the detailed indents which exist for the latter period do not for the early years, it is impossible to ascertain what skills the convicts who travelled on board the *Pitt* possessed. However, given that they were taken from a mix of agricultural and urban regions of Britain, it can be supposed that a number possessed skills from a range of industries including farming, husbandry, sailing, trading and manufacturing.³⁶⁹ The women sent on board the *Pitt* would also have possessed labour skills. They may have had experience as farm hands, selling goods, or in

³⁶⁵ Letter dated 5 July from Right Honourable Henry Dundas to Governor Phillip, HRNSW: Phillip, 1783-92, p. 496-497

³⁶⁶ Ibid, p. 496-497

³⁶⁷ See below.

³⁶⁸ This was slightly higher than the 75 per cent average of males travelling in slave ships between 1680 and 1700 as when slave labour began to dominate in the British Caribbean colonies. From the surviving evidence slave vessels which embarked from London, Liverpool and Bristol between 50 and 75 per cent of slave cargos were men. See TASTD [Accessed 05/05/15]

³⁶⁹ The convicts embarked on the *Pitt* were convicted at the Quarter sessions and Assize courts in Aberdeen, Ayr, Bedford, Berkshire, Bristol, Buckinghamshire, Cambridge, Isle of Ely, Carmarthen, Cornwall, Cumberland, Derby, Devon, Dorset, Dumfries, Edinburgh, Essex, Glasgow, Gloucester, Glamorgan, Hereford, Hertfordshire, Huntingdon, Jedburgh, Kent, Lanarkshire, Lanarkshire, Lancaster, Leicester, Lincoln, London, Middlesex, Monmouth, Montgomery, Norfolk, Northampton, Nottingham, Oxford, Perth, Somerset, Southampton, Stafford, Suffolk, Surrey, Warwick, Wiltshire, Worcester and York. See the Transportation Registers, TNA: HO 11/1/155-172.

households. They also appear to have been a suitable age for marriage and childbearing, which was essential to producing the first generation of free Australians.

Thus it would appear that the third stage in the selection process depended upon who was available and also if the Home Secretary attended his duties diligently with regards to checking whether those embarked were suitable for the colony. It is evident that Dundas did check the transportation lists at the beginning of his career as Home Secretary. However, as war broke out he was appointed as a War Minister and in 1794 obtained the position of Secretary of State for War, which meant that he was replaced as Home Secretary by the Duke of Portland, William Henry Cavendish-Bentick.³⁷⁰ In total, the position of Home Secretary was occupied by eight men between the decision to send convicts to Botany Bay in 1786 and the end of the British slave trade in 1807. However, as we shall see in the last section of this chapter, not all of them consulted the transportation lists as rigorously as Dundas had for the *Pitt*. Not only did convict ages range from under 10 to over 80, the crimes committed were not typically overtly heinous and in certain instances some transportees had very little time remaining on their sentence. The unfortunate instance of those who were shipped to the Antipodes under the sentence of transportation but were free on arrival in Botany Bay was brought to the attention of Parliament in 1801. In the House of Commons, it was advised that:

40 men were transported, each of whom had only one year of the term of his punishment to come when he was embarked, and ten of them had only nine months... although the voyage is of nine months; so that when they reached the place of their punishment, they had by law no punishment to suffer.³⁷¹

³⁷⁰ Eight different men held the position of Home Secretary between 1786 and 1807, in chronological order these were Lord Sydney, Lord Grenville, Henry Dundas, the Duke of Portland, Lord Pelham, Charles Philip Yorke, Lord Hawesbury, Earl Spencer.

³⁷¹ Thomas C. Hansard, *Parliamentary Debates from the year 1803 to the present time*, vol. 17 (London: T. C. Hansard, 1812), p. 327.

In this case, it is likely that these men had been employed in Britain and helped with the war effort at home. However, when they had completed their task, space on a convict ship became available or the Governor requested skilled labourers, so they were sent to Botany Bay.

3.2.4 Embarkation

The fourth stage in the selection process took place either immediately before or just after convicts were embarked on board transport vessels, as men, women and children were checked for visible signs of disease or contagions. In an attempt to stop convicts from boarding vessels with illness, the person who delivered the prisoners was supposed to carry a certificate of health, but this was sometimes ignored or forged to ease pressures in various jails. There was the option for captains and surgeons to refuse convicts if they thought they would not survive the voyage, or if they believed they were a carrier of infectious disease.³⁷² However, despite attempts to stop convicts boarding vessels with various disorders, many illnesses were difficult to detect. In the case of the *Hillsborough* some of the convicts had embarked on the vessel with a bad fever, which began to rage through the ship. Mr Groundwater, the contractor's agent at Gravesend who was in charge of the convicts, advised that 40 or 50 would have to be landed back on the shore.³⁷³ On defending their part in the high mortality rate experienced on board the vessel, the Transport Board advised that the health of the convicts when they embarked 'cannot be supposed to be under the immediate cognizance of this department'.³⁷⁴ They went on to explain that they had the 'greatest reason to believe, that the infection, whether the Gaol-fever or other

³⁷² A letter from Duncan Campbell to Captain Erksine advised that Duncan Sinclair, master of the *Alexander* transport vessel would sign for all convicts apart from those 'stopt by death or sickness'. *Convict Transportation and The Metropolis Letterbooks and Papers of Duncan Campbell*, p. 253.

³⁷³ Transport Board letters out 1795-1799, TNA: ADM 108/19/155

³⁷⁴ In total 31.7 per cent of the convicts embarked on the *Hillsborough* died during the voyage. This figure does not take into account those who died on board the transport as lay in wait in Britain.

epidemical disorder, was carried on board by the persons of the convicts or their clothes from their places of previous confinement.’³⁷⁵

Between 1795 and 1802, Sir Jerome Fitzpatrick, Inspector General of Health to His Majesty’s Land Forces, a character who will be explored thoroughly in the last chapter of this thesis, checked the transports which departed England to ensure convicts who would not survive the voyage were removed from the ship. A rare insight into the selection process can be found in a letter from the Transport Office to John Sullivan dated January 1802, which advised that ‘the selection of the persons who are to be conveyed is under order of His Majesty’s Principal Secretary of State for the Home Department, and the examination of their fitness or disease is entrusted to the inspection of Sir Jeremiah Fitzpatrick, who it is understood, constantly attends this duty.’³⁷⁶ The former may only have impacted the selection of convicts on sporadic occasions, however the latter attended to his duty diligently. Fitzpatrick continuously removed convicts who he believed could not survive the voyage.³⁷⁷ For example, in 1801 he ordered two female convicts from the *Nile* to be taken on shore because they were subject to convulsive fits.³⁷⁸ He was aided in his duty by the surgeons on board the vessels. Captain Patton, agent for the Transport Board at Portsmouth, wrote to his colleagues and informed them that the surgeon of the *Experiment* had advised that a number of convicts were unfit for the voyage to New South Wales.³⁷⁹ He claimed the prisoners suffered from asthmatic illnesses, dropsy, venereal diseases, infirmity from age and debility.³⁸⁰ Through this correspondence can be identified that a proportion of the convicts loaded onto transport vessels were unfit to survive the voyage. Thus, they did not travel to Botany Bay at that particular time. In addition, it also demonstrates further that the needs of

³⁷⁵ Transport Board letters out 1799-1806, TNA: ADM 108/20/49.

³⁷⁶ Ibid, folio 121.

³⁷⁷ Fitzpatrick’s exceptional contribution to convict transportation will be thoroughly assessed in the final chapter of this thesis.

³⁷⁸ Ibid, folio 94.

³⁷⁹ Ibid, folio 199

³⁸⁰ Ibid, folio 199.

the colony had not been taken into consideration, as the intention to send convicts with ailments or poor health meant that they would be a drain on resources. The consideration here was only that the convict would not survive the voyage not whether they could labour in the colonies.

There are multiple possible reasons why the selection of convicts was not overly rigorous between 1787 and 1807, some of which were financial whilst others were primarily social. Firstly, county jails wanted rid of their prisoners as quickly as possible, as local taxes contributed to their upkeep. Thus, at times convicts were sent to embark on transport vessels to alleviate economic pressures – especially in large urban centres. Secondly, the government was working on an extremely tight timescale, which meant that a delay in the selection or deliverance of convicts meant higher overheads. Once the vessel was ready to receive their human cargo, a delay after a pre-agreed date meant that they were penalised financially. The demurrage for the *Ganges* was agreed in the charter party at £20 per day and once that sum had become payable the Transport Board sent a letter to the Duke of Portland, which begged convicts to be sent down to the ship as soon as possible.³⁸¹ In 1806 the Transport Board urged Lord Hawkesbury to give the necessary directions to get the convicts embarked on the *Sydney Cove* as the demurrage amounted to more than £12 per day.³⁸² Therefore, there was a pressure to fill transports and send them across the seas as quickly as possible. Thirdly, the war years meant that the Home Office and Transport Board were extremely busy and thus did not have the time to evaluate each individual's suitability. Ultimately, however, it is more likely that those in Britain were not concerned as to whether those sent to the Australian colonies were of value to the Governor, as they wanted only to rid Britain of her criminal masses.

In summary, it is clear that the courts did not distinguish who should receive the sentence of transportation based on how useful a convict would be to the

³⁸¹ Transport Board letters out 1795-1799, TNA: ADM 108/19/201.

³⁸² Transport Board letters out 1799-1806, TNA: ADM 108/20/237, 238 and 243.

Australian colonies. Their role in the selection process was merely to judge whether transportation was a suitable punishment for the crime that was committed. The second stage demonstrates the ability for useful convicts to be removed from the supply pool and thus shows that those sent to the colonies were very much those who were deemed to be of no use to the nation. The third stage demonstrates that at certain times the Home Secretaries chose convicts who would be of use in the colonies, however only after continual prompts from the Governor of New South Wales. The final stage was the only attempt to prevent undesirable convicts from boarding transport ships. In a number of cases the Transport Board's agents, convict ship captains, surgeons, and government officials like Fitzpatrick removed prisoners from vessels, however the key reason was because they believed that certain prisoners would not survive the voyage not because they were undesirable to the colony.³⁸³

3.3 *The demographic profile of captives sent to the Australian colonies*

Although there was no uniform selection process, the demographic profile of those sent to the penal settlement was conducive to successful colonisation. Collectively, the gender composition, age and the convicts' capacity to labour enabled the Australian colonies to survive and gradually expand into a pivotal part of the Second British Empire. In the main, convict transportation mirrored that of other free and forced labour migrations in that the convicts supplied to the Antipodean settlement were primarily men aged between 18 and 40 who possessed the capability to work in labour intensive environments. However, this was coincidental, not well thought out, and depended solely on the profile of those who committed crime in Britain. Thus, convict transportation was a penal punishment that as a by-product supplied

³⁸³ Although, these factors could be linked it seems unlikely. The motivations to remove convicts who would not survive the voyage were economic as will be discussed in the final chapter of this thesis. For the contractor (and therefore his agent), captain and surgeon, convict deaths impacted revenue from the voyage. In the case of Fitzpatrick humanitarian concerns were taken into account. Again this will be expanded on the final chapter of this thesis.

workers, it was not a conventional labour migration system. Nevertheless, prisoners were effective human capital for the Australian colonies.

3.3.1 Gender

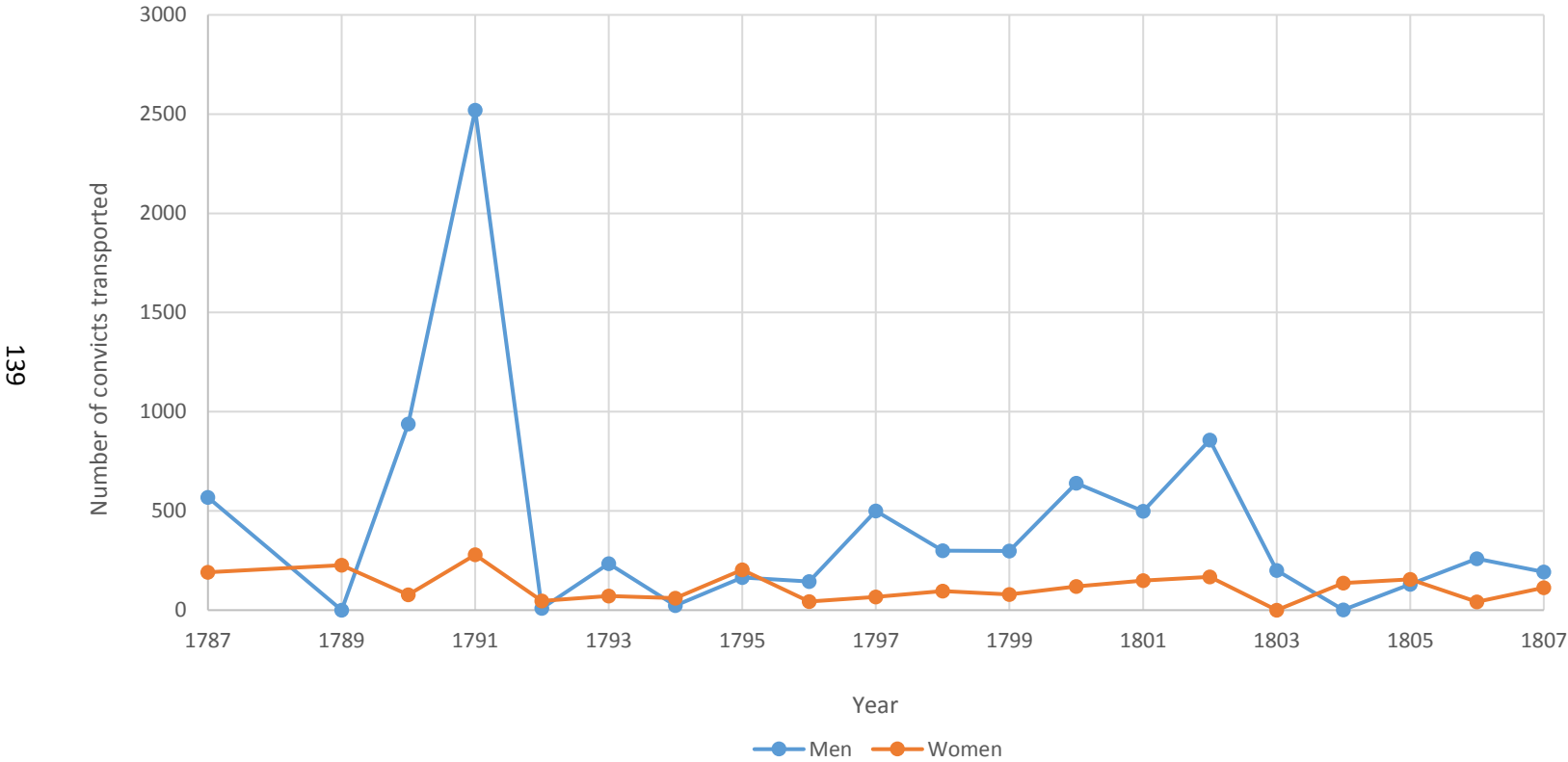
During the initial settlement of Botany Bay, it was crucial that the majority of convicts sent to the Antipodes were men to clear the land, hunt, gather resources and build basic infrastructure. However, it was also necessary to transport a small number of women to complete domestic tasks, marry and through reproduction create a self-reproducing community of colonists. When the First Fleet arrived at Sydney Cove, Governor Phillip wrote a letter to Lord Sydney which documented their safe passage and his first impressions of the penal settlement. In this correspondence, Phillip advised that due to the small number of females sent out with the First Fleet it was imperative that the colony received more women.³⁸⁴ Sydney responded by filling the *Lady Juliana*, which departed from Plymouth with 226 female convicts. However, the correspondence sent between Governor Hunter and the Duke of Portland was far more common in that it advised the colony needed more men. On 18 November 1796, Hunter wrote a letter to the Duke of Portland detailing the arrival of the *Prince of Wales* transport, the progress of the colony and the subject of the impending arrival of more prisoners.³⁸⁵ With regards to the latter he advised that all the convicts sent in the next transport should be male, 'and not part men and part women', as the settlement had more than enough females. He went on to state, 'We have scarcely any way of employing them, and they are generally found worse characters than the men'.³⁸⁶ As demonstrated in Figure 3.1, in the seven years after 1796 far more men were embarked on board convict ships than women.

³⁸⁴ HRNSW: Phillip, p. 127.

³⁸⁵ HRNSW: Hunter p. 182

³⁸⁶ Ibid, p. 182

Gender distribution of convicts embarked on transport vessels from Britain, 1787-1807



Source: Bateson, *The Convict Ships, 1787-1868*, pp. 100, 127, 131, 138, 144, 147, 151, and 171.

As we can see, the transportation of women remained extremely low throughout the period of study. In total, only 27.4 per cent of those transported to New South Wales were female, meaning that there were 2.6 men for every woman relocated to the settlement. This broadly follows the findings of British crime historians, such as Peter King, who have demonstrated that women committed less crime and were less likely to be convicted than men in the late eighteenth and early nineteenth centuries.³⁸⁷ It is this trend in criminal convictions that serves to explain why the number of females transported (2,322) was so low in comparison to men (8,483). It is possible that if the trend in criminal convictions had been reversed the Australian colonies would have received a far higher number of women. As the jails were already overcrowded, continuous influxes of women would have led to further pressures on penal institutions without the option to send them to the hulks.³⁸⁸ Thus more jails would have been required, a scheme which had already been deemed too expensive. In addition, whilst they were in places of confinement women were not useful to the state. The men on board the hulks, on the other hand, were often put to hard labour while they waited to be transported. Thus, it is likely that the expense of new places of confinement and the inability of women to perform hard labour tasks such as dredging the Thames would have provided further impetus to have them sent beyond the seas.

In many respects, the early economic growth of the Australian colonies was due to the proportion of men who committed crime. The percentage of male transportees sent to New South Wales, especially between 1796 and 1803, mirrored those which have been identified in the slave trade and convict transportation to the

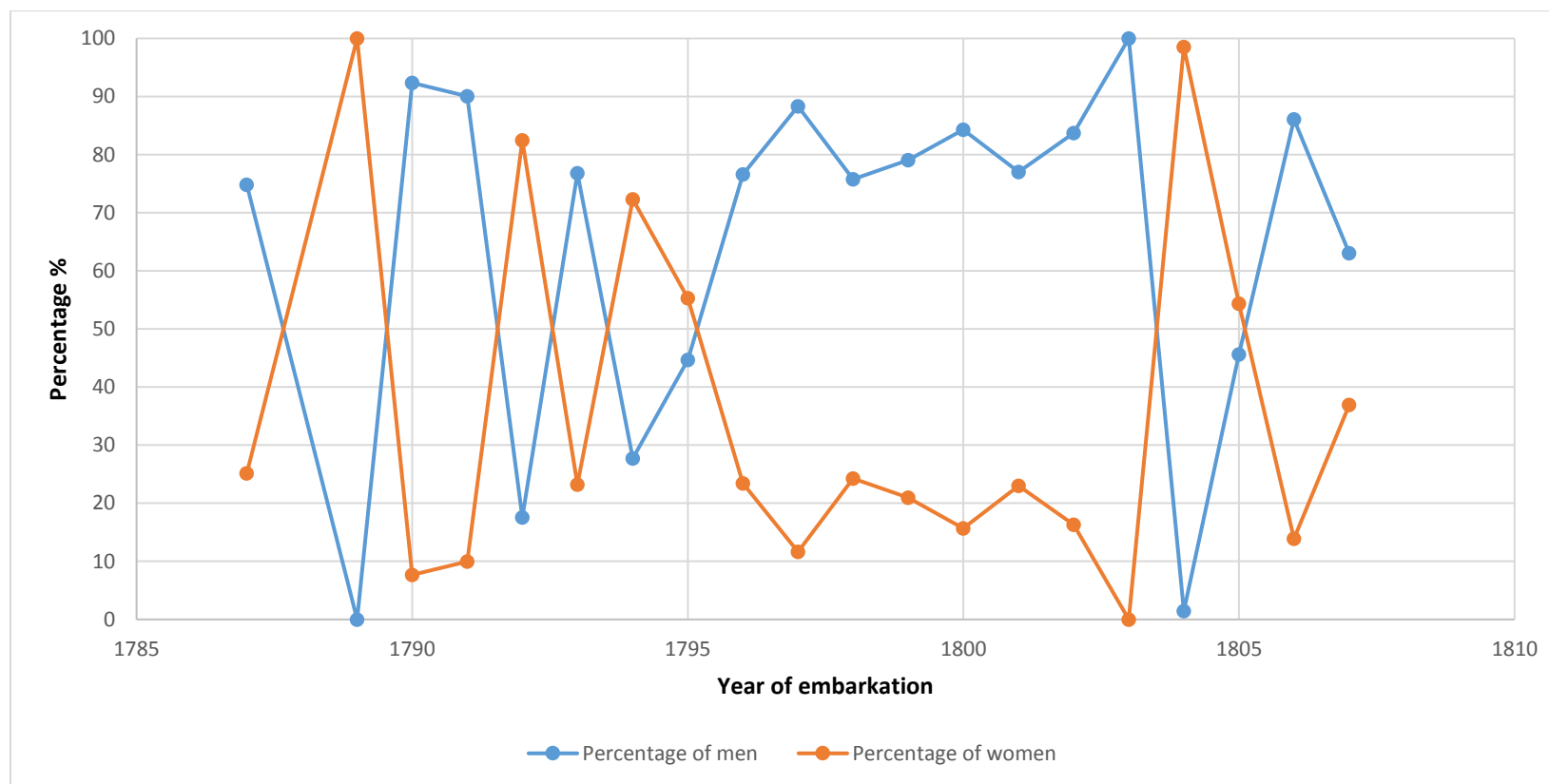
³⁸⁷ Frank McLynn has found that only 12 per cent of convicted criminals in the Home Countries were female in the 1780s and Peter King has demonstrated the proportion of females brought before the court at Essex between 1750 and 1807 was consistently around 13.65 per cent. See Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (New York: Routledge, 1989) and Peter King, 'Decision-Makers and decision making in the English Criminal Law, 1750-1800,' *The Historical Journal*, 27:1 (1984), pp. 25-58. For an overview of historical analysis regarding gender and crime in the eighteenth century see, David J. Cox, *Crime in England 1688-1815* (Oxon: Routledge, 2014), p. 129.

³⁸⁸ Women were not typically housed in the hulks.

Americas.³⁸⁹ In most years during the period of study the percentage of males shipped was typically between 70 and 90 per cent. Figure 3.2 demonstrates that, in terms of gender, the majority of convict ships were packed with a ratio of men to women conducive to early economic growth.

³⁸⁹ See Figure 3.2.

Figure 3.2: Gender profile of convicts embarked on transports, 1787-1807



Source: Bateson, *The Convict Ships, 1787-1868*, pp. 100, 127, 131, 138, 144, 147, 151 and 171.

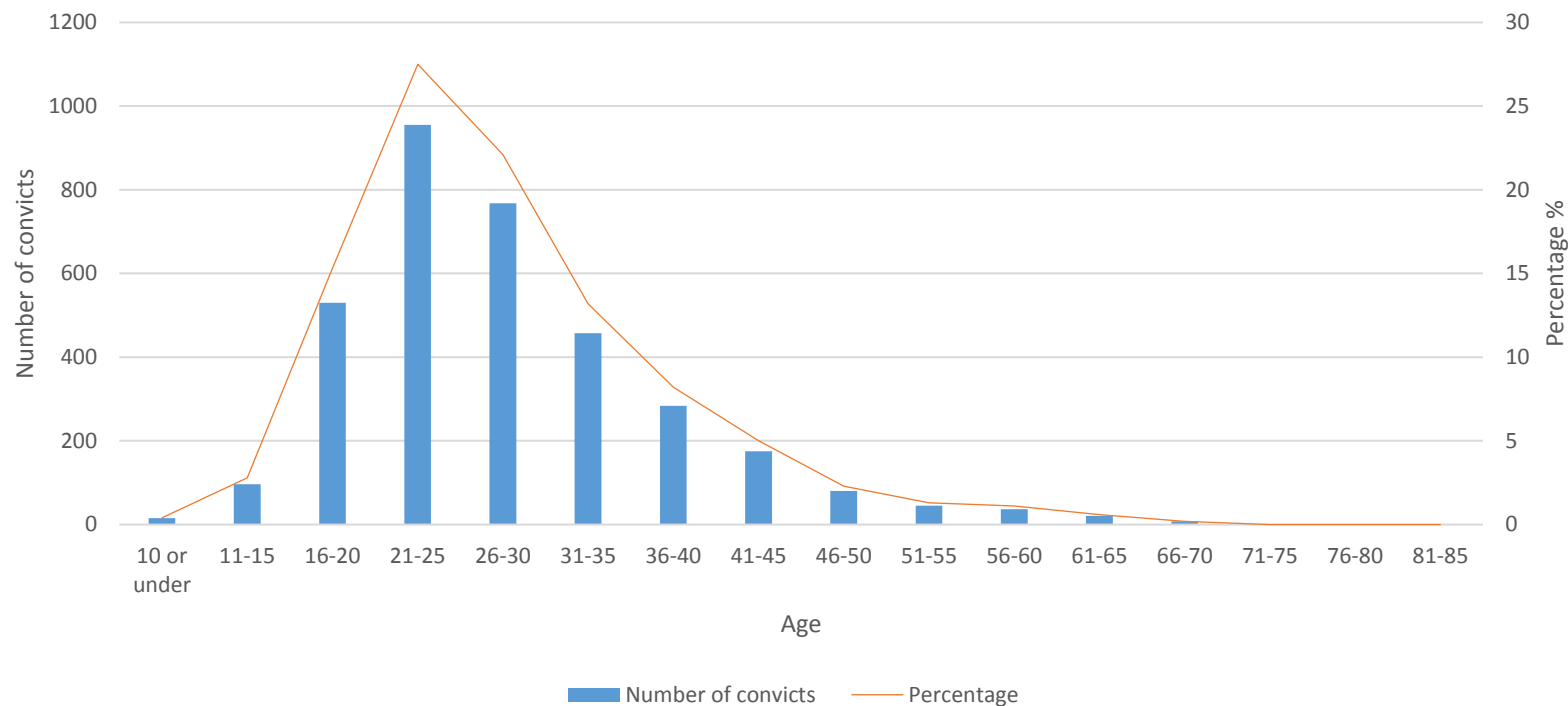
As Figure 3.2 shows, the percentage of men shipped to New South Wales was higher every year apart from 1789, 1792, 1794, 1795 and 1804. Whilst the first and possibly second can be explained by Governor Phillip's request or the number of women still languishing in jails across the country waiting to be transported, the third and fourth can possibly be attributed to the order for conscription in 1793 and the lack of available men with no valuable skills at home. The final year has no obvious cause, however again the return of war was likely to have been a contributing factor. This further demonstrates that Britain very much dictated who would be sent to the colonies based upon who remained in the supply pool and was deemed of no use to the country. Thus, it was owing to good fortune that the colony received a percentage of men conducive to economic growth.

3.3.2 Age distribution of convicts sent to the Australian colonies

While achieving the correct gender balance was important to the settlement's longer term success, receiving convicts who were age appropriate for peak labour output was imperative to its initial survival. Based on the requirements of colonists across the Atlantic, the desirable age bracket for forced migrants was between 18 and 40.³⁹⁰ As demonstrated by Figure 3.3, most transportees who embarked on board convict ships were situated in this age bracket.

³⁹⁰ This does not mean that those under 18 were not desirable, they could clear land and help build infrastructure. Some apprenticeships started at 10 years old, however in order to get the best labour output it was more conducive to hard labour if convicts were aged 18 or above or 40 or below.

Figure 3.3: Age distribution of convicts embarked on board transport vessels, 1787-1807

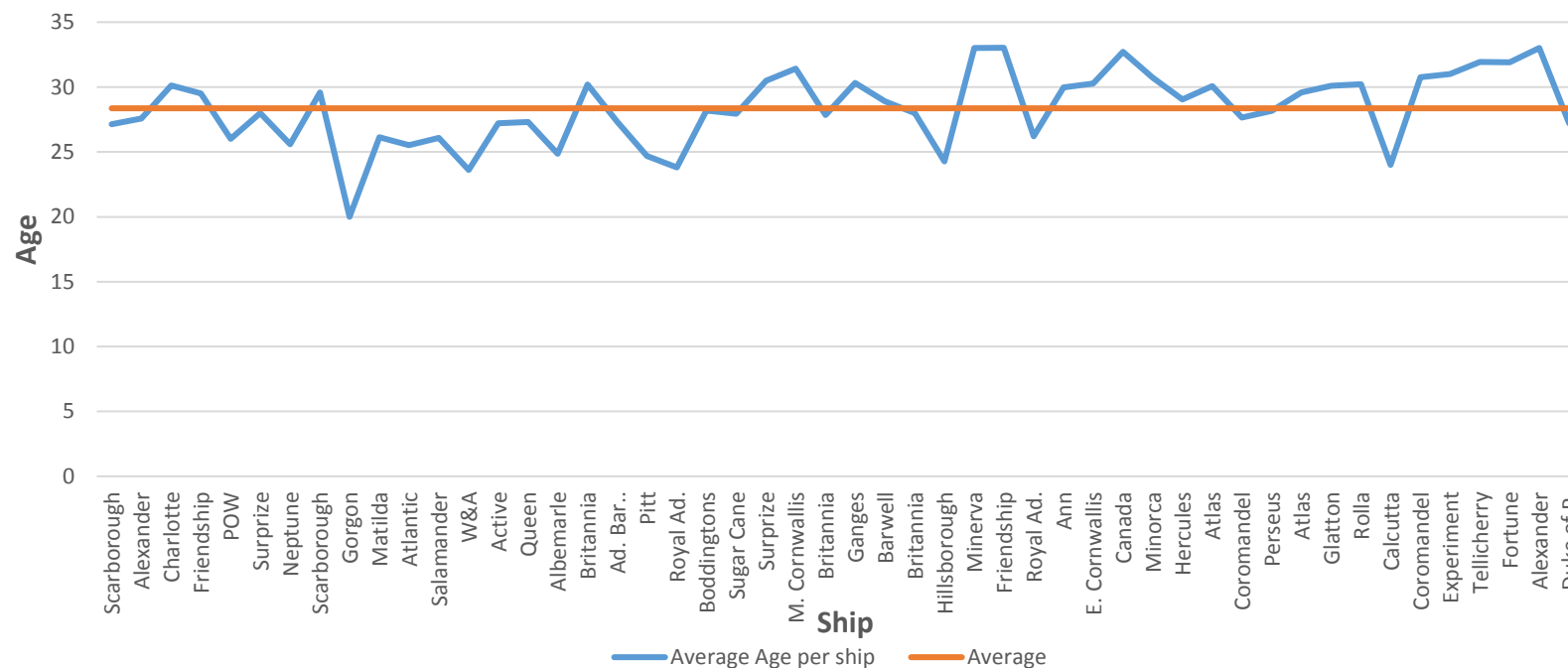


Source: SLNSW: Arthur Bowes Smyth illustrated journal, Pamela Jeanne Fulton, *The Minerva Journal of John Washington Price: A Voyage from Cork, Ireland, to Sydney, New South Wales, 1798-1800* (Melbourne: Melbourne University Press, 2000) p. 62-70; TNA: Census A-Z, HO: 10/21-27; FFO-
<http://firstfleet.uow.edu.au/index.html> and Sián Rees, *The Floating Brothel: The extraordinary true story of 18th- century ship and its cargo of female convicts* (London: Headline Publishing, 2001), pp. 1, 7, 10, 14, 16, 17, 18, 20, 22, 26, 27, 49, 50, 68, 70, 78, 91, 95, 96, 97, 102, 103, 109, 118, 125, 136, 146, 158, 160 and 196.

The majority of convicts who embarked on transport vessels were aged between 21 and 25, followed by those situated in the age bracket between 26 and 30. This trend correlates with the findings of King, who has demonstrated that in relation to their percentage in population those aged between 20 and 24 were more likely to appear before the courts for committing crime followed by those in the age bracket 25 to 29.³⁹¹ However, this figure also demonstrates convicts were transported despite being in the latter stages of life. This further illustrates that selection was not based on age nor was there any restrictions as to how young or old convicts could be when loaded on board convict ships. Despite this, as demonstrated in Figures 3.4 and 3.5, the average age of male transportees over the period was 28 and for females was 25.

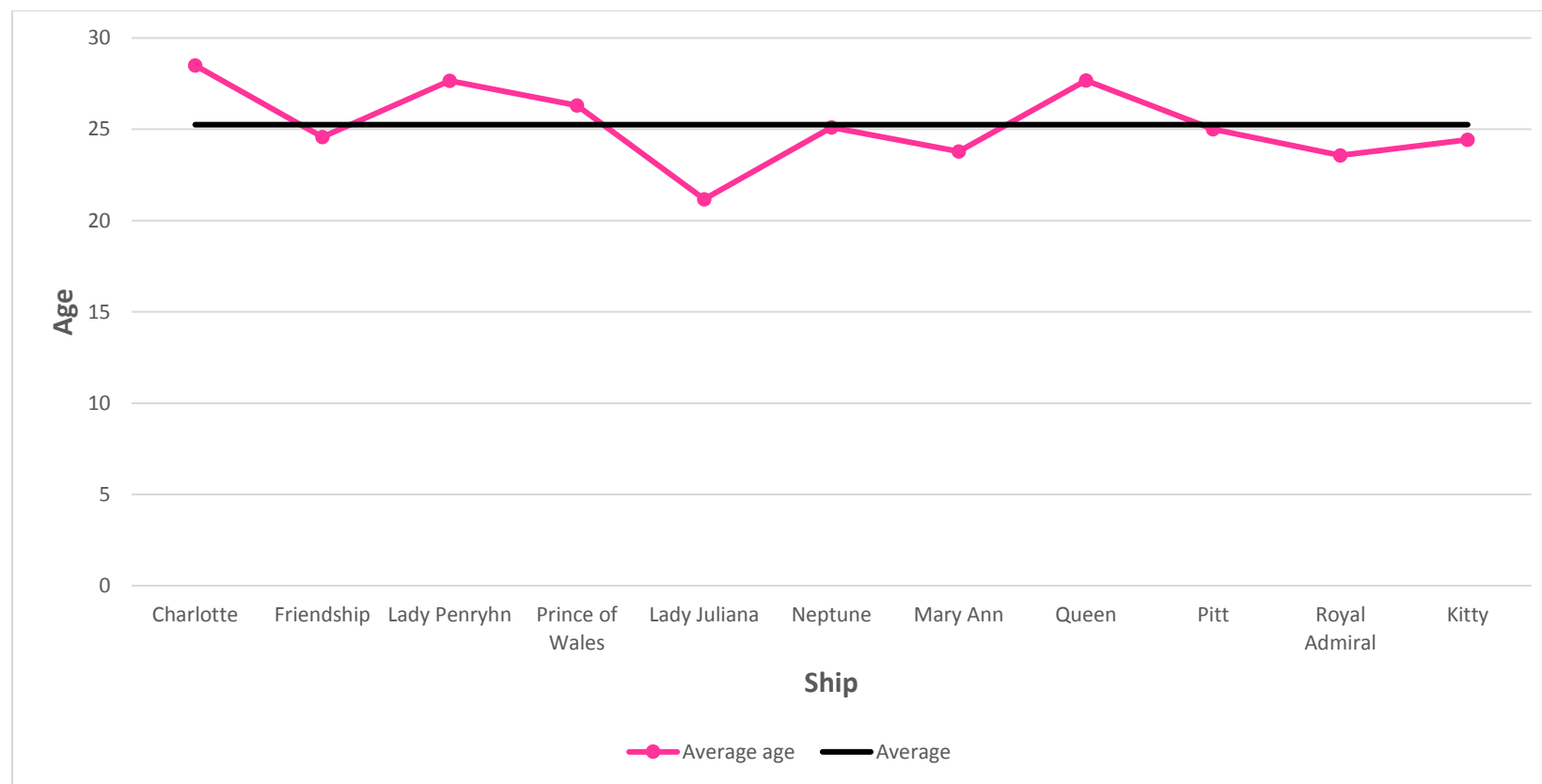
³⁹¹ Peter King, 'Decision-Makers and decision making in the English Criminal Law,' p. 36.

Figure 3.4: Average age of male transportees per vessel, 1787-1807



Source: SLNSW: Arthur Bowes Smyth illustrated journal; Fulton, *The Minerva Journal*, p. 62-70; TNA: Census A-Z, HO:10/21- HO:27; FFO-
<http://firstfleet.uow.edu.au/index.html>; Rees, *The Floating Brothel*, pp. 1, 7, 1014, 16, 17, 18, 20, 22, 26, 27, 49, 50, 68, 70, 78, 91, 95, 96, 97, 102,
 103, 109, 118, 125, 136, 146, 158, 160, 196 ; Peter Mayberry, (ICNSW), 1788-1849, <http://members.pcug.org.au/~ppmay/convicts.htm> [Accessed
 03/04/2015] and Database of Transported Convicts 1788-1868 (Lincolnshire), <http://www.lincstothepast.com/> [Accessed 03/04/2015].

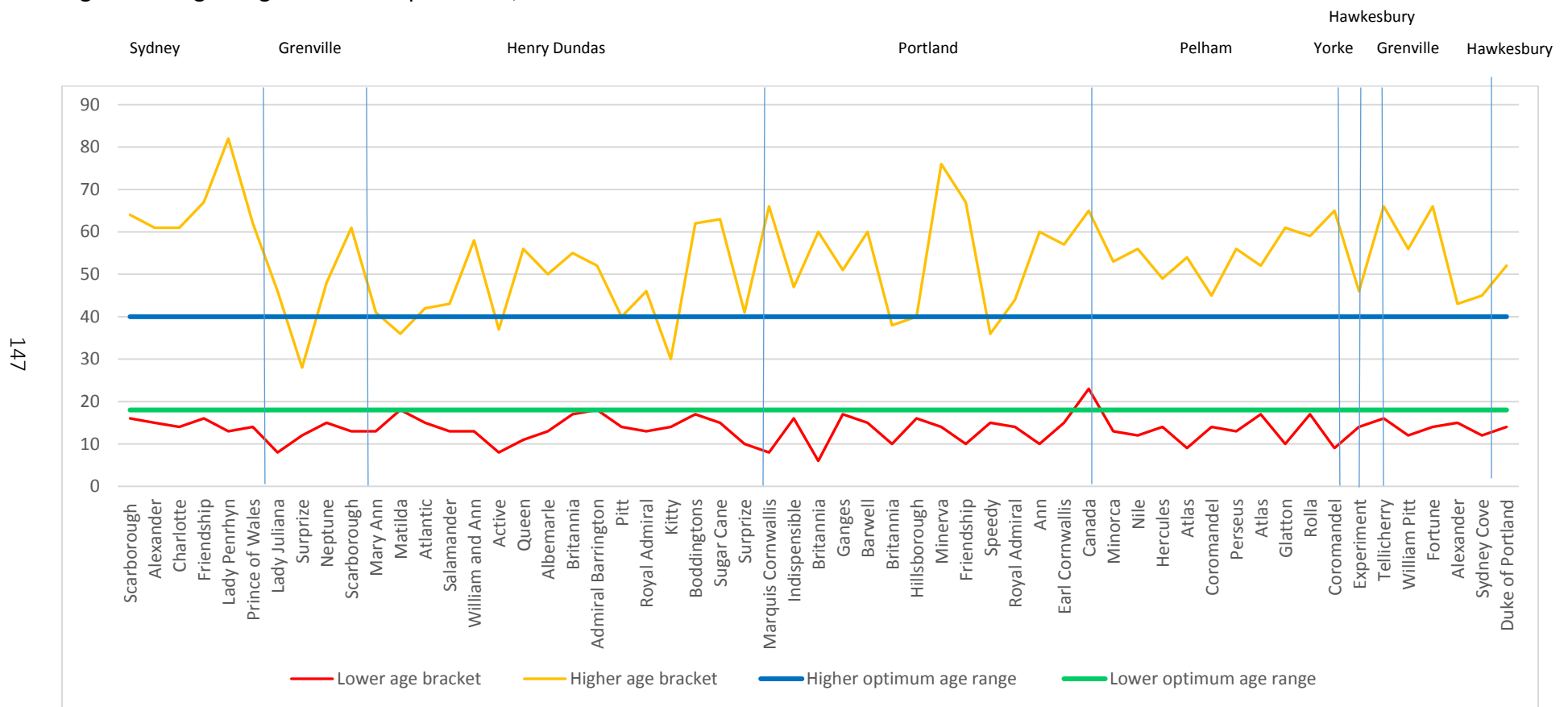
Figure 3.5: Age distribution of females per vessel, 1787-1807



Source: SLNSW: Arthur Bowes Smyth illustrated journal, Fulton, *The Minerva Journal*, p. 62-70; TNA, Census A-7, HO: 10/21-HO 10/27; FFO-
<http://firstfleet.uow.edu.au/index.html> [Accessed 05/01/2015] and Rees, pp. 1, 7, 1014, 16, 17, 18, 20, 22, 26, 27, 49, 50, 68, 70, 78, 91, 95, 96, 97, 102, 103,
 109, 118, 125, 136, 146, 158, 160, 196.

Although both figures demonstrate that the average age of convicts was conducive to labour in the colonies, when the age range of individual convict ships is analysed a different picture emerges.

Figure 3.6: Age range of convicts per vessel, 1787-1807



Source: SLNSW: Arthur Bowes Smyth illustrated journal; Fulton, *The Minerva Journal* p. 62-70; TNA, Census A-Z, HO:10/21-27; FFO-

<http://firstfleet.uow.edu.au/index.html> and Rees, *The Floating Brothel*, pp. 1, 7, 1014, 16, 17, 18, 20, 22, 26, 27, 49, 50, 68, 70, 78, 91, 95, 96, 97, 102, 103, 109,

118, 125, 136, 146, 158, 160, 196.

Based on this evidence, it would seem that when the Home Secretaries selected convicts to embark on convict ships the age of the offender was rarely consulted. Under Lord Sydney, the oldest convict to our knowledge to have set sail between 1787 and 1807 was 82-year-old Dorothy Handland on board the *Lady Penrhyn*. Lord Grenville and Henry Dundas appear to have agreed to transport those between the ages of 8 and 65, while 76-year-old Timothy Dowling travelled on board the Irish transport *Minerva* under the direction of the Duke of Portland.³⁹² In Portland's defence, we know very little about how much involvement the Home Secretaries in England had over the convicts embarked on board Irish convict ships during the period of concern. However, the upper age limit of the convicts embarked from England suggests that Portland directed convicts between the ages of 14 and 60 to be transported. It would seem that Lord Pelham and Charles Philip Yorke sent convicts to New South Wales who were aged between 9 and 65 years old. On the other hand, Lord Hawkesbury may have believed the upper age range was too high, as the evidence collected suggests that he directed convicts between the ages of 12 and 52 to be transported.

Although these findings supply only tentative conclusions, as limited source material has been discovered, it is clear that the rigorous age boundaries that were employed in the convict and slave trade to the Americas cannot be identified in the transportation system that existed to the Australian colonies between 1787 and 1807. It seems that most Home Secretaries selected convicts to be transported between the ages of 9 and 65. Due to this, in total 16.9 per cent of convicts sent to New South Wales would have been undesirable in labour markets located across the Atlantic as they were aged below 18 or over 40.³⁹³ This further reinforces the view

³⁹² Peter Mayberry, (ICNSW): Thomas Dowling, <http://members.pcug.org.au/~ppmay/cgi-bin/irish/irish.cgi?requestType=Search2&id=8121> [Accessed 03/02/2016]

³⁹³ It is likely that this figure is far larger as a key source used in this analysis was the 1828 census conducted in New South Wales, 40 years after the First Fleet had sailed and 11 years after the end of the period of study. Thus it is reasonable to suggest that a significant number of convicts aged over 40 when they were transported would have died.

that rather than a consumer-led system of forced migration, convict transportation to the Australian colonies was very much shaped by who Britain no longer wanted to keep in the realm.

3.3.3 *Skilled labourers*

In order for the Australian colonies to flourish there was a need for convicts to possess labour skills that were conducive to economic growth. Thus, the infant colonies at New South Wales needed a mix of both skilled and unskilled labourers to clear land and build infrastructure. From the outset, Governor Phillip complained that the convicts were deficient in useful skills. In a private letter dated 20 June 1789 to Under Secretary of State Evan Nepean, Phillip advised that he hoped only a small number of convicts would be sent out for at least a year unless they were carpenters, masons, bricklayers or farmers. He stated that a great 'numbers of those now here are a burthen [burden] and incapable of any kind of hard labour'.³⁹⁴ In response, the *Guardian* was sent to the colony with skilled convicts on board. However, the vessel was delayed after she hit an iceberg and had to limp back to the Cape. In light of this calamity, on 20 June 1790 Governor Phillip wrote to William Grenville with yet another plea for convicts who were skilled.³⁹⁵ He expressed that he was worried the men who had been sent out with the *Guardian* would be sent back to Britain and that they would lose the artificers that the colony desperately required. Phillip documented that on this date New South Wales had received only six carpenters, four blacksmiths, two brick layers and one stone mason among the convicts transported.³⁹⁶ This is not surprising as the First Fleet was filled with convicts who had been tried in London or Middlesex, thus most likely possessed skills indicative of an urban centre. The Governor went on to state that carpenters were in the highest

³⁹⁴ HRA, Vol. 1- 1788-1796, p. 55-56

³⁹⁵ HRNSW: Phillip, p. 352

³⁹⁶ Ibid, p. 352

demand, as only three out of the six convicts who had stated their profession in this trade were not up to standard.³⁹⁷

When they were prompted by the Governors, there is some evidence to suggest that the Home Secretaries strove to ensure skilled convicts were sent to the colony. It is likely that the *Kitty*, which embarked in March 1792, had been purposely filled with ten suitable male labourers.³⁹⁸ Phillip advised that three men 'were carpenters, two brickmakers, two bricklayers, one gardener, one joiner and one blacksmith'.³⁹⁹ It is extremely likely that these men were selected due to their occupations. However, the plea by Governor Hunter in 1795 demonstrates that the exceptionally skilled male cargo on board the *Kitty* was not typical. He advised that the colony could 'receive and dispose' of more than 1,000 convicts, but it was necessary for the settlement's advantage that as many as possible should be carpenters, smiths and other tradesmen.⁴⁰⁰ He went on to point out:

If this colony had the advantage of having such mechanics and artificers as are sent out here instead of being detained in the hulks and in houses of correction at Home, a great advantage would arise from possessing some people of that description, instead of the numbers that are almost entirely composed of the worthless London pickpockets who are incapable of any honest or industrious exertion beyond what they absolutely are compelled and driven to.⁴⁰¹

King highlighted two problems with transportation, the first was that useful convicts were being retained at home, and thus highlighted that there was no selection process based on labour skill. Secondly, he observed that the majority of convicts were sent from London. As demonstrated by Tables 3.1, 3.2 and 3.3, King was correct; the majority those transported were sentenced in London and Middlesex. This had negative ramifications as it is unlikely that the majority of those sentenced

³⁹⁷ Ibid, p. 352

³⁹⁸ 30 female convicts also travelled on this vessel.

³⁹⁹ HRA, vol 1, 1788-1796, p. 336.

⁴⁰⁰ Ibid, p. 534.

⁴⁰¹ HRA, Vol. III, 1801-1802, p. 330

in urban areas were skilled in agricultural practices or trades.

Table 3.1: English courts that convict transportees were sentenced
at, 1787-1807

Location of sentence	1787-1792	1793-1797	1798-1802	1803-1807	Total number transported from region
Middlesex	1,350	271	493	351	2,465
London boroughs	463	76	194	82	815
Surrey	181	34	151	86	452
Lancaster	122	19	125	99	365
Kent	156	19	91	58	324
York	136	34	62	52	284
Warwick	155	31	38	48	272
Hampshire	87	33	70	48	238
Essex	102	27	60	22	211
Somerset	75	11	59	43	188
Devon	79	17	47	21	164
Staffordshire	101	9	34	13	157
Worcester	51	26	59	20	156
Gloucester	80	8	38	19	145
Wiltshire	66	6	30	20	122
Herefordshire	65	9	27	13	114
Norfolk	79	6	18	11	114
Sussex	27	15	48	20	110
Shropshire	49	11	24	23	107
Berkshire	48	5	29	14	96
Lincoln	61	7	11	15	94
Nottingham	47	10	19	16	92
Derby	44	12	20	13	89

Bristol	27	5	28	24	84
Leicester	36	11	21	9	77
Cheshire	34	5	11	22	72
Northumberland	36	10	15	10	71
Northampton	32	9	16	11	68
Suffolk	44	3	17	4	68
Buckinghamshire	31	4	16	7	58
Hartford	20	1	27	10	58
Cambridge	29	2	8	13	52
Dorset	23	3	4	12	42
Bedford	25	6	5	4	40
Cumberland	16	7	12	5	40
Cornwall	24	5	4	6	39
Oxford	7	3	11	7	28
Durham	20	1	4	1	26
Huntingdon	8	0	5	3	16
Westmoreland	3	1	3	2	9
Ely	0	4	3	1	8
Rutland	2	0	0	1	3
Total	4,041	776	1,957	1,259	8,033

Source: Transportation Registers 1787-1807, TNA: HO 11/1/1-399.

Table 3.2: Scottish courts convict transportees were sentenced at, 1787-1807

Location of sentence	1787-1792	1793-1797	1798-1802	1803-1807	Number transported from region, 1787-1807
Glasgow	8	0	0	11	19
Aberdeen	8	0	0	7	15
Edinburgh	3	7	2	3	15
Perth	6	1	6	2	15
Dumfries	5	8	0	0	13
Inverness	7	0	0	1	8
Jedburgh	8	0	0	0	8
Ayr	1	0	1	2	4
Stirling	0	0	1	3	4
Argyll (Argyle)	0	3	0	0	3
Lanarkshire	1	0	0	0	1
Total	47	19	10	29	105

Source: Transportation Registers 1787-1807, TNA: HO 11/1/1-399

Table 3.3: Welsh courts convict transportees were sentenced at,
1787-1807

Location of sentence	1787-1792	1793-1797	1798-1802	1803-1807	Number transported from region, 1787-1807
Monmouthshire	18	0	8	2	28
Glamorgan	17	1	3	1	22
Carmarthen	11	0	4	6	21
Brecknock	9	0	4	6	19
Denbigh	7	5	1	1	14
Mongomery (Montgomery)	8	0	4	1	13
Pembrokeshire	6	0	1	5	12
Flintshire	6	0	0	0	6
Radnor	3	0	0	0	3
Merionethshire	0	0	2	0	2
Anglesea (Anglesey)	1	0	0	0	1
Ceredigion	0	0	0	1	1
Total	86	6	27	23	142

Source: Transportation Registers 1787-1807, TNA: HO 11/1/1-399

As identified in Table 3.1, 2,465 (29.8 per cent) of convicts transported between 1787 and 1807 were tried in Middlesex, a further 815 (9.8 per cent) were sentenced in the London boroughs and 452 (5.5 per cent) in Surrey.⁴⁰² Thus, a phenomenal 3,732 (45.1 per cent) out of the 10,696 of convicts sent from Britain and Ireland were convicted in these three counties. Furthermore, collectively the Home Counties sentenced 4,947 (57.05 per cent) of the convicts sent to the Australian colonies in this time period.⁴⁰³

These findings are closely akin to those in Peter King and Richard Ward's recent study of the regional variations of the implementation of the capital code for property offences at the centre and in the peripheries of Britain. They have argued that large areas of the mainland's peripheries did not utilize the bloody code on the same scale as the courts in and around London and South-East England.⁴⁰⁴ The findings presented here build on King's study and show that sentences of convict transportation were more likely to be enacted in the same places. There are several possible reasons for this. The first is demobilisation after the American War of Independence and the death years experienced by Britain, which prompted the unemployed to gravitate to the capital and surrounding regions between 1783 and 1793. In this period, the jails were already severely backlogged with convicts who had been sentenced during the penal punishments hiatus, which explains why the First Fleet vessels were filled with convicts from London and Middlesex with only small numbers being transported from the peripheries. Secondly, more property offences were committed in and around the capital and, as execution rates fell from the 1790s to the end of the century, a higher number of sentences for transportation were meted out and fulfilled. As has been suggested by King and Ward, those on the

⁴⁰² The percentages are worked out based on 8,280 convicts sent from England and 2,416 from Ireland making a total of 10,696 transported between 1787 and 1807.

⁴⁰³ The Home Counties included are Middlesex 29.77 per cent, London 9.84 per cent, Surrey 5.46, Hampshire 2.87 per cent, Essex 2.55 per cent, Hertford 1.38 per cent, Berkshire 1.16 per cent, Cambridgeshire 0.98, Sussex 0.82, Buckingham 0.7 per cent, Kent 0.7 per cent, Bedfordshire 0.48 per cent and Oxfordshire 0.34 per cent.

⁴⁰⁴ Peter King and Richard Ward, 'Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery,' *Past and Present*, 228 (2015), pp. 166-169

peripheries were less likely to formally prosecute offenders and approached retribution within a community setting.⁴⁰⁵ Therefore, it is possible that fewer sentences were meted out in the peripheries, or that reputable community members were more likely to apply for pardons on behalf of a prisoner. However, given the very low number of convicts transported from Wales (see Table 3.2) and Scotland (see Table 3.3) it would appear that far larger influences were at work. It is therefore possible that a selection process was in place, however this was not based on skill but on proximity to the capital and crucially to those who had an impact on decision making in Parliament.

Thus, it is possible that a concealed selection process was in place and was based upon economic and social factors within Britain. The first was that as the Treasury had to pay for the removal of convicts to the hulks or the transport vessels they were less likely to order those from the periphery to be brought to the South, or, at least, waited until a large number could be gathered and taken together. By contrast, those located in the Home County jails cost very little to be moved and thus were more readily available. The second was that the moral panic occurring in British newspapers over the prevalence of crime in the late eighteenth century focused almost exclusively upon London, which resulted in the need to eradicate a problem that was primarily in the capital. If this hypothesis regarding location is correct then it explains why the colonies received few skilled labourers. This coupled with those handpicked to help with the war effort at home meant that the needs of the colony would always remain in the background. However, the age of transportees and their propensity to work ensured that eventually colonists turned into valuable assets.

Conclusion

Although the economic objectives of both the slave trade and convict transportation were closely linked before the American Revolution, when convict transportation

⁴⁰⁵ Ibid, pp. 176-177.

resumed in 1787 the system which relocated convicts to the Australian colonies was very different, in terms of organisation, conveyance and execution. While the former looked to deliver enslaved Africans and convicts to the Americas who were suitable for labour, the latter sort to rid Britain of an abundance of felons that possessed no benefit to the mother country. The discretionary approach of the judicial system and the government's all-encompassing attitude to transportation meant that the Australian colonies received a mix of convicts, some of whom were suitable and some who were not. If we return to the selection process put forth by Oxley for women, it is clear that it was not restricted to those under the age of 45. In addition, it is impossible to ascertain whether those with the severest sentence were transported, as this would require an extensive analysis of the court records for each region to prove this hypothesis. This chapter does demonstrate, however, that health played a large part in the selection process, a theme which will be more fully expanded upon in the last chapter of this thesis.

It has also demonstrated that the hypothesis put forth by Nicholas and Shergold, namely that convicts were selected based on the functional needs of the colonies, was only applicable in certain cases. In the main, those who were available were transported and it was more likely that skilled convicts were kept in Britain to be either reabsorbed into their own societies or to help with the war effort. It also demonstrates that Higman's assumption that convicts were selected based on their skills cannot be applied in the early period. Typically, neither gender, age or occupational skills give a clear indication that a selection process was used to determine who was sentenced to embark on board convict ships to New South Wales between 1787 and 1807. There is no explanation as to why 82-year-old Dorothy Handland and 70-year-old Elizabeth Beckford were transported on the First Fleet vessel *Lady Penrhyn* in 1787. What labour advantages were gained from 66-year-old Morris Connor or Joseph Owen aged 67? The answer to these questions is surely none. Unlike the slave trade, economic motivations were not the primary driver and so selection, as demonstrated above, could be contradictory and lack uniformity.

However, due to the profile of criminals in Britain, most convicts possessed the propensity to be highly productive. The fledgling Australians, much like the convicts and enslaved Africans sent across the Atlantic, were predominantly males, aged between 18 and 40, who were fit and healthy. However, due to the failure to remove undesirable convicts from the transportation lists, 16.9 per cent of felons received by the Antipodean settlement would have been deemed undesirable both in the convict and slave trade to the Americas.

Chapter Five

The Captive Passage

On the morning of 6 January 1787 John Randal boarded a lighter, journeyed across the Thames and boarded the *Alexander*. While the majority of convicts had no previous knowledge of the hardships synonymous with a lengthy transoceanic voyage, after the end of the American War of Independence Randal had arrived in Britain ready to begin a new life free from the shackles of bondage.⁴⁰⁶ He secured his liberty by fleeing from his owner in Connecticut and joining the British Army, which in 1775 promised emancipation for any slave who fought on behalf of the King.⁴⁰⁷ Once the war ended, Randal was shipped to Manchester with one of the many demobilised army regiments. However, he quickly found that the dream of freedom was replaced with a harsh reality that liberation meant further challenges in an unfamiliar land where feelings of desperation plagued the poor. As a result, Randal jeopardised the very liberty he so greatly treasured and turned to crime to ease his situation. On 14 April 1785, 21-year-old Randal and another black man were convicted for stealing a watch chain and sentenced to transportation to Africa for seven years.⁴⁰⁸ Shortly after their trial, they were conveyed to London and placed on board the hulk *Ceres*. After spending almost two years on the floating prison ship, Randal was sent to embark on a voyage not to Africa, as his sentence had initially stipulated, but to Botany Bay, Britain's newest colony.

As the lighter ploughed through the calm waters of the Thames, the men on board observed another convict ship which lay in wait for her human cargo, the *Lady*

⁴⁰⁶ Pybus, *Epic Journeys of Freedom*, p. 216. In September 1808 Randall was described as a Black man from North America with black hair, hazel eyes and was 5 feet and nine inches tall. At this time, he was aged approximately 44. FFO, <http://firstfleet.uow.edu.au/details.aspx?surname=randall&gender=&term=&ship=&age=¬es=&-recid=33212>, [Accessed 03/09/2015]

⁴⁰⁷ This law was also known as Dunmore's Proclamation.

⁴⁰⁸ Pybus, *Epic Journeys of Freedom*, p. 216.

Penrhyn. Amongst those who were housed inside the timber constraints of the all-female convict ship before it departed for Portsmouth was 36-year-old oyster seller Esther Howard, who had been sentenced to transportation by the Old Bailey on 30 August 1786.⁴⁰⁹ She was convicted for stealing a silver watch worth 20 shillings, two iron keys valued at one shilling, and one guinea and two shillings in coins. This was ordinarily an amount that should have seen her hang by the neck from the gallows, yet she was shown judicial mercy and sentenced to transportation for seven years.⁴¹⁰ After her trial, she was taken to London's notorious Newgate Prison, where she remained until January 1787 when she embarked on board the *Lady Penrhyn*. As a white British woman, the physical and social differences between Randal and Howard were far reaching. However, their experiences, from conviction to embarkation, shared a number of salient themes, as did their voyage to New South Wales.

On 13 May 1787 Randal and Howard began a new chapter in their lives as they set out on a carceral voyage that limited their personal freedom whilst cementing the expansion of the Britain's southernmost colonial frontier. During their journey to Botany Bay they encountered different races of people, tasted new foods, heard the harrowing cries of prisoners and inhaled the toxic odour of the prison rooms during their months at sea. They made new friends and enemies, witnessed relationships blossom and watched as the bodies of officers, seamen and convicts were laid to rest in their watery graves. However, against all odds together with around 730 other convict men, women and children, Randal and Howard survived the arduous voyage of The First Fleet. A month after they disembarked from their respective vessels they married and lived for one year as man and wife.⁴¹¹ Unfortunately, their happiness was short-lived. In October 1789 Howard died and Randal went on to marry convict

⁴⁰⁹ There are two variations of Esther's name these are Howard and Harwood. OBO, the case of Esther Harwood, <https://www.oldbaileyonline.org/browse.jsp?id=t17860830-26-defend338&div=t17860830-26#highlight>, [Accessed 15/04/15]

⁴¹⁰ Ibid.

⁴¹¹ FFO, <http://firstfleet.uow.edu.au/details.aspx?surname=randall&gender=&term=&ship=&age=¬es=&-recid=33212>, [Accessed 03/09/2015]

Mary Butler who arrived on the *Lady Juliana*, which was the next convict ship to drop anchor at Sydney Cove.⁴¹² Thus the cycle of convict transportation to the Australian colonies had begun and would not be complete until 1868 by which time over 164,000 prisoners had sailed from Britain and Ireland.

Whilst the story of John Randal and Esther Howard outlines the events that occurred in the lives of only two of the convicts that travelled with the First Fleet, the majority of their experiences between trial and disembarkation were synonymous with the journeys of thousands shipped to the Australian colonies between 1787 and 1807. These commonalities demonstrate a shared captive experience that transcends individual voyages. However, this has yet to be fully explored in the historiography of convict transportation. In the works that have made reference to convict voyages before 1815, the captive experience has been explained through sensational events, which, if pieced together, would lead to the view that all female transports were 'floating brothels' and that the prisoners who voyaged to New South Wales were subjected to violence and routine acts of inhumanity.⁴¹³ However this view is largely inaccurate. For the majority of convict ships, the passage to New South Wales was uneventful and for those on board life at sea was monotonous. Thus, in order to rectify the skewed representation of convict transportation, this chapter will place the atrocities that occurred in a minority of voyages within a broader perspective in order to demonstrate a more balanced view of penal transportation in the late eighteenth and early nineteenth century.

In order to fully explore the hardships endured by prisoners sent to New South Wales between 1787 and 1807, this chapter will commence analysis from the point at which convicts committed the crimes that resulted in their transportation. Although convict transportation has been explored by many historians, only a small number such as Cassandra Pybus have fully investigated the pre-embarkation journey

⁴¹² Transportation Registers TNA: HO 11/1/6, p.18

⁴¹³ See Hughes, *The Fatal Shore*, p.144-151; Rees, *The Floating Brothel*, p. 95.

of a selection of felons who travelled to Botany Bay with the First Fleet.⁴¹⁴ Typically, scholars have commented briefly on the experiences endured by transportees whilst in Britain and on board convict ships as a precursor to studies of their time in Australia. However, within the historiography of the slave trade scholars have uncovered the untold sufferings of captives who were kidnapped or in some way coerced, chained together, marched to the coast and kept in barracoons or slave forts in the most terrible conditions, before being sold to a slave trader on the African coast.⁴¹⁵ This information has added a further dimension to the Middle Passage, demonstrating that psychological and physical trauma began long before enslaved Africans were crammed into the hulls of Guineamen. Yet to date there has been no study that explores whether the pre-embarkation voyages of convicts were a precursor to how they would be treated on board and whether they too experienced a prolonged suffering, which was closely akin to what has been identified in the slave trade.

Whilst the primary focus of this chapter is to redress the lacuna within the historiography of penal transportation regarding convict experience, it also recognises that prisoners were not necessarily the only captives on board. By definition, a captive could be anyone held in confinement. Therefore, although they freely chose to board ships, and were paid for their labour while on board, once a vessel was at sea the captain, officers, guards and seamen also endured their own carceral journey. Therefore, to holistically explore the convict experience, it is also necessary to understand the hardships that faced the captain and the crew within the context of the floating prison. The idea that the crew who sailed aboard coerced migrant vessels suffered their own mental and physical hardships has been a pervasive theme within the historiography of the slave trade. Abolitionists such as Thomas Clarkson pointed out the violence and barbarity that was often characteristic

⁴¹⁴ Pybus, *Epic Journey of Freedom*.

⁴¹⁵ For information on the pre-embarkation journey of enslaved Africans see, the following works: Joseph C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave Trade, 1730-1830* (Wisconsin: The University of Wisconsin Press, 1988), pp.188- 203; Taylor, *If We Must Die*, pp. 17- 18.

of the treatment of sailors on board slave ships, an argument subsequently reinforced by Marcus Rediker in his pioneering work *The Slave Ship: A Human History*.⁴¹⁶ However, there are very few studies which have highlighted that the crew played a large part in shaping the convict experience and that if the ship's company were subjected to inhumane treatment, this had a direct impact on the prisoners on board.

While the primary focus of this chapter is to uncover the shared journeys of those on board transport vessels, its secondary objective is to understand whether the experiences of convicts shared common features with other coerced migrants, and whether elements of their passage can be presented as part of a much larger narrative of coerced migration that took place on board British vessels. In order to fulfil this aim, the slave trade will be used as a vehicle of comparison to reveal the similarities and differences between systems of forced migration between 1787 and 1807. Thus, this chapter will build upon the pioneering work *Many Middle Passages*, the only study to have comparatively analysed many different captive experiences.⁴¹⁷ However, although this work has demonstrated that a diverse range of migrants encountered similar hardships during their transoceanic journeys, this chapter arrives at very different conclusion. It evidences that whilst on the surface both the slave and convict trades shared salient features, the experience of captives was very different in terms of shipboard conditions, routine and relationships, as well as punishment and resistance.⁴¹⁸

To demonstrate this difference, this chapter will be divided into three sections. The first will discuss the journey taken by captives to the transport vessel. It will highlight the various hardships endured by prisoners whilst still in Britain and

⁴¹⁶ See Emma Christopher, *Slave Ship Sailors and their Captive Cargos, 1730-1807* (Cambridge: Cambridge University Press, 2006); Linebaugh & Rediker, *The Many-Headed Hydra*; Rediker, *The Slave Ship*.

⁴¹⁷ Christopher, Pybus & Rediker, *Many Middle Passages*.

⁴¹⁸ This framework of analysis has been adapted from the work of Ben Crew who has expanded the work of Gresham M. Sykes model of the pains of imprisonment. See Ben Crew, 'Depth, Weight, Tightness: Revisiting the pains of imprisonment,' *Punishment & Society*, 13:5 (2011), pp. 509-529, pp. 510-511.

shed light upon how they were conveyed to the convict ship. It will explain why their experiences varied depending upon gender and region of conviction and highlight both the similarities and differences between the pre-embarkation journey of convicts and enslaved Africans. Secondly, this chapter will focus on life afloat. It will analyse the captive experience based upon shipboard conditions, which included comfort, sanitation and cleanliness. It will then assess shipboard routine and the relationships established on board before moving on to analyse resistance and punishment. Finally, this chapter will explore the disembarkation of convicts at Botany Bay. It will reveal that while felons were released from their floating prisons, officers and sailors still had another nine to twelve months of transoceanic travel to endure. Crucially, through an exploration of the shared experiences of captives on board transport vessels, this chapter will show that the issues of suffering, while difficult to accurately gauge for each individual, highlights a largely different situation between convicts voyaging to New South Wales and slaves crossing the Atlantic. While a small proportion of convicts were subjected to poor conditions, violence and psychological torment, this was often not comparable to the inhumanity experienced during the average slaving venture and in general this treatment proved to be the exception rather than the rule. This reinforces the argument presented throughout this thesis, that convict transportation was a well-regulated and relatively humane system of forced migration in comparison to others at the time.

4.1 The route to a convict ship

For convicts transported to New South Wales, their journey began the moment they were apprehended for the crime which resulted in their removal from the realm. Once detained the suspect would be presented to a magistrate who would determine if there was a case against them. If it was decided that the accused should be tried in front of a court, they were incarcerated until the Grand Jury convened to assess their

indictment and whether there was enough evidence for a conviction.⁴¹⁹ If their indictment was approved they were taken to court so that they could be formally charged and enter their plea. Afterwards, they were taken back to their place of incarceration to await their trial. If the accused was not apprehended in the Home Counties, they had to wait for the next Assize or Quarter Session court to convene, which often meant a lengthy stay in jail.⁴²⁰ On the date of their trial the accused was delivered to the court alongside other prisoners who were to be tried for criminal offences. Whilst those detained in Newgate only had a short walk to the courtroom, prisoners located in rural areas had to travel from their village to the county court meeting place, which could be situated a great distance away.

Criminal cases were heard by a jury and upon reaching a guilty verdict the sentence was passed by the presiding judge. The majority of transported convicts were sentenced for seven or fourteen years, with a small proportion being condemned for life. In some cases, the judge meted out a capital punishment before they received the Royal Pardon on condition of transportation. Whilst it is likely that most prisoners were delighted to have their capital sentences remitted, not all convicts felt that the King's pardon was all that merciful.⁴²¹ In June 1789, six females appeared at the Old Bailey. They had all received capital punishments but were offered mercy on condition they agreed to be transported to Botany Bay. However, to the judge's surprise they advised that they would rather hang than be sent to penal colony.⁴²² When they were brought back to the bar of the Old Bailey, Sarah Crowther again rejected transportation and therefore forced the judge to order her execution. It was then reported that 'in this awful Crisis the humanity of Mr. Garrow interposed

⁴¹⁹ OBO, <http://www.oldbaileyonline.org//static/Trial-procedures.jsp>, [Accessed 05/10/2015]

⁴²⁰ The Quarter sessions met four times a year. While the Assize courts met at Lent and in the summer months apart from in Northumberland, Durham, Cumberland and Westmoreland were they gathered only once a year. The Old Bailey convened regularly hearing criminal cases once a month.

⁴²¹ FFO: Henry Abrahams, <http://firstfleet.uow.edu.au/details.aspx?surname=abrahams&gender=&term=&ship=&age=¬es=&-recid=4>, accessed 10/10/2015.

⁴²² It is important to note that convicts had to agree to transportation or a lesser punishment if they were to accept a pardon. *Hereford Journal*, 10 June 1789.

between the devoted victim and certain death' and persuaded her to accept the conditions of the presented pardon which she did.⁴²³

There is further evidence to suggest that, like Crowther, some convicts received their sentence of transportation badly. The *Derby Mercury* reported that Brown, a convict in Lancaster jail, hung himself from the window bars of his cell by the cord used to hold up his irons. His cell mate found him and elevated his body until assistance came. When the surgeon inquired why he had tried to take his own life, Brown's answer was clear, 'That he would rather die than go to Botany Bay'.⁴²⁴ In another article published in the *Chester Chronicle* on 15 January 1790, it was noted that a man by the name of Gray who was an old offender sentenced to transportation swore he would not see Botany Bay and thrust a 'lancet' into each eye, which blinded him.⁴²⁵ Although these reactions may have been extreme, the thought of being ripped from their homelands, communities, friends and family, placed on a ship to a mysterious far away land inhabited by 'savages' must have been terrifying. This feeling of uncertainty and fear of the unknown may well have been comparable to that experienced by enslaved Africans as they were detained by their captors.⁴²⁶

After they had been sentenced, convicts returned to the county jail. If they were tried at the Old Bailey, prisoners were led through a door in the courtroom into one of three quadrangles which made up Newgate Prison (see Figure 4.1).

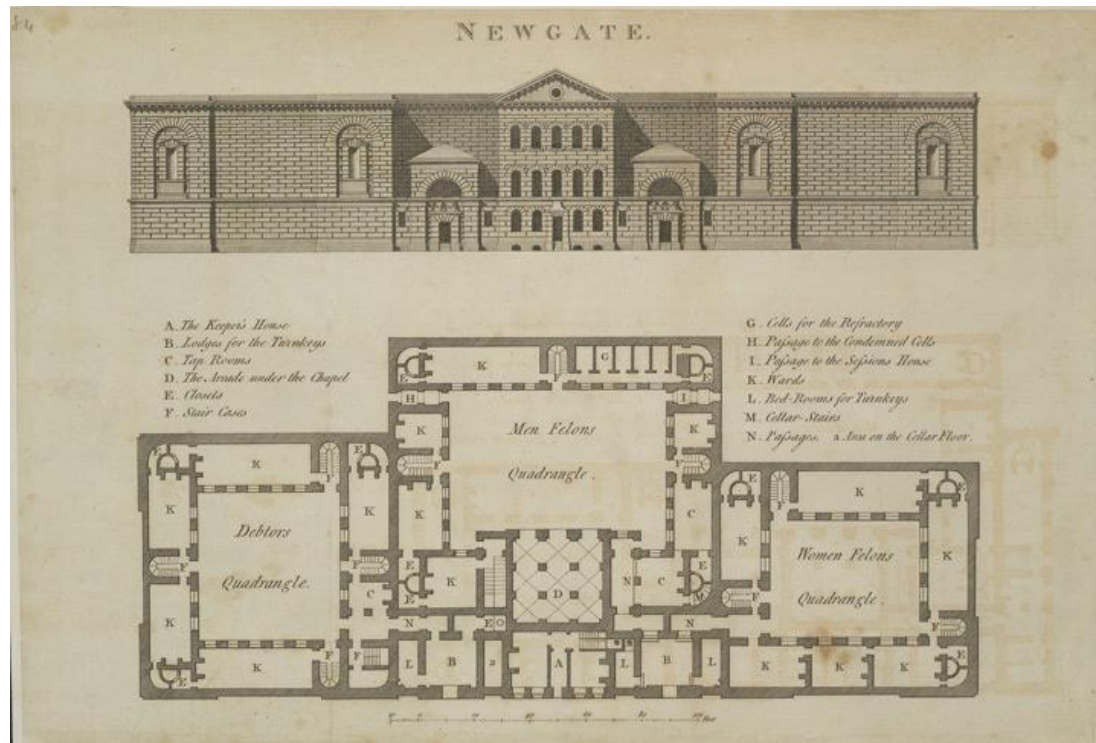
⁴²³ William Garrow was a criminal defence barrister at the Old Bailey. Ibid.

⁴²⁴ *Derby Mercury*, 17 December 1789.

⁴²⁵ *Chester Chronicle*, 15 January 1790.

⁴²⁶ Chandler B. Saint & George A. Krinsky, *Making Freedom: The Extraordinary Life of Venture Smith* (Connecticut: Wesleyan University Press, 2009), p. 20-23.

Figure 4.1: Building plan for Newgate Prison, London, c. 1800.



Source: BL: Maps. Crace VIII.84

As Figure 4.1 shows, the male lodgings were centrally located, with the debtor's quarters to the left and women's residence to the right. As jails were not run by the state in the late eighteenth and early nineteenth centuries, typically prisoners were subjected to poor conditions. However, the experience of transportees in British jails varied, depending upon where in the country they were confined, when the jail was built, whether they had friends and family who visited and the provisions they received. The convicts who were confined in Sussex jail, which was rebuilt in 1775 and was modelled on the separate cell system, must have had some of the better experiences of incarceration in Britain. They resided in their own living quarters, which possessed a bed, pillow and blankets, plus they received new cloths upon

arrival.⁴²⁷ However, in most cases convicts had to rely on their relatives, friends and accomplices to deliver money, provisions and other basic necessities to make their prison experience more bearable.⁴²⁸ Typically, those who had no visitors survived on bread and water and if they were lucky provisions from charitable members of the public.

The women who were sentenced to transportation remained in jail until a convict ship had been chartered for their conveyance, whilst male prisoners were taken by wagon to the hulks moored at Woolwich, Langstone, Chatham, Portsmouth or Plymouth.⁴²⁹ Before they were loaded onto the hulks, it was typical for convict men to be gathered at a centralised embarkation point. In 1787, the convicts from Oxford and Reading were brought to Newgate Prison before being loaded onto three hackney coaches and taken to Blackfriars Bridge where they embarked on a lighter destined for Woolwich. While they were incarcerated in the hulks at Woolwich, prisoners were employed raising ballast and those on the prison ships located at Plymouth and Portsmouth worked picking oakum and spinning rope yarn.⁴³⁰ In order to separate some of the youngest convicts from the old offenders, boys were removed from the hulks and put to work on other projects, such as the fortification of Portsmouth, until they could be sent to Botany Bay.⁴³¹

The work regime and the difficulty of supervising hundreds of men residing on a vessel provided convicts with an opportunity for escape. In July 1787, Henry Cadman ran from the hulks at Woolwich. An advertisement for his capture advised

⁴²⁷ Maria Cross and Barbara MacDonald, *Nutrition in Institutions* (Oxford: Blackwell, 2009), p. 279.

⁴²⁸ *Ibid*, p. 278.

⁴²⁹ The women remained in the prison until a transport ship was chartered but on occasion the women would be taken to the hulks to stay for a few nights until the transport ship could receive them. Although this is not a pivotal finding for this study for scholars who undertake work on the floating prisons in the future how these women were accommodated should be considered. For reference to this practice see, *The Ipswich Journal*, 13 January 1787, p. 1 which advised that on 56 women were removed from Newgate and put on board the hulks at Woolwich. With regards to the men being transported in wagons see, *Reading Mercury*, 19 February 1787 and *Hampshire Chronicle*, 9 April 1787.

⁴³⁰ *Hampshire Chronicle*, 2 April 1787, p.3.

⁴³¹ *Kentish Gazette*, 24 April 1787, p.4.

that he was 38 years of age from Coventry and was '5 feet two inches and a half high, had a swarthy complexion, short brown hair, much pitted with the small pox'.⁴³² He was at large for six months before he was apprehended by John Hewitt in Wolverhampton. Cadman was examined before a magistrate and committed to a jail in Derby.⁴³³ Although his escape delayed his transportation, he sailed with the Third Fleet and thus still ended up in New South Wales.⁴³⁴ Two years after Cadman's escape, John Tyre, who was reportedly 'bred to the sea,' also ran from the *Justinia* hulk after he was sentenced for seven years transportation by the Portsmouth assizes.⁴³⁵ He was reportedly about 25 years old, five feet and six inches high, with a fair complexion and light brown hair.⁴³⁶ He was apprehended and eventually transported to Botany Bay on board one of the Third Fleet vessels like Cadman.⁴³⁷ The period of incarceration on board the hulks differed in length and depended largely on who was available to be transported when a convict ship was ready to receive prisoners. For some, it was a very short stay, while for others such as James Nowland, a native of Meath County, Ireland, it spanned three years.⁴³⁸ Although it has been assumed by contemporaries and historians that the conditions on board the hulks were deplorable, few studies have yet to fully analyse Britain's floating prisons. There is evidence to suggest that there was a movement to reform and improve sanitation and conditions on board the hulks during the late Eighteenth Century.⁴³⁹

⁴³² *Cumberland Pacquet, and Wares Whitehaven Advertiser*, 25 July 1787.

⁴³³ *Derby Mercury*, 7 February 1788.

⁴³⁴ Transportation Registers, TNA: HO11/1/140.

⁴³⁵ *Cumberland Pacquet, and Ware's Whitehaven Advertiser*, 15 April 1789, p. 3.

⁴³⁶ *Ibid.*

⁴³⁷ Transportation Registers, TNA: HO 11/1/74, p. 131

⁴³⁸ James Nowland was tried at the Old Bailey in 1784 for assault and robbery. He spent three years incarcerated in the hulks before being transported on board the *Scarborough* in 1787. ICTNSW: James Nowland <http://members.pcug.org.au/~ppmay/cgi-bin/irish/irish.cgi?requestType=Search2&id=23513>, [Accessed 5/9/2015]

⁴³⁹ Fourteenth Parliament of Great Britain: Fifth Session 26 November 1788, 3 July 1779, p.309

However, the mortality rate experienced by prisoners suggests they had a terrible time.⁴⁴⁰

Once a transport was ready for the reception of convicts, a letter was sent from the Home Secretary to send the prisoners to London, Plymouth or Portsmouth so they could be conveyed in lighters to the convict vessel.⁴⁴¹ The women on the *Lady Penrhyn* were sent down to the Thames by lighters, while the men who embarked on board the *Alexander* were sent there by boat or from the country by wagon.⁴⁴² In March 1787, the *Reading Mercury* reported that a procession of six wagons filled with 215 convicts was led through Guildford on its way to Portsmouth guarded by horses. They stopped at Godalming for the night before another guard escorted them to their embarkation point.⁴⁴³ It was common for convicts to be conveyed in the early hours of the morning in order to detract attention and make the ordeal less of a spectacle.⁴⁴⁴ However, this meant that more often than not their departure was unexpected and prisoners very rarely got to say their last goodbyes to their loved ones, causing a sense of despair, distress and sadness. To add to their anguish during this period, it was not customary for convicts to be transported at a particular time of year; thus in a number of cases they had to brave the elements to reach the transport ships. The transportees that were loaded onto the Third Fleet vessels made their journeys throughout December as violent storms battered their carriages with wind, hail and rain.⁴⁴⁵ However, they were lucky as some convicts made the final stage of their journeys by foot and were thus exposed for a longer time to the elements. As displayed by Figure 4.2, such prisoners were led to the ship bound in

⁴⁴⁰ In 1779 it was claimed that one in four convicts died in the first two years of their arrival on the hulks. Gregory J. Durston, *Whores and Highwaymen: Crime and Justice in the Eighteenth-Century Metropolis* (Hampshire: Waterside, 2012), p. 569

⁴⁴¹ In Ireland they were directed to Cork. However, the pre-embarkation journey of Irish convicts is difficult to ascertain.

⁴⁴² *Edinburgh Advertiser*, 5 December 1786.

⁴⁴³ *Reading Mercury*, 5 March 1787

⁴⁴⁴ On 10 November 1789 the *Argus* reported that 140 convicts were removed from Newgate at an early hour.

⁴⁴⁵ *Diary or Woodfall's Register*, 5 January 1791.

groups. Although this is a satirical print which was published in 1781 when transportation had ceased, it is likely that the print reflects what passers-by witnessed when the penal punishment resumed to the Australian colonies.⁴⁴⁶

Figure 4.2: A Fleet of Transports under Convoy, c. 1781



Source: The British Museum, *A Fleet of Transports under Convoy*, c.1781, Museum Number: 1935, 0522.1.196

⁴⁴⁶ The picture demonstrates the motley selection of convicts that would have been transported from Britain. The two men at the forefront of the picture are bearded Jewish men, behind is a man with bow legs and the man immediately behind him is gnawing on a bone which may represent his savage or primitive nature.

The procession to the embarkation point by foot allowed some convicts to take the opportunity to escape. On 10 November 1789, John Happy and another felon escaped from the cohort of prisoners who were being conveyed to the Second Fleet transport *Scarborough*. He was apprehended in December 1789 and returned once again to the bar at the Old Bailey where he was found guilty for returning from transportation and thus sentenced to death.⁴⁴⁷ During his court case, Happy advised that he had not broken the chain with force, it had given way and fell from his neck so he had chosen to run as he was very ill and wished to be left behind.⁴⁴⁸ Other convicts tried to prevent their transportation by appearing sick or inflicting harm upon themselves. Daniel Hopkins, a convict who was destined for the *Pitt*, stabbed himself in the side of the abdomen with a pen knife, either in an attempt to take his own life or remain in Britain for a while longer. However, his plan did not work as he was sewn up by a surgeon and put on board the transport anyway.⁴⁴⁹ These events indicate that some convicts went to great lengths to prevent their transportation and thus indicate their psychological distress.

The conduct of some convicts during their conveyance was often reportedly raucous. An article in the *Whitehall Gazette* advised, 'The behaviour of many of these unhappy wretches shewed them to be perfectly hardened to iniquity, and dead to all sense of shame – several of them caught hats from the heads of the by-standers, and one snatched a gentlemen's watch from his fob!'⁴⁵⁰ The infamous pick pocket George Barrington wrote of the 'unspeakable satisfaction' he received when he learned that he was going to be taken to one of the Third Fleet transports. Barrington advised that the convicts were escorted from the prison to Blackfriars Bridge by the city guard, before boarding two lighters which conveyed them to their transport. He went on to

⁴⁴⁷ John Happy was first convicted of burglary in January 1789 where he was sentenced to death. In October 1789 he received his majesties merciful pardon on condition he agreed to transportation for life. See Old Bailey online, <http://www.oldbaileyonline.org/browse.jsp?id=t17891209-88-defend819&div=t17891209-88#highlight> [Accessed 15/06/2015]

⁴⁴⁸ Ibid.

⁴⁴⁹ *General Evening Post*, 26-28 May 1791.

⁴⁵⁰ *The Whitehall Evening Post*, 10-12 November 1789.

state that the convicts were marched in the early morning so not to draw attention to them. Barrington recollects the raucous scene of intoxicated convicts, singing and swearing at passers-by.⁴⁵¹ However, although this behaviour appeared almost jovial, it is just as likely that the liquor consumption and offensive language masked anger, sadness and anxiety. The emotional suffering of being delivered to Blackfriars can be identified in an advertisement in the *Bath Chronicle* regarding the women ready to be embarked on board the Third Fleet vessels. It read 'some swearing, others crying; some singing and one poor woman, with a young child at her breast, that would have moved the heart of an adamant'.⁴⁵² The reality of convict transportation meant that the majority of prisoners would never see their families or friends again and this must have deeply affected them.

While most convicts were conveyed across land, there is evidence to suggest that some were delivered directly to the transport by coastal vessels. In many cases, these journeys were short. For example, in September 1789 nine convicts were removed from the hulks located at Langston Harbour and 16 from the prison ships at Weevil and placed onto coastal vessels, which were attended by 'proper armed boats' and conveyed to the *Guardian*.⁴⁵³ However, some convicts had to travel by boat from the North of England or Scotland which took considerably longer. In February 1791, the *Newcastle Courant* advised that ten convicts had been sent from Durham jail to Woolwich on board the *Penelope* which embarked from Sunderland. They had tried to escape, however were prevented by Dragoons stationed at the port.⁴⁵⁴

Unfortunately, we have very few accounts which document the pre-embarkation journey of convicts from Ireland. However, Surgeon John Washington Price provides a vivid account of the conditions in which he received 98 male and 19 female convicts from the brig *Lively* in 1799. He wrote:

⁴⁵¹ George Barrington, *An account of a voyage to New South Wales*, p. 74.

⁴⁵² *Bath Chronicle and Weekly Gazette*, 17 February 1791.

⁴⁵³ *Kentish Gazette*, 11 September 1789, p. 2.

⁴⁵⁴ *Newcastle Courant*, 5 February 1791.

I went on board to see them, and found them indeed in the most wretched, cruel & pitiable condition I ever saw human beings in, in my life, in fact they treated much more like those of brute creation they were all lying indiscriminately in the ships hold, on the damp, wet & uneven planks without any sort of covering.⁴⁵⁵

Price advised with horror that some were half naked and exposed to the rain, frost and snow. His opinion that this treatment was inhumane can be demonstrated in the lines, 'Tis true they were prisoners, but should be treated as such, and if they deserved death to hang or shoot them, but not to treat them with that unprecedented barbarity which they experienced on board the *Lively*.'⁴⁵⁶ It is clear, that the convicts had suffered immensely whilst on board the *Lively*. His comparison 'to those of brute creation', conjures up the image that the experience of these convicts was like that endured by enslaved Africans during the Middle Passage.

The journey to the transport was often long and arduous for the convicts sent to Botany Bay. In many ways, their experiences can be paralleled with enslaved Africans who were taken from villages and forced to travel hundreds of miles to the West African coast before being embarked on a slaver. However, when these broad similarities are investigated more thoroughly the pre-embarkation journeys of convicts was very different from enslaved Africans. As highlighted in Chapter One, the majority of enslaved Africans were kidnapped or captured when their villages were raided. Thus, they were detained through violent and oppressive means unlike convicts who had committed crimes. The majority of enslaved Africans were taken from the interior of the continent and led over land and/or water. When trudging across the desert terrain enslaved Africans travelled together in coffles and were chained by their legs, hands and on some occasions by the neck, while those taken to

⁴⁵⁵ Jeanne Fulton, *The Minerva Journal of John Washington Price: A Voyage from Cork, Ireland, to Sydney, New South Wales, 1798-1800* (Melbourne: Melbourne University Press, 2000), p. 3.

⁴⁵⁶ *Ibid*, p. 3.

the coast by river were crammed into canoes. When writing about how enslaved Africans were conveyed to the coast Alexander Falconbridge commented:

they experience an earnest of those dreadful sufferings which they are doomed in the future to undergo... great numbers perish from cruel usage, want of food, travelling through inhospitable deserts... & in canoes; at the bottom of which they lie, having their hands tied with a kind of willow twig. Their allowance of food is so scanty, that is barely sufficient to support nature. They are, besides, much exposed to violent rains... being covered only with mats... and as there is usually water at the bottom of the canoes, from their leaking, they are scarcely ever dry.⁴⁵⁷

Comparatively, convicts were largely protected from the elements by wagons or were enclosed inside vessels. Even the convicts on board the *Lively* were most probably treated better than the majority of enslaved Africans during their pre-embarkation journeys. Once they arrived at the coast, captives of the Guinea trade were either sold to slave ship captains or incarcerated inside slave forts. The conditions in these holding places were often overcrowded, dark, humid and unsanitary, most probably much like British prisons or the hulks but on a far grander scale. Thus, whilst there are some similarities, the convict journey to the ship was far less barbarous.

To summarise, whilst the pre-embarkation voyage of convicts was far from pleasant, from the moment they were apprehended to when they were gathered in London, Plymouth, Portsmouth or Cork ready to embark on board convict ships, their basic needs were met. They received at the least very basic provisions, were largely kept sheltered from the elements, were confined in spaces that permitted some movement that was enough to allow some men, women and children to escape. Their journey to various embarkation points was made as comfortable as possible, in most cases with wagons and boats being provided for their conveyance. Although some convicts were deeply depressed during their journey, what is crucial is that some were not. There is evidence to suggest that at least a small minority

⁴⁵⁷ Falconbridge, *An Account of the Slave Trade*, p. 19.

were drunk, raucous and unrepentant which was a very different picture than that generated by desperate enslaved Africans. Thus, rather than demonstrating a prolonged suffering, as highlighted in Falconbridge's account, the journey to a convict ship for prisoners was, for the most part, uncomfortable, physically and psychologically draining, but ultimately it was likely less traumatic than those endured in Africa.

4.2 Embarkation

Once gathered at their embarkation point in London, Portsmouth, Plymouth or Cork, prisoners were collected by lighter vessels which took them to their convict transport. Although clearly embellished, George Barrington's account of arriving on board the Third Fleet transport ship *Active* is particularly useful as it is the only source to have been found that documents embarkation from a convict's viewpoint.⁴⁵⁸ Barrington claimed that after he ascended the ship's side and arrived on deck, he saw an old friend who secured him privileges that the other convicts did not have the luxury of obtaining. In his memoirs, the pickpocket documented that he was allowed to bring personal items on board, was not put in chains and was admitted into the mess of the boatswain, second mate, carpenter and gunner. Although it is doubtful that this was the case for Barrington, gentlemen convicts and those who possessed skills useful in the maritime world did enjoy certain privileges. For example, transportee

⁴⁵⁸ Although Barrington travelled on board the *Active* there are sections of his account that seems to include a narrative of the voyage of the *Albemarle* to New South Wales. Thus it is likely that his account is a mix of a number of convict's experiences. However, this work is still a valuable source. It is thought that Equiano did not make the transatlantic crossing which he details in his autobiography, however scholars of the slave trade still treasure his work because it is likely he collected the stories of other slaves and retold their hardships as his own. George Barrington, *An Account of the Voyage to New South Wales by George Barrington Superintendent of the Convicts to which is prefixed a detail of his life trial and speeches* (London: M. Jones, 1810); Equiano, *The Interesting Narrative of the Life of Olaudah Equiano*.

John Irving, became an assistant to Surgeon Arthur Bowes on board the *Lady Penrhyn* and was most probably not forced to sleep in the convict quarters.⁴⁵⁹

Typically, before the captives were admitted to their prison rooms they would be checked for any visible signs of disease. The men were washed, shaven and on occasion were provided with new clothes to prevent the spread of disease.⁴⁶⁰ They were then searched for weapons, which included knives, scissors and razors, in addition to valuables such as cash or trinkets. It is likely that Barrington went through the same process and it is more than probable that he was subject to the same experiences as the other male convicts who he said were ordered into the hold and forced to sleep on hammocks hung inly seventeen inches apart. The pickpocket went onto state that 'being encumbered with their irons, together with the want of fresh air, soon rendered their situation truly deplorable.'⁴⁶¹ In order to alleviate their misery, he records that officers allowed the convicts on deck ten at a time throughout the day while the ship remained in England.⁴⁶² The prisoners were also permitted on deck if their friends and family members visited the vessel to say goodbye or bring them gifts for their impending voyage. On the *Lady Juliana* Elizabeth Barnsley, who had been convicted for shoplifting, was visited by her brother, who was reportedly a highwayman, on a number of occasions before the vessel set sail.⁴⁶³

The mood on board the transports varied whilst preparing to depart. Some convicts were relatively happy to leave their home country behind and start a new life in the colonies, while others raged and plotted knowing that this was the last

⁴⁵⁹ John Irving was convicted at Lincoln for larceny and appears to have been employed on the First Fleet as an assistant to Arthur Bowes Smyth surgeon on board the *Lady Penrhyn*. For an overview of Irvings life, see ADB, <http://adb.anu.edu.au/biography/irving-john-2262>, [Accessed 03/04/15]

⁴⁶⁰ In John Washington-Price's journal he advised that the male convicts who were received by the *Minerva* were all washed, had their heads shaved and received new clothes. The government supplied the prisoners with two jackets, two pairs of trousers, two shirts, two pairs of shoes, two pairs of stockings, a hat, cap and flannel vest together with a needle and thread. Fulton, *The Minerva Journal*, p. 5.

⁴⁶¹ George Barrington, *An account of a voyage to New South Wales*, p.76.

⁴⁶² The captain joined the vessel once the ship was ready to sail, it was common for him to visit the vessel at various points but he was allowed the luxury of the shore until the last possible moment.

⁴⁶³ Hughes, *The Fatal Shore*, p. 251.

chance they had to escape their fate. Much like enslaved Africans, there are harrowing accounts of captives who had sunken into a deep depression and, as a result, attempted to take their own lives. In his memoirs, John Nichol described the state of one of the prisoners on board the *Lady Juliana*:

One Scottish girl, broke her heart, and died in the river... She was young and beautiful, even in convict dress, but pale as death and her eyes red with weeping. She never spoke to any of the other women or came on deck. She was constantly sitting in the same corner from morning to night; even the time of meals roused her not. My heart bled for her, - she was a countrywomen in misfortune. I offered her consolation but her hopes and heart had sunk. When I spoke she heeded me not, or only answered with sighs and tears; if I spoke of Scotland she would ring her hands and sob, until I thought her heart would burst...I lent her my Bible to comfort her, but she read it not; she laid it on her lap after kissing it, and only bedewed it with her tears. At length she sunk into the grave, of no disease, but a broken heart.⁴⁶⁴

The unnamed Scottish girl did not die of a broken heart. However, it is clear she suffered intensely from the reality of her situation and willed her own death.

On occasion, some of the convicts were removed from the vessel just before the ship set sail. If a pardon was issued a message would be sent to the officers to send a particular person back to dry land. The crew had far more freedom and were able to escape from the hustle and bustle of convict ships by visiting the shore. Some of the crewman decided that working on board a transport vessel was not what they had imagined and thus ran from the ship before it had left Britain. Seamen Jonathan Norton, George Wood, Richard Gold, Felix Macauley and Edmund Brookes all changed their minds about the voyage to New South Wales and ran from the *Hercules* whilst it was still in Ireland.⁴⁶⁵ In the war years, impressment was a particular

⁴⁶⁴ John Nicol wrote his memoirs of the passage on board the *Lady Juliana* in 1822 in an era where humanitarian, social reform and prison reform was high on the middle class agenda with women such as Elizabeth Fry campaigning to improve conditions in prisons. Thus Nichol's account at times seems to appeal to the sensibilities of the day. See *The Athenaeum; or spirit of the English Magazine*, Vol. XII (Boston: Munroe and Francis, 1823), pp. 481- 482.

⁴⁶⁵ Running from the ship was a problem on all merchant vessels. It was common for sailors to get their River pay and any advances and run from the ship without completing the voyage. Log of the *Hercules*, list of ships company, BL: IOR/L/MAR/B/77A/3.

problem, as officers and seamen were taken to serve on naval vessels and thus were denied the opportunity to venture to New South Wales. Quarter Master John Seales, seaman John Grout, ship's boy John Ward and landsman Michael Bryant, who were all destined to travel to the Antipodes on board the *Hercules* were impressed at Dover and Thomas Nicholson in the Downs before the ship had reached Ireland to pick up its human cargo.⁴⁶⁶ Impressment was feared by all seamen and, as a result, when the vessel was ordered to embark the majority of sailors and crewmen were likely pleased to get their adventure underway having escaped the navy's grasp, although there is evidence to suggest that some felt a tinge of sadness as they were about to leave their friends and family behind for a voyage that would scarcely be completed before two years had elapsed. On 11 August 1799 John Washington Price expressed his feelings in the following emotive lines, 'and then with a heavy heart - I tore myself away from the arms of my dearest wife... and all my friends... I never expected to have experienced, leaving my friends, wife, my all behind me.'⁴⁶⁷ On the same vessel, the carpenter could not bear to be parted from his new wife so smuggled her on board unbeknown to the rest of the crew.⁴⁶⁸

Whilst embarkation was traumatic for a number of convicts, measures were taken to ensure that suffering was minimised with deck access and visits from family members. Nichol's account demonstrates some kindness was extended from crew members to convicts to try and lift their spirits. Although this may not have been the case on board all convict ships, no reports have been found that suggests transportees suffered ill-treatment whilst in the Thames, Plymouth Sound or at Portsmouth or Cork harbour. This was far from the reality that prevailed for enslaved Africans who were forced below deck not to see the light of day until the ship had sailed. Their situation was also compounded because they could not speak the same language as the crew or in some cases other enslaved Africans on board their vessel.

⁴⁶⁶ Ibid, fol.3.

⁴⁶⁷ Fulton, *The Minerva Journal*, p. 57.

⁴⁶⁸ She was discovered on 28 August 1799.

Although the psychological pains of embarkation may have been similar between convicts and enslaved Africans with respect to leaving their homeland and family, there were attempts to ensure that convicts were well provided for and the process was kept as humane as possible.

4.3 *The voyage to the Australian colonies*

Once a convoy had been arranged, the captain received instructions which informed him when the vessel was to set sail. This was his signal to board the convict ship and give his orders to prepare for embarkation. During this time, the transportees were secured in the prison rooms and were not permitted access to the deck until the ship was safely steered out of British waters. The atmosphere on board convict ships as they left Britain varied. Some transportees were happy to wave goodbye to a country where they had lived amongst the poor and had no real prospects. Before the *Minerva* had departed from Cork, the surgeon noted that both the convicts and sailors were in high spirits and desired the ship to depart without further delay.⁴⁶⁹ Once the vessel had set sail he went down to visit the convicts where he observed a positive atmosphere amongst them. He recorded that there was 'No pining, discontent or marks of distress... their countenances indicated rather a high degree of satisfaction and cheerfulness'.⁴⁷⁰ Others, however, were dejected and died shortly after their departure. Surgeon John White noted that fifteen days after the First Fleet had set sail, convict Ishmael Coleman died on board the *Charlotte* after he was worn out by lowliness of spirit and debility.⁴⁷¹

The initial days at sea were busy for the crew, as they climbed amongst the rigging and ensured the vessel was in good sailing order. During this time, they

⁴⁶⁹ Fulton, *The Minerva Journal*, p.20.

⁴⁷⁰ The surgeon advised these feelings were because of their long confinement and the relief that they were on their way to a new life. Fulton, *The Minerva Journal*, p.73-74.

⁴⁷¹ Coleman was only 32 so it is probable that he had underlying health issues. John White, *A Journal of a voyage to New South Wales*, 28 May 1787.

probably gave little thought to the fact that they too were captives incarcerated within the vessel. Although in a more privileged position, the officers, sailors, guardsmen and passengers were all confined inside the transport with nowhere to escape. They would share the same trials and tribulations as the convicts confined below deck, albeit on a lesser scale. Their experience, much like that of the prisoners was shaped by the condition of their living space, daily routine, whether order was maintained on the vessel and if it was not how severely punishments were meted out.

4.3.1 Shipboard Conditions

As convicts spent a large proportion of their time below decks, the layout, maintenance and provisioning of their living quarters significantly contributed to their overall experience while on board. In general, the convict quarters were made as comfortable as possible. George Barrington noted that the prison of the *Active*, which sailed in 1790, 'was rendered as convenient as circumstance would commit'.⁴⁷² He went on to explain that the transportees were issued with their own hammocks that were hung 17 inches apart from one another and tied at each end to a batten.⁴⁷³ However, the majority of vessels after the First Fleet onwards had fixed berths for groups of convicts to sleep. On the *Minerva* each berth was fitted to receive five convicts and contained a bed, pillow and blankets for each prisoner.⁴⁷⁴

These conditions were very different from those endured by enslaved Africans during the Middle Passage. During the Atlantic crossing captives were forced to lie naked on the bare boards of the vessel which caused terrible sores and welts. These conditions were intensified by the poor sanitation on board slave ships, as often vomit, blood, mucus and faeces were smeared across the very deck where the enslaved Africans lay. Captives of the Guinea trade were expected to relieve

⁴⁷² George Barrington, *An account of a voyage to New South Wales*, p. 76.

⁴⁷³ Ibid, p. 76.

⁴⁷⁴ Fulton, *The Minerva Journal*, p.74.

themselves into mess tubs located within their living quarters. In convict ships, mess tubs were typically located away from the prison rooms. On board the *Neptune*, which travelled with the infamous Second Fleet, three mess tubs were located on the orlop deck.⁴⁷⁵ It is unclear whether convicts had to make a request to use them but given that transports typically carried over 200 convicts it would be unfeasible to suggest that provisions were not made for prisoners to relieve themselves whilst in the prison. If not emptied regularly, these makeshift lavatories may have caused unsanitary conditions in rough seas.

Maintaining a high standard of health was of great importance on board convict ships. Whilst the measures taken to ensure a low mortality rate will be discussed in the next chapter, officers ensured that the convicts were clean and remained in a strict routine conducive to good health. On board the *Minerva*, the convicts were washed in large tubs of water every other day and shaved twice a week.⁴⁷⁶ The surgeon reported that at first the convicts detested this practice but after a short time they enjoyed it.⁴⁷⁷ When the ships were well managed they were cleaned rigorously. The decks were scrubbed and the hospital and prison rooms were fumigated on a regular basis. In addition, convicts were asked to bring their bedding onto the deck to allow it to air. These practices were especially important during the first few days at sea when convicts were overcome by sickness.⁴⁷⁸ While on deck this was not a problem, however when confined in the prison room, the rolling of the vessel and the noxious fumes of vomit must have been a severe assault on the senses. Luckily after the first few days, prisoners had their 'sea legs' and the symptoms quickly abated, so the men, women and children could begin to enjoy the novelty of life at sea.

⁴⁷⁵ Flynn, *The Second Fleet*, p.33.

⁴⁷⁶ Fulton (ed.), *The Minerva Journal*, p. 79

⁴⁷⁷ Ibid, p. 81

⁴⁷⁸ John White, *A Journal of a voyage to New South Wales*, 8 June 1787 and Pamela Jeanne Fulton, *The Minerva Journal of John Washington Price*, p. 74

The vessel was cleaned more vigorously than usual when the ship approached the Equator, as the weather became exceedingly warm and humid with heavy rain showers. The intense heat was hated by all on board as work quickly became tiresome and the prison quarters became overheated endangering health. On both slave and convict ships the fresh air supply to the prison was hampered and thus the coerced migrants suffered extensively. On the evening of 28 June 1787, Surgeon White noted that the weather was so hot that the female convicts on board the *Charlotte* frequently fainted and succumbed to convulsive fits.⁴⁷⁹ John Washington Price, surgeon of the *Minerva*, advised on 6 September 1799 that 'if this calm continues the health of convicts will soon decline, from the extreme heat of the prison, when I am down there the perspiration runs from me on the ground as if a quantity of water was thrown on me'.⁴⁸⁰ This situation did not ease and two days later Washington Price scribbled in his journal that:

at 11 the convicts were crying and complaining of the excessive heat in the prison, on going down amongst them I found many of them fainting and panting- the rest were lying out of their births on the deck quite naked, and I assure you, made a very humorous appearance, those I found most distressed I ordered on deck, and had the gratings kept off the hatches all night – which rendered the place much cooler.⁴⁸¹

The heat actioned the most disgusting smell inside transports. On 18 July, Surgeon White visited the *Alexander* after a number of men had become ill. He noted that it was actioned by the bilge water which had risen to the panels of the cabin. The toxins omitted from it turned the buttons on the soldier's jackets black. When the hatches were removed from the prison the stench was so powerful that White could not stand over the hatchways.⁴⁸² The surgeon questioned how the situation could have become so bad, as he had delivered orders from Commodore Phillip for each captain to pump

⁴⁷⁹ John White, *A Journal of a voyage to New South Wales*, 23 June 1787.

⁴⁸⁰ Fulton, *The Minerva Journal of John Washington Price*, p. 77.

⁴⁸¹ *Ibid*, p. 78

⁴⁸² John White, *A Journal of a voyage to New South Wales*, 18 July 1787.

the ships daily, and if needed the convicts should have been ordered to assist in clearing the water.

These situations demonstrate that the intolerable heat and noxious smells were not only endured on board slave ships. It has been a pervasive theme in the historiography of the slave trade to look at these events as synonymous with the Middle Passage, much like sharks following the vessel to feast on the dead. However, all of these events could be identified during the voyage to New South Wales, showing that features such as intolerable heat which could result in captives fainting or suffocating and the smell of vomit, faeces, urine and sweat were synonymous with coerced migrant ventures that crossed or sailed close to the Equator. They were not by any means indicators of the brutality of the slave trade, but instead the harsh reality of a transoceanic crossing in captivity.⁴⁸³ In an attempt to combat the heat and preserve those on board, Surgeon White recommended that the crew should be kept in a consistent routine as far as the weather would allow, however he advised the captain to keep them out of the rain. In addition, he would not permit the convicts to come on deck in the showers, as they had 'neither linen nor clothing to make themselves dry and comfortable'.⁴⁸⁴ White also made a concerted effort to keep the decks of the *Charlotte* clean in this climate. He directed the ship to be scrubbed with oil of tar three times a week or more often if he found it necessary.⁴⁸⁵ Within surviving captains logs and journals there is almost an obsessive compulsion to keep the vessel clean and smelling sweet. This was aided by the use of wind sails to direct air down into the 'tween deck, although they were ineffective if the vessel was becalmed and experiments with different substances and chemicals to eliminate odours.⁴⁸⁶ All of these efforts likely went a long way to ensure good health and a tolerable shipboard experience for the convicts and

⁴⁸³ This is not to say that these situations didn't compound the hardships experienced by enslaved Africans.

⁴⁸⁴ Ibid, 23 June 1787.

⁴⁸⁵ Ibid, 23 June 1787.

⁴⁸⁶ In the late eighteenth century it was believed that disease was spread through miasma. Thus smell was identified with diseases through polluted air.

crewman alike.

4.3.2 Shipboard routine

In the late eighteenth and early nineteenth centuries transoceanic voyages were often exceedingly bland and routine. To get to New South Wales during the age of sail took anywhere from three to eleven months, depending upon the weather, the sea worthiness and build of the vessel, as well as the number of ports visited and the time spent there. While at sea convicts had very little to occupy their minds. The daily routine likely offered a welcome distraction from overwhelming feelings of boredom but in terms of hours it took up little time. Typically, this routine centred on sleeping, washing, eating and frequenting the deck if the weather permitted. The rest of the time was likely spent conversing with other prisoners or members of the crew, plotting escapes or a mutiny, arguing, fighting, causing mischief or quietly reflecting on their situation. The novelty of life afloat likely wore off very quickly, as each 24 hours passed very little changed. To assist the passing of time some captains allowed convicts to help with the maintenance of the vessel or gave them tasks to complete. Captain Aiken, commander of the *Lady Juliana*, provided several of the women with rolls of linen so they could make shirts, which he sold on arrival in New South Wales.⁴⁸⁷ When in port the convicts were sometimes allowed to help haul provisions into the vessels or carry water casks from the shore. However, allowing convicts out of their irons was a risk. Prisoners were watched closely, but this did not prevent their attempts to escape when the opportunity arose. During the night on 8 June 1787, when the First Fleet were moored at Tenerife, John Powel, a convict on board the *Alexander*, who was employed taking in water, escaped with a small boat belonging to the ship. He was caught by a party of marine's six leagues out from the coast and was forced to return to the Fleet.⁴⁸⁸ When he was brought back to the party, Captain

⁴⁸⁷ Flynn, *The Second Fleet*, p. 20.

⁴⁸⁸ SLNSW: Arthur Bowes Smyth illustrated journal, p. 21. John White, *A Journal of a voyage to New South Wales*, 8 June 1787

Arthur Phillip ordered him to be put irons, which he remained in for some time, but after a petition, which he asked another convict to write for him, he appealed to the crew's humanity and was released with no further punishment.⁴⁸⁹

There are some similarities to be found between the shipboard routines of enslaved Africans and convicts in the writings of Captain Hugh Crow. In his memoirs, Crow advised that the enslaved Africans were brought on deck around 8 o'clock in the morning, where they washed their hands and faces and chewed citrus flavoured sticks to clean their teeth.⁴⁹⁰ At nine o'clock, the captives were served breakfast and at 11 o'clock they were allowed to wash and use palm oil to moisturise.⁴⁹¹ Afterwards, Crow claimed, pipes were given to the men and beads to the women to occupy their minds. After a few hours, they were then allowed to dance and run on the deck to keep them in 'good spirits.'⁴⁹² The humane conditions that Crow described were idealistic at best and were more likely grave embellishments of the truth to assist the pro-slavery campaign against abolition. It is more likely that enslaved Africans were only brought on deck when absolutely necessary and forced to dance with the cat-o-nine-tails. Thus, it is probable that based on this information, the routine followed by convicts led to a better shipboard experience.

Whilst the vessel was at sea the captain and senior officers spent their days overseeing the navigation of the ship, delegating work on board, dealing with problems that arose with the convicts or the crew, writing, eating and sleeping. Unfortunately, there is no surviving evidence which documents a specific daily routine for the master or first or second mate. However, the *Minerva's* surgeon, documented his daily routine in his journal. Price wrote that he rose at 6 o'clock, washed and walked the deck until 7 o'clock in the morning. He then read and wrote until 8 o'clock when the officers ate breakfast. After he had finished eating, the

⁴⁸⁹ John White, *A Journal of a voyage to New South Wales*, 8 June 1787.

⁴⁹⁰ Crow, *Memoirs of the Late Captain Hugh Crow*, p. 146-148

⁴⁹¹ Ibid, p. 146-148

⁴⁹² Ibid, p. 146-148

surgeon visited the soldiers, sailors and convicts to assess the sick and ensure the berths were clean. This took until approximately one in the afternoon. He then washed and ate dinner, which took approximately an hour, before regulating his sick list and filling in his journal until 4 p.m. He then spent between 4 o'clock and 6 in the evening reading or conversing with some of the officers. At six, he lit a fire and the candles in his cabin and wrote until 8 p.m. at which time supper was served. After his meal, he would walk the deck until 10 o'clock before retiring to his cabin to rest.⁴⁹³ This routine was followed every day unless the surgeon was ill, when he retired to his cabin early.

The skilled workers on board had different daily tasks to complete but the majority of the sailors spent their time employed on the rigging of the vessel and fixing various shipping apparel. They also cleaned the ship both on the top deck and on occasion in the prison when the convicts were on deck. On the *Minerva*, the prison was swabbed and scrapped daily, and was washed by the sailors twice a week to prevent the spread of bacteria.⁴⁹⁴ However, on other transports it is likely that the convicts washed their own quarters. Another source of employment for sailors was painting the transport and moving casks in preparation for when they reached port.⁴⁹⁵ In the absence of diligent soldiers, sailors also acted as a guard for the convicts. There was always a man stationed above the hatchways to the prison and when the transportees came on deck a large group were under arms. Depending on temperament of the soldiers on board and whether they were prepared to be involved with the maintenance of the convicts, shaped their shipboard routine. If they played an active role, they would supervise the prisoners when on deck. However, if they did not, they spent the majority of their day talking amongst themselves and walking around the deck.

⁴⁹³ Fulton, *The Minerva Journal*, p. 91.

⁴⁹⁴ Ibid, p.12

⁴⁹⁵ Ibid, p. 85

The most exciting time for officers, sailors, soldiers and free passengers was when they crossed the equatorial line. The crossing of the equator transformed vessels into a wooden theatre as sailors paid their respects to King Neptune. During this ritual a senior seaman would dress up as the god of the sea and they would judge whether the sailors who had not yet crossed the equator had proved themselves worthy seamen. The seasoned crewmen were draped with 'ochre, robes and wigs made of ravelled spun yarn' which made them unrecognisable.⁴⁹⁶ The captain was forced to pay a toll and if the ship had not yet crossed the earth's middle the commander had to give double. The captain typically gave King Neptune 'half a gallon of liquor, and two pounds of sugar', before attention was turned to the inexperienced members of the crew. Those who had not crossed the equator had to pay into King Neptune's cellar. If anybody refused they were tied to a seat, harnessed to the main yard arm, hauled up the mast and plunged from around 50 feet into the water three times before being released.⁴⁹⁷ This commonly only happened to one unlucky member of the crew but the rest were shaved and doused in noxious bilge water. The ceremony usually brought festivities on the deck throughout the day and whilst this was a time of merriment and songs for the sailors, when these rituals were taking place the convicts were battened firmly below.⁴⁹⁸

Other occasions that were filled with festivities include Christmas, New Year and High Holy Days. On the return voyage of the *Lady Penrhyn*, Saint Patrick's Day was celebrated with drinking, singing and fighting.⁴⁹⁹ The time in port also broke up the monotony of life afloat for the crew, as it was typically a very busy but pleasurable time for the ship's company. When the transport reached Rio or the Cape the sailors were employed getting the long boat ready, mooring the ship, clearing the decks and

⁴⁹⁶ Barrington, *An account of a voyage to New South Wales*, p. 89

⁴⁹⁷ Ibid, p. 87-91.

⁴⁹⁸ It is possible that the gentlemen or more privilege convicts who had access to the deck may have observed the ceremony but it is likely that very few were involved.

⁴⁹⁹ Fighting in this context was most probably closely akin to bare knuckled boxing. SLNSW: Arthur Bowes Smyth illustrated journal p. 247

preparing the empty casks so they could be refilled.⁵⁰⁰ Ports also offered a source of entertainment. To keep the crew in good spirits the captain allowed small groups to visit the shore to enjoy the local culture, alcohol and women. The officers also took turns to visit and sleep on shore, receiving respite from the confinements of their cabins. They spent majority of this time obtaining provisions and conversing with the governors of various countries. In addition, while at port it was custom for other captains and officers to visit and dine on board the ship and vice versa.

4.3.3 *Shipboard Relationships*

Although leaving Britain generated feelings of loss, emotions often abated when new relationships were formed. These bonds prevented feelings of melancholy and allowed convicts to experience some comfort from their situation. It was common for sexual relationships to blossom on board convict ships that carried women. The officers, sailors and marines all took 'sea wives' when permitted. However, some captains forbade the men to create these short-term sexual relationships. The men on the First Fleet were not allowed to take a sea wife, although this did not stop the crewmen and female convicts having sexual relations.⁵⁰¹ Prior to the sailing of the *Lady Penrhyn*, Scottish marine George Johnston and Deputy Judge- Advocate David Collins called out the names of all the women on board. By doing so, they realised five were missing.⁵⁰² After a short time, four were found with the sailors and one with Second Mate William Squire.⁵⁰³ As a result, the women were put in irons and the officer was removed from the ship for disobeying the orders of Captain William Cropton Sever.⁵⁰⁴ On 24 June, Surgeon White noted in his journal that 'In some of the other ships, the desire of the women to be with the men was so uncontrollable, that

⁵⁰⁰ Fulton, *The Minerva Journal*, p. 96.

⁵⁰¹ Surgeon White advised that Captain Phillip had made it clear to him that he was anxious to prevent intercourse between the crew and the convicts. John White, *A Journal of a voyage to New South Wales*, 24 June 1787 and SLNSW: Arthur Bowes Smyth illustrated journal, p. 6.

⁵⁰² SLNSW: Arthur Bowes Smyth illustrated journal, p. 9.

⁵⁰³ Ibid, p. 9.

⁵⁰⁴ Ibid, p. 9.

neither shame (but indeed of this they has long lost sight) nor the fear of punishment, could deter them from making their way through the bulk heads to the apartments assigned to the seamen.⁵⁰⁵ The soldiers on the First Fleet also found it difficult to curb their sexual desires and several were caught in the women's prison, or at least, attempting to go amongst the female convicts. This was taken as a serious offence, which resulted in the marines being apprehended and confined until they could stand trial for their crimes.⁵⁰⁶

On other convict vessels, however, the practice of taking a sea wife was encouraged to ease tensions and make the situation of the sailors more bearable. Surprisingly, there is evidence to suggest that the women were not just mere objects used for pleasure. When the *Lady Juliana* sailed John Nicol recorded that as soon as the vessel was out at sea 'every man on board took a wife from among the convicts. Nicol's 'sea wife' was Sarah Whitelam, a convict from Lincolnshire. Nicol revealed that he, 'courted her for a week and upwards, and would have married her upon the sport, had there been a clergyman on board...I had fixed my fancy upon her upon her from the moment I knocked the rivet out of her irons.'⁵⁰⁷ Nicol went on to advise that at the time he wanted to take her home as his lawful wife after her sentence had expired. Their relationship had quickly become sexual and towards the end of the voyage Whitelam bore him a son.⁵⁰⁸ The way in which Nicol wrote about their relationship reflected a happy time in the mariner's life.

The majority of sexual relations that took place on board convict ships appear to have been consensual.⁵⁰⁹ Surprisingly, there are no reports of abuse or rape in the complaints that were gathered from convicts on arrival to New South Wales, despite

⁵⁰⁵ John White, *A Journal of a voyage to New South Wales*, 24 June 1787.

⁵⁰⁶ Ibid, 22 July 1787.

⁵⁰⁷ John Nicol, *The Life and Adventures of John Nichol*, p. 119.

⁵⁰⁸ It is worth noting that unlike in the slave trade, children of convicts were not born into bondage.

⁵⁰⁹ This is not to say that rape did not occur.

declarations of other grievances.⁵¹⁰ Thus, there is no comparable evidence to suggest that convict women were violated in the same way as their counterparts in the slave trade. As historian Eric Taylor has argued, it is not improbable to suggest that at least one enslaved African woman was raped on every slave ship that crossed the Atlantic.⁵¹¹ On this subject Surgeon Alexander Falconbridge advised that ‘the officers are permitted to indulge their passions among them at pleasure, and sometimes are guilty of such brutal excess, as disgrace human nature.’⁵¹² The horror of these events were described in vivid detail by slave trader turned abolitionist John Newton, when he wrote:

When the Women and Girls are taken on board a ship, naked, trembling, terrified, perhaps almost exhausted with cold, fatigue and hunger, they are often exposed to the wanton rudeness of white Savages. The poor creatures cannot understand the language they hear, but the looks and manner of the speakers, are sufficiently intelligible. In imagination, the prey is divided, upon the spot, and only reserved till opportunity offers. Where resistance, or refusal, would be utterly in vain, even the solicitation of consent is seldom thought of.⁵¹³

At the end of this passage, Newton went on to suggest that the men who fought to keep the trade going should think about their own wives and daughters. Although Newton was trying to blur the lines between enslaved African and English women, which was a popular abolitionist tactic, in doing so he demonstrated that for some there was a dichotomy between what was thought acceptable treatment for white women in comparison to enslaved Africans of the same sex.⁵¹⁴

⁵¹⁰ As will be demonstrated in the subsequent chapter there were procedures to report grievances and convicts complained about anything that they found unsuitable during the voyage. Furthermore, these matters were always investigated.

⁵¹¹ Taylor, *If we must die*, p. 33.

⁵¹² Falconbridge, *An Account of the Slave Trade*, p. 24.

⁵¹³ Newton, *Thoughts upon the African Slave Trade*, p. 20.

⁵¹⁴ Women did not endure physical examinations, they were always clothed appropriately, very rarely endured physical punishments, when they were menstruating they were allowed to remain in bed and when giving birth, although the surgeon was present typically an elder female assisted in the delivery of the child.

The relationships between the crew and convicts did not always have to be physical. On occasion, male convicts found a friend among the sailors or a confidante. However, there is evidence to suggest this was at times detrimental to the safe passage of the vessel. The convicts and ship's company on board the *Alexander* combined to cause Captain Sinclair a number of problems during the First Fleet voyage. The surgeon of the *Lady Penrhyn* advised that when at Rio they had acted in a very mutinous manner and had threatened the officers of the vessel while declaring they would do as they pleased because the captain had lost all power.⁵¹⁵ On the majority of transports, the surgeon had the closest relationship with the convicts. He not only visited them every day but conversed with them regarding their ailments. The majority of medical men treated the convicts with care when they were in an extremely vulnerable position. There were instances where the surgeon did not act in accordance to his role, however in the main those employed on board transports were humane men. Arthur Bowes Smyth was given eight combs to divide among the convicts and he distributed them to those he felt were most deserving.⁵¹⁶ Thus this shows he knew each female on the *Lady Penrhyn* very well in order to assess their needs.

The convicts also formed relationships with one another, while some made friends others made enemies. When a large number of men were confined together swearing, confrontation and fighting was commonplace. However, the female convicts were just as volatile. During the voyage of the First Fleet transports the women were often punished for fighting amongst themselves.⁵¹⁷ Smyth gives the best account of what an officer thought about the conduct of the convicts whilst aboard a transport vessel. Around half way through the voyage to the Antipodes, he noted:

I believe I may venture to affirm there never was a more abandoned set of wretches collected in one place than are now in this ship in particular, and I

⁵¹⁵ SLNSW: Arthur Bowes Smyth illustrated journal, p. 63-64.

⁵¹⁶ Ibid, p. 63.

⁵¹⁷ Ibid, p.10.

am well informed the comparison holds with respect to all the other convicts in the fleet. The greater part of them are so totally abandoned and calloused to all sense of shame and when common decency, that it frequently becomes absolutely necessary to inflict corporal punishment and sorry I am to say that when this rigid mode of proceeding had not the desired [sic] affect, as every day evinces they grow more hardened in their wickedness, nor do I conceive it possible in their present situation to adopt any plans to compel them to behave... like human beings. Perpetually thieving, the clothes from each other, many almost from their backs may be rated amongst the least of their crimes.⁵¹⁸

Clearly tensions were high after long periods of confinement and it can be assumed that a certain degree of bullying took place when the ship's company was out of sight.

4.3.4 *Resistance and punishment*

While shipboard conditions, routine and relationships dictated a large proportion of the convict's experience during the passage to New South Wales, arguably the way the vessel was managed and how the captain ruled had more of an impact on whether prisoners and crewmen suffered physical and psychological pains. To maintain order on board any maritime trading vessel captains had to reconcile praise and reward with discipline and punishment in order to assert his authority effectively. However, there was a legal framework in which convict ship captains had to operate, which prevented the punishment of captives being overtly brutal and inhumane. The men were typically flogged or placed in isolation. However, the women rarely received physical punishments, although seven women were flogged on board the First Fleet vessels, *Prince of Wales* and *Friendship*, due to theft and impertinence. Instead, women were typically either confined in irons, had their hands tied, were

⁵¹⁸ SLNSW: Arthur Bowes Smyth illustrated journal, p. 86.

gagged, 'pumped on' or alternatively had their heads shaved.⁵¹⁹ Interestingly, this last punishment was the most feared and hated by the women. These punishments very rarely imposed severe physical pain because it would seem that their male captors were reluctant to inflict corporal punishment.⁵²⁰ Unfortunately, this did not extend to the crew, although in comparison to the slave trade they were punished leniently. The soldiers who travelled to New South Wales, on the other hand, were punished within the remit of martial law and thus their fate was decided by a court martial, unless their actions caused an imminent threat to the vessel in which case the captain could take action.

Inevitably the severity of punishments increased as behaviour became more threatening towards the officers or the safe passage of the vessel. The potential for insurrection during the age of sail was a very real fear among ship-owners, captains and crewmen, especially for those carrying an unwilling cargo. With this in mind, serious challenges to authority were understandably greeted with more severe punishments. However, on board convict ships between 1787 and 1807 methods of rebuke used were remarkably lenient. For instance, during the First Fleet an informant had advised captain of the *Scarborough*, John Marshall that convicts Philip Farrell and Thomas Griffiths had planned to rise up. As a result, they were heavily ironed and transferred to the *Sirius* where they both received 24 lashes each before being transferred to the *Prince of Wales*. However, in the most severe cases of danger there is evidence that captains on occasion would make an example and hang ringleaders. This happened on the *Albemarle*, a Third Fleet ship, where the mutineers came close to taking control of the upper deck, and on several other vessels where the details of the uprising have not survived.⁵²¹

⁵¹⁹ Being pumped on seems to have involved women being squirted with water. Although, it is possible this was a variation of water boarding it would seem uncharacteristically barbaric for the punishments meted out to women.

⁵²⁰ Although, lenient punishments were bestowed on convict women this was not the same in the slave trade. Enslaved African women tended to receive the same punishments as their male counterparts.

⁵²¹ Bateson, *The convict ships*, p. 134.

The examples of convicts receiving between one and three dozen lashes for plotting a mutiny are abundant and demonstrate the lenient approach taken on board transport vessels. However, on occasions floggings were excessive. Typically, this was after other attempts of mutiny had been made. On 11 September 1795, Captain Hogan, commander of the *Marquis Cornwallis*, punished mutineers with the lash.⁵²² Two nights later the convicts attempted to rise again, this time in retaliation the officers ran down the hatchway and discharged their pistols. Although no prisoners were killed outright, a number died of their wounds days later and 50 convicts were flogged in the aftermath. The number of lashes meted out was relatively high and surely not necessary for the safety of the ship. However, this was the second instance of attempted insurrection and thus Hogan may have felt that he had to assert his authority since another attempt may have led to the seizure of the vessels.

In comparison, there is evidence to suggest that the fear of insurrection altered the psyche of officers on board slave ships, which prompted a tyrannical style of shipboard rule. Without any legal consequences, the punishments issued out to enslaved Africans during the voyage were often brutal and excessive, especially when threats to the vessel were posed. One of the greatest fears for slave trade owners and captains was insurrection. This can be identified in the instructions issued to the commander before the voyage and also in the way punishments were enacted. Those who participated in an unsuccessful insurrection were reprimanded in the most barbarous manner. Some of the most sensational occurrences were collected by abolitionist Thomas Clarkson. He reported that after the insurrection on board the *Pearl* had been quelled, the surgeon sliced the backs of twelve enslaved Africans, before saltwater was rubbed into the gaping wounds to add further suffering. The bloodcurdling screams of the mutineers must have rung in the ears of the captives

⁵²² Michael H. Styles, *Captain Hogan: Sailor, Merchant, Diplomat on Six Continents* (Virginia: Six Continent Horizons, 2003), p. 54.

who were forced to watch, and thus acted as warning to anyone else who plotted future insurrection.⁵²³

Arguably, the most inhumane and brutal punishment that occurred in a British slave ship was on board the *Ruby* in 1787; after being placed in a neck collar the wounded ringleader was chained to the foremast, and denied food and water.⁵²⁴ When he died of starvation three days later his body was then tossed overboard in front of the remaining cohort of enslaved Africans.⁵²⁵ However, this was not the end of the punishment for the slaves who looked on. The crew was then ordered to seize a small boy who had been injured in the conflict and tie bricks to his neck.⁵²⁶ He was then thrown overboard to his watery grave. If this all was not grossly inhumane enough, two other mutineers were then decapitated and their heads were handed to the enslaved Africans who were ordered to kiss the lips of the diseased.⁵²⁷ When some refused they were flogged unmercifully for disobedience. As Eric Robert Taylor has observed, the brutal punishment which can be identified in slave voyages were adaptations of traditional forms of torture and violence onshore, and thus must be placed in perspective of an era where punishments were inherently brutal. However, by 1787 cruel spectacles of punishment and corporal reprimands had waned significantly and they are not identified on board convict ships. Whilst the implements used to punish small scale acts of resistance on board slave and convict ships were the same, the ways in which potential threats to the vessel were dealt with were very different. Thus, whilst the captive experience of enslaved Africans was synonymous with fear caused by physical and mental torture, it can be assumed that convicts only experienced intense fear when they awaited a punishment for a very serious offence.

⁵²³ Eric Taylor, *If we must die*, p. 113.

⁵²⁴ Ibid, p.113.

⁵²⁵ Ibid, p.113.

⁵²⁶ Ibid, p. 113.

⁵²⁷ Ibid, p. 113.

4.4 *Comparable situations*

It was common for convict ship captains and surgeons whilst at port to document the culture and practices of the native population within the pages of their journals. Under the remarks and observations space within these books, there are comments on the slave trade and the inhumane punishments suffered by convicts of other nations, which provide an interesting insight into how Britain treated her criminal captives in comparison. Surgeon Arthur Bowes Smyth detailed the horrific and barbarous treatment of prisoners at the Cape. He advised when approaching Table Bay, ships were greeted with a view of gibbets, racking wheels and various other instruments of torture.⁵²⁸ The surgeon appears to have been making an observation but surely the officers compared the convicts on board and the punishments meted out to criminals in Britain with those in the Cape. It is probable that they looked upon the convicts below and thought that transportation was a relatively humane punishment in comparison to the capital and corporal rebukes extended to the criminals of other nations.

Captains and surgeons also commented on slaves in Rio and the Cape. While there is no direct comparison between the two coerced migration systems, their absence suggests that officers and surgeons did not see a similarity between the two captive populations. Whilst at Rio Bowes Smyth noted that in the afternoon of 14 August 1787 'a snow from the coast of Guinea moored close by us, loaded with several hundred slaves to be sold at Rio Janeiro... at day light... I was awakened by their singing... previous to them being sold... the appearance they made was truly miserable.'⁵²⁹ The surgeon seemed deeply troubled by this. In addition, Surgeon White observed that the slaves at the Cape of Good Hope were treated far better than those in the West Indies.⁵³⁰ After spending three years in the Caribbean, White had frequently witnessed the most brutal punishments meted out to slaves. He noted

⁵²⁸ SLNSW: Arthur Bowes Smyth illustrated journal, p.65 and 70.

⁵²⁹ Ibid, p. 46.

⁵³⁰ John White, *A Journal of a voyage to New South Wales*, 14 October 1787.

in his journal that 'The bare retrospect of the cruelties I have seen exercised there excites a kind of horror that chills my blood'.⁵³¹ Again there was no comparison between any punishments that was meted out to convicts on the First Fleet. Reflecting on his experience in Rio, Surgeon John Washington Price also made a comparison to the slaves he saw, however again this was not with the convicts on board the ship but with animals in Ireland. He advised,

I have seen many of these poor Africans used here even worse than the common beasts in Ireland, I have frequently seen 12 or more of them chained together by the necks compelled to carry burthens, sufficient for as many horses, and as if their bodys were not sufficiently excoriated from the scorching heat of the sun, their cruel driver frequently laid severe welts between their naked shoulders... In relating these circumstances it is not intended to excite horror in my readers, but with the hope of inciting in their breasts a degree of indignation, which will stimulate vigorous and effectual exertion for the speedy termination of the execrable traffic in human flesh, which to the disgrace of this civilized society, is still suffered to exist, and is, even in christian countries sanctioned by law, but I hope thro the perseverance of some of our humane senators, this trade will in a short time, be totally abolished in the British colonies.⁵³²

It is clear here that Washington Price had abolitionist sympathies, thus if he had found the situation of British convicts comparable to enslaved Africans, it is likely he would have aired his views.

These accounts about seemingly unrelated events scribbled into a captain or surgeon's journal on the way to New South Wales, very much tell a story of the convict experience. It demonstrates that the officers on board convict transports had a clear understanding of inhumanity, suffering and both physical and mental pain. The diaries of White, Bowes Smyth and Washington Price indicate that they were respectable men with good morals and principles. They all played a role in shaping the convict experience, their humane attitudes coupled with their attentive medical

⁵³¹ Ibid, 14 October 1787.

⁵³² Fulton, *The Minerva Journal*, p.110.

care meant that they had no reason to compare convicts to enslaved Africans, as to their minds the two were incomparable, especially given the high standard of care meted out to prisoners on their vessels.

4.5 *Disembarkation in New South Wales*

After a long and arduous voyage across the seas, all but two convict ships entered the Southern Ocean.⁵³³ The passage from Rio or the Cape through the Indian Ocean presented the most beautiful scenery, as accounts described excitement at dancing lights on the surface of the seas, leaping dolphins, vast colourful shoals of fish that glittered under the water, sharks circling their prey and large whales swimming beside the ship.⁵³⁴ However, these sights may have seemed somewhat ordinary compared to those witnessed in the Southern Ocean. As the vessel passed around the west and under the south coast of Australia, the Aurora Australis, more popularly known as the Southern Lights, flashed bright crimson, orange, yellow and white streaks above the vessel and was likely a natural phenomenon that was marvelled by all on board. However, the most rewarding sight for crewman and convicts alike was land. In the later years, it was custom for ships to call at only one port so the outline of the shore was met with rejoicing. After a voyage of 132 days, 20 of which were spent at the port of Rio, John Washington Price noted in his journal that he was 'gratified by the sight of Van Diemen's land'.⁵³⁵ He advised that the convicts were in a very joyful state as they had all longed to see land for some time. The days in between sighting Van Diemen's Land and mooring at Sydney Cove must have been exciting but also very busy as empty casks were brought on deck, the ship was cleaned and the convicts were readied for disembarkation.

⁵³³ The *Guardian* hit an iceberg off the Cape and the *Lady Shore* was taken after an insurrection by members of the New South Wales Corps.

⁵³⁴ It is likely that this natural phenomenon was created by bio-luminescence.

⁵³⁵ Fulton, *The Minerva Journal*, p. 137.

As the First Fleet dropped anchor at Sydney Cove, instructions were issued to collect all the artificers among the convicts and unload them before the others so they could clear the land.⁵³⁶ It took another week, for all the officers, marines, their wives and children together with the convicts to be landed.⁵³⁷ Before disembarkation, the convicts on the First Fleet were issued with food and clothing.⁵³⁸ However, according to Barrington, when the convicts on the Third Fleet were brought ashore they were issued new clothes, and their old rags were burnt to ensure all infectious disorders were thwarted before they were spread to the inhabitants of colony.⁵³⁹ Whilst the majority of convicts that were landed at Sydney Cove were remarkably healthy after enduring such a long venture, those who had been left to languish below for long periods of time, had not received the appropriate medical care or had not been issued the correct provisions were delivered in a terrible condition. In 1791, Barrington reported that at ten o' clock in morning the convicts were disembarked from his ship. He stated 'their appearance was truly deplorable, the generality of them being emaciated by disease; and those who laboured under no bodily complaint, through the fatigues of the voyage, change of climate, and a scanty allowance, were, nevertheless, in a wretched way.'⁵⁴⁰ However, the convicts who had travelled to Botany Bay on the Third Fleet with Barrington were much healthier than those who had been delivered from the Second. When writing to William Grenville two weeks after the Second Fleet convicts were disembarked at Botany Bay, Arthur Phillip advised 'many of those now received are in such a situation from old complaints and so emaciated from what they have suffered on the voyage, that they never will be capable of any labour'.⁵⁴¹

⁵³⁶ John White, *A Journal of a voyage to New South Wales*, 23 January 1788.

⁵³⁷ Ibid, 29 January 1788.

⁵³⁸ SLNSW: Arthur Bowes Smyth illustrated journal, p. 159.

⁵³⁹ Barrington, *An account of a voyage to New South Wales*, p. 122.

⁵⁴⁰ Barrington lists two hundred and fifty male, six women and a convicts wife and child on board the *Albemarle*. The six women who landed with this vessel are a mystery, however although proof has yet to be found it is likely that these women had been swapped from a different ship during the voyage or like in Barrington's case the transport registers may have been wrong.

⁵⁴¹ HRNSW, Phillip to Grenville, pp. 354-355.

The voyage to Botany Bay symbolised a new start and a very different life for the majority of convicts. After they had been convicted prisoners, they had very few rights, however by the time they reached New South Wales these had been fully reinstated. Thus, as soon as they disembarked each convict was asked if they wished to air any grievances about the voyage or the treatment they received. Their complaints were then investigated and action was taken by the court assembled in the penal colony. The clothing, provisions, medical care and ability to complain must have provided some relief for the convicts who disembarked at Sydney Cove. However, whilst some were likely looking forward to the prospect of the starting their new life and reuniting with old friends, other searched for opportunities to abscond.⁵⁴² In the main, two escape routes prevailed. Convicts typically stowed themselves away in the ship so they would be taken to the East Indies, or they ran into the bush. To prevent the former, when the vessel weighed anchor the ship was smoked to see if any convicts had hidden themselves away. As documented by Mathew Boyd, captain of the *Bellona*, when his ship was smoked it brought 'four from their lurking holes'.⁵⁴³ These convicts were sent back to the shore and likely punished. However, those that were not detected would have continued with the vessel. In some cases, the Governor believed that captains stowed convicts away on purpose to work during the voyage home.

The experience of leaving the vessel was very different for convicts and enslaved Africans. While convicts were absorbed into a labour system under the protection of the government and had their rights reinstated, enslaved Africans were rounded up and either presented to purchasers on board the ship, taken to a market or put on board a smaller vessel which delivered them to another region of the Americas. Once they had left the ship and were purchased, they were slaves who were treated as their new master saw fit, they were not protected by law and had no

⁵⁴² While waiting on board the *Minerva* a female convict received information about her daughter and sister who had already been transported to New South Wales. Fulton, *The Minerva Journal*, p. 141.

⁵⁴³ Log of the *Bellona*, transactions, BL: IOR/L/MAR/B/496A/5.

rights. Thus, disembarkation provided another layer of infamy to a journey that had propelled them into perpetual slavery.

Conclusion

The journey to the Australian colonies was often long and gruelling. Nevertheless, from conviction to disembarkation efforts were made to ease the suffering of prisoners. Ironically, it is probable that the worst experience endured by felons during their journey to Botany Bay occurred whilst they were still in Britain, either in the prisons or on board the hulks. For a lot of prisoners, their experience was enhanced during the voyage and sufferings were limited. Transports were typically kept clean and the provisions issued to convicts were adequate. The shipboard routine was conducive to health with regular visits from the surgeon and time on deck. Whilst on board the relationships constructed appear to have been based on care and consideration. Those that are evident between female convicts and the crew seem to have been consensual and the bonds created among the convicts meant they had a friend which would facilitate an easier integration into colonial Australian life.

The punishments received by convicts during the voyage were relatively lenient and often caused less psychological and physical pains than those implemented in the slave trade and on board naval vessels. The disembarkation of prisoners in New South Wales symbolised further care, with cloths, provisions and medical attention offered to everyone that arrived. Some convicts like those on the Second Fleet suffered immense psychological and physical pains during their journey to the Australian colonies. However, over a period of 20 years, this was rare. Thus, despite the assertion within the historiography that convict transportation was readily comparable to the slave trade, this chapter has demonstrated that this needs to be rethought in terms of shipboard experience. The hardships faced by enslaved Africans were far more extreme and, despite the cases of brutality identified in convict transportation, this treatment was the exception rather than the rule. Thus,

it should be noted that convict transportation was not a callous or brutal system of forced migration like the slave trade. As this chapter shows in most cases it was relatively humane.

Chapter Six

A Successful Coerced Migration System

On 19 January 1790, the Second Fleet set sail from Portsmouth with a cargo of 939 convict men, women and children destined for Botany Bay. Five months later, when the *Neptune*, *Scarborough* and *Surprise* reached the penal colony, 256 prisoners (27 per cent) had died and the remainder were landed sickly and emaciated. The horrors of the journey were described in a private letter penned by William Hill, a captain in the New South Wales Corps who travelled with the fleet.⁵⁴⁴ He held contractors Calvert, Camden and King, the prolific London based slave traders, accountable for the disastrous venture.⁵⁴⁵ Hill explained that the merchants had employed a barbarous crew, chartered inappropriate vessels for such a lengthy transoceanic passage and had loaded confinement apparatus onto the vessel which were made specifically for the Guinea trade.⁵⁴⁶ All of which, he advised, contributed to the excessive mortality rate experienced by the fleet. Hill concluded, 'The slave trade is merciful compared with what I have seen in this Fleet'.⁵⁴⁷

There are many reasons why Hill may have made a comparison between the slave and convict trades. One possibility is that he was trying to contribute to the abolition debates that were gathering momentum in Britain at the time the Second Fleet had set sail. By vilifying Calvert, Camden and King, he contributed to the argument that those who organised and participated in the slave trade had a blatant disregard for human life. On the other hand, it is possible that he wanted to expose the atrocities that took place on board the Second Fleet so that human suffering could be lessened during subsequent voyages, and merely evoked the slave trade to

⁵⁴⁴ HRNSW: 1798-1792, pp. 366-371.

⁵⁴⁵ Ibid., pp. 366-367.

⁵⁴⁶ Ibid., pp. 366-367.

⁵⁴⁷ Ibid., pp. 366-367.

galvanise humanitarian sympathies. He sent the letter to abolitionist and MP William Wilberforce, his friend the Sheriff of Gloucester William Wathen and the officials at the Admiralty Office. Although there is no evidence to suggest that Hill's letter directly influenced the improvements that were made to convict transportation after the failings of the Second Fleet, it is significant because it contributed to a wealth of information which was circulated showing the parallel attempts that were being made to remedy abuses on board slave and convict vessels.

Despite the Second Fleet comprising only three of the 63 captive voyages bound for the Antipodes between 1787 and 1807, the story of the *Neptune*, *Scarborough* and *Surprise* has dominated the narrative of convict transportation in its infant stages. Alongside in-depth studies by historians such as Michael Flynn and Emma Christopher, most works which have commented upon convict transportation make reference to the inhumane conditions suffered by convicts on board the infamous Second Fleet.⁵⁴⁸ As a result of these grim accounts, a skewed representation of the penal punishment has prevailed and created the impression that, before 1815, convict transportation was organised by inhumane contractors, executed by brutal captains and plagued by abuses. However, as this chapter will demonstrate, this interpretation requires revision. From the outset, convict transportation was logistically very efficient. The majority of voyages were well organised and they were executed by relatively tolerant men. In the main, mortality rates were exceedingly low and continual improvements were made to the system to ensure the highest number of convicts were delivered to New South Wales in good health.

While "successful" aspects of the system have seldom been acknowledged in the early years, with exception to the First Fleet, the remarkably low mortality rates achieved during the voyage to the Australian colonies have been commented upon by historians. In their analysis of the decrease in the mortality rate on board slave ships Robin Haines and Ralph Shlomowitz have advised that the transference of

⁵⁴⁸ Flynn, *The Second Fleet*; Christopher, 'The Slave Trade Is Merciful Compared to [This]', pp. 109-128; Hughes, *The Fatal Shore*, pp. 145-148.

knowledge, practice and skill contributed to improved systems of forced migration in the late eighteenth and early nineteenth centuries.⁵⁴⁹ In order to build upon their pioneering work, this chapter will demonstrate that the spread of humanitarianism and an all-encompassing strive for general improvement on shore filtered into the maritime sphere and contributed to increased vigilance regarding the welfare of various floating populations. These fertile conditions led to innovations in troop transportation and the slave trade, which gradually filtered into convict transportation and vice versa, resulting in advances in the efficiency of all three trades. The intersections that are apparent between these maritime systems of migration have however been largely neglected by scholars. Only Richard Bianco's study of Sir Jeremiah Fitzpatrick has demonstrated how one man influenced both troop and convict transportation. However, although Bianco's study provides an overview of the Inspector of Health for Land Forces' career, there is one significant area which has not been commented upon and that is Fitzpatrick's direct influence on legislation passed to regulate the slave trade.⁵⁵⁰ The cross fertilisation of ideas and the evidence of key officials working in all three systems of migration demonstrates that they were more closely bound than has been previously highlighted in the historiography.

A key argument in this chapter is that convict transportation was not a barbarous and inhumane system of coerced migration readily comparable to the slave trade, despite the literary flourishes of contemporaries and historians who have looked to align them. Convict transportation maintained a lower mortality rate than slave trading ventures in every year between 1787 and 1807 and, due to legal measures and the employment of tolerant men who continually strove for improvement, remained an efficient means of delivering human cargo well into the nineteenth century. In addition to legal improvements, there was also a discernible

⁵⁴⁹ Robin Haines and Ralph Shlomowitz, 'Explaining the mortality decline in the Eighteenth-Century British Slave Trade', *The Economic History Review*, 53:2 (2000), pp. 262-283.

⁵⁵⁰ Richard L. Blanco, 'The Soldier's friend- Sir Jeremiah Fitzpatrick, Inspector of Health for Land Forces,' *Medical History*, 20:4 (1976), pp. 402-421.

shift in humanitarian attitudes, which lessened the propensity of the voyage to cause undue physical and psychological pains and created greater accountability for all concerned. This chapter will be divided into two parts. The first will explore whether brutal and inhumane acts were commonplace on board convict transports that embarked from Britain between 1787 and 1807. While acknowledging the rare atrocities that did occur, it will also take a revisionist approach to the Second Fleet and the *Britannia* to demonstrate that these cases proved to be the exception rather than the rule. The second part of this chapter will analyse why convict transportation to the Australian colonies became exceptionally efficient very early in its existence. It will highlight that the organisation and execution of the First Fleet provided excellent foundations to be built upon and that the legal system in which convict transportation operated contributed to fewer instances of abuses. Furthermore, it will stress the importance of the continual improvements implemented to reduce mortality and ill health during the voyage.

5.1 *Abuses within the system*

The trend in analysing maritime history ‘from below’ has shed light upon the experiences of sailors, troops, convicts, slaves and passengers during their time afloat.⁵⁵¹ It has demonstrated that adverse weather, overcrowding, the spread of illness or disease, insufficient victuals and tyrannical officers could result in a particularly bad experience during a voyage in any maritime venture, whether under official contract or not. It is clear that these conditions were not trade specific and, in fact, omnipresent features of life at sea in the late eighteenth and early nineteenth centuries. However, there is a tendency in coerced migrant literature to isolate incidents that occurred on board slave and convict vessels and explain them through

⁵⁵¹ Marcus Rediker is pioneer of maritime history from below his works include: Rediker, *Between the Devil and the Deep Blue Sea*; Peter Linebaugh & Marcus Rediker, *The Many-Headed Hydra*; Marcus Rediker, *Outlaws of the Atlantic: Sailors, Pirates and Motley Crews in the Age of Sail* (Boston: Beacon Press, 2014).

the effects of brutal or greedy captains and unsanitary conditions to demonstrate that these trades were inherently cruel and inhumane. In order to show the barbarities in the slave trade, the majority of studies comment on cases like the *Zong* massacre or other acts of brutal violence to define the Middle Passage more generally.⁵⁵² However, although these conditions may have been more prevalent within the slave trade due to the nature of these voyages, they were not synonymous with convict transportation and were only present during a minority of voyages. As scholars such as Robert Hughes have pointed out, the convicts suffered most extensively on board the Second Fleet and the *Britannia*.⁵⁵³ However, whilst this assertion is not disputed, historians are yet to comment on the series of negative factors which resulted in mass failings in both ventures. Instead, the narrative has been written through the actions of inhumane and negligent captains, which has neglected pivotal parts of the voyage.

5.1.1 *The Second Fleet*

The voyages of the Second Fleet were amongst the deadliest in the history of convict transportation. In total, the *Scarborough*, *Neptune* and *Surprise* buried one in three convict men, women and children during their passage to Australia and landed the rest sickly and emaciated. In a letter describing the arrival of the Second Fleet, Reverend Richard Johnson advised that the convicts on board the *Surprise* were lying half naked 'without either bed or bedding, unable to turn themselves.'⁵⁵⁴ He described the smell as so offensive that he could barely stand to be in the hold with the convicts and admitted that he did not go on board the *Scarborough* or the *Neptune* because the conditions were worse. Furthermore, Johnson claimed that some convicts died after the ships had anchored in the harbour and their bodies had

⁵⁵² For the barbarities that took place during the middle passage see, Rediker, *The Slave Ship*; Taylor, *If We Must Die* and Herbert. S. Klein, *The Atlantic Slave Trade*.

⁵⁵³ Hughes, *The Fatal Shore*, pp. 145-149.

⁵⁵⁴ HRNSW: 1783-1792, p. 387.

been thrown overboard which caused their naked corpses to wash up on the shore.⁵⁵⁵ Johnson also described the landing of the survivors as 'truly affecting and shocking', and commented that a large number were so weak that they could not, sit, stand or walk on their own, leading him to witness some crawl up the sand on their hands and knees. In the six weeks after the convicts had been landed, eighty-four more were buried alongside one child and a soldier.⁵⁵⁶ Thus, in total, the Second Fleet cost at least 340 prisoners their lives.

On 13 July 1790, Governor Phillip wrote to William Grenville advising that the extremely high mortality rate achieved by the Second Fleet was caused by mass overcrowding and as a result of the prisoners 'being too much confined during the voyage'.⁵⁵⁷ He went on to state, 'I believe, sir, while the masters of the transports think their own safety depends on admitting few convicts on deck at a time, and most of those with irons on, which prevent any kind of exercise, numbers must always perish on so long a voyage'.⁵⁵⁸ Whilst Phillip did not blame the excessive mortality rate on brutal or inhumane treatment, Hill advised that the captains of all three transports were barbarous.⁵⁵⁹ His list of abuses which resulted in greater voyage mortality included incorrect confinement apparel, insufficient food provisions and the premise that the convicts were more profitable dead than alive.⁵⁶⁰ In his appraisal of the journey he advised, 'My feelings never have been so wounded as in this voyage, so much so that I never shall recover my accustomed vivacity and spirits'.⁵⁶¹

⁵⁵⁵ HRNSW: 1783-1792, p. 387.

⁵⁵⁶ HRNSW: 1783-1792, p. 388.

⁵⁵⁷ HRNSW: 1783-1792, p. 355.

⁵⁵⁸ Interestingly, Phillip's comments demonstrate the necessity of fresh air and exercise to combat mortality which may give a different validation for ensuring that enslaved Africans 'danced' on board Guineamen. Ibid, p. 355.

⁵⁵⁹ HRNSW: 1783-1792, p. 368.

⁵⁶⁰ Hill argued that because captains were given a sum of money for transporting the whole cohort of convicts, they were had no incentive to keep people alive. In addition, once they had died they could keep their rations and sell them at Botany Bay for extortionate prices. Therefore, they were more profitable dead than alive. Ibid, p. 367.

⁵⁶¹ Ibid, p. 368.

The atrocities that occurred on board the *Neptune* were further highlighted after the ship had arrived back in Britain. Several of the crew accused Captain Donald Trail and First Mate William Ellerington of murdering Sixth Mate Andrew Anderson, the cook John Joseph and an unnamed convict.⁵⁶² On 7 June 1792, Trail and Ellerington stood in front of the High Court of the Admiralty at the Old Bailey accused the murder of the unnamed convict.⁵⁶³ Their trial had an interesting prelude in the case of slave trader Captain John Kimber, who had been charged with murdering an enslaved African girl on board the *Recovery*. Despite the evidence presented against all three men, they were acquitted. In the Trail and Ellerington case it is possible that the jury did not reach a verdict because it was difficult to determine cause of death at sea as many factors had to be considered. Whereas, in the Kimber case the perjury trials of witnesses Surgeon Thomas Dowling and sailor Stephen Deveraux confirm that there were questions regarding the legitimacy of their statements.⁵⁶⁴ As a result, the prosecuting attorney of both cases, Thomas Evans 'was, by order of Judge Ashurst and Baron Hotham, ordered to be reported to the Court, in order to be struck off the Roll'.⁵⁶⁵

The evidence put forth regarding the atrocities that took place were further reinforced by a letter from convict Thomas Milburn to his parents who claimed he travelled to New South Wales on board the *Neptune*. The prisoner advised, 'I wish I had died at home rather than to have lain at the mercy of such merciless tyrants'.⁵⁶⁶ Milburn stated that the convicts had been chained together and confined in the prison for the whole of the voyage. He further complained that they scarcely issued with enough food or water to keep them alive. Thus, in order to survive they had to conceal dead bodies so they could consume their provisions. The convict advised, 'I

⁵⁶² Treasury Solicitors Papers, TNA: TS11/1186, box 381.

⁵⁶³ There is conflicting evidence while the newspapers reported and gave details that the case was for the murder of an unnamed convict, the court records only include evidence of the murder of the ship's cook.

⁵⁶⁴ *Reading Mercury*, 10 June 1793.

⁵⁶⁵ *London Recorder*, 10 June 1792.

⁵⁶⁶ Milburn's letter, Mitchell Library (New South Wales): Q944.4103/5.

was chained to Humphrey Davies who died when we were about half way, and I lay beside his corpse about a week and got his allowance of provision and water during this time.⁵⁶⁷ Milburn also elaborated on the alleged murder of the unnamed convict and the monstrous actions of Captain Donald Trail and William Ellington. He wrote:

There were about one hundred and forty died on the passage through extreme hunger and wretchedness, yet this never had the least effect on our inhumane Captain, Donald Trail and his barbarous Mate, William Ellington [sic], who, instead easing our troubles, practised all manner of cruelty that they could invent in order to torture us... the Mate ordered a poor unfortunate man, named John Rogers, upon deck, without his irons, and then upbraided the poor fellow for having his irons off, saying, "So I find you have had your irons off all last night", to which the poor fellow only replied, "Indeed I have not, Sir", upon which Ellington immediately seized him, placed his foot in his stomach, and pulled his arms so much as to occasion him to cry exceedingly, and to beg Mr Ellington not to treat him so; Ellington then left him and went into the cabin to the Captain, who immediately came out and ordered poor Rogers to be tied to the bow of the long boat, when Ellington flogged him with the end of a fore-top sail brail (a three inch rope) so violently, as to make his back bleed exceedingly.⁵⁶⁸

According to Milburn, the man died three hours later from his wounds. This letter has been used in a number of studies in order to demonstrate the sufferings that convicts supposedly endured on board the *Neptune*.

However, whilst these events have shaped our understanding of the Second Fleet, a deeper analysis demonstrates a very different narrative. Firstly, although it has been pointed out a number of times that Calvert, Camden and King organised slave trading voyages, they also financed whaling ventures and prepared ships to travel to Asia. They were not only slave traders; they were global eighteenth-century merchants. Their activities in the slave trade demonstrate that they were proficient and experienced in organising the transportation of enslaved Africans across the Atlantic and possessed extensive knowledge on how to keep coerced migrants alive

⁵⁶⁷ Ibid.

⁵⁶⁸ Ibid.

during a transoceanic passage. The instructions issued to the captains were detailed and they were all given a copy of the charter party.⁵⁶⁹ Within the instructions to Trail the firm advised, 'The convicts and troops must be victualled and supplied comfortably to the contract'.⁵⁷⁰ The correct provisions were loaded on board and apart from the slave trading apparel the vessels were fitted out at a moderately high standard, this evidence demonstrates that Calvert, Camden and King did not enter this business venture with bad intentions.

In the same vein, Calvert, Camden and King organised the *Third Fleet* and although there were some abuses during the voyage they were not of the same magnitude as its predecessor. The mortality rate was better with one in ten prisoners dying during the passage, although this was still higher than expected on board convict transports.⁵⁷¹ Furthermore, while scholars have detailed the disasters and abuses that took place on board the Second and Third Fleets, they have not commented upon the voyage of the *Surprise*, which travelled to the Antipodes in 1794 with a cargo of 83 convicts and was organised by Calvert, likely on behalf of the firm. During this voyage, no convicts died and although a plot was formed to take the vessel, there were no reports of brutality. This venture was captained by Patrick Campbell, who a year prior had completed a slave trading voyage on board the *Eagle* for Calvert's good friend William Collow and achieved a 2.5 per cent mortality rate.⁵⁷² Thus, the same ties with the slave trade were evident as in the *Neptune* but the results were far different.

The events that occurred during the voyage cannot simply be explained through the lens of tyrannical or cruel captains. If Donald Trail, Nicholas Anstis and John Marshall had been inherently barbaric, there surely would have been indications

⁵⁶⁹ *Woodfall's Register*, 3 August 1792.

⁵⁷⁰ *Ibid.*

⁵⁷¹ A rate that was comparable in troop transportation during the French Revolutionary and Napoleonic Wars. C.B. Rogers, *Troopships and their history* (London: Seeley Service & Co., 1963), p.10.

⁵⁷² TASTD, *Eagle*, VI: 81097.

within the first half of the voyage. However, there appears to be no evidence to suggest that any major abuses occurred during the passage between Britain and the Cape. In the same letter quoted in the introduction of this chapter, Hill only commented upon the weather regarding the first part of the passage. However, in the latter part of the voyage he advised that it was 'miserable, not so much in itself, as rendered so by the villany [sic], oppression, and shameful [s]peculation of the masters of two of the transport's.⁵⁷³ Thus, there appears to have been a certain shift from a moderately uneventful first half of the voyage to a horrific second where there were complaints about starvation, limited access to deck, excessive confinement and brutality.

One of the factors that may have been the catalyst for change during the voyage was the weather. The Second Fleet sailed through the Indian and Southern Oceans in the winter which meant that the vessels were greeted with heavy swells and turbulent winds. In a statement made by Donald Trail defending his actions on board the *Neptune*, the captain advised that the excessive motion of the vessel made it impossible to cook or clean the eating utensils and thus it was possible that the provisions had not been issued as often as in other times during the passage.⁵⁷⁴ However, the captain of the *Neptune* insisted that the convicts only had cause to complain two or three times at most.⁵⁷⁵

The weather clearly affected the voyage between Africa and Australia, however this issue was compounded because the vessels were barely seaworthy. As Hill also commented, the *Surprise* was not suitable for such a lengthy venture and in choppy seas shipped a great deal of water.⁵⁷⁶ The captain of the New South Wales Corps admitted that 'from the Cape, the unhappy wretches, the convicts, were considerably above their waists in water, and the men of my company... were nearly

⁵⁷³ HRNSW: 1798-1792, pp. 366-371.

⁵⁷⁴ *Woodfall's Register*, 6 August 1792.

⁵⁷⁵ Ibid.

⁵⁷⁶ The *Neptune* was also unsuitable to travel such as distance. HRNSW: 1798-1792, p. 367.

up to the middle'.⁵⁷⁷ Alongside the discomfort of being drenched, the convicts had to be kept in the prisons at this time out of necessity in case they posed a threat to the vessel when the sailors were preoccupied trying to keep it afloat.⁵⁷⁸ However, Hill observed that when the bad weather had abated there was no attempt to purify the air or clean the prison.⁵⁷⁹ In defence of the captains who sailed the Second Fleet vessels, this could only be achieved if the convicts were out of the prison but, according to Trail, on the *Neptune* they would not go on deck without the use of force because the seas were so rough and the wind was extremely cold.⁵⁸⁰ Trail also stated that it was dangerous to take all the convicts onto the top deck at once, so the orlop deck could scarcely be cleaned.⁵⁸¹ However, in order to keep the ship 'smelling sweet', the captain of the *Neptune* insisted it was daily scraped, swabbed, mopped and sprinkled with oil or tar or vinegar twice a week, consistent with the cleaning activities on board all convict ships.⁵⁸²

Another factor which would have negatively impacted the passage of the Second Fleet from the Cape to New South Wales was the outbreak of disease. Once the vessels had left the Cape, an epidemical fever mixed with scurvy began to rage through the ship.⁵⁸³ In an attempt to try and limit the effects, Trail made a request to Lieutenant Shapcote to serve porter. However, the naval agent refused, advising that he did not have the authority to allow the captain to do so.⁵⁸⁴ As Trail knew that without Shapcote's written consent the expense could not be reclaimed by the contractors, he gave the sick vinegar for mouthwash and vegetables out of his own

⁵⁷⁷ Ibid, p. 367.

⁵⁷⁸ Ibid, p. 367.

⁵⁷⁹ Ibid, p. 367.

⁵⁸⁰ *Woodfall's Register*, 6 August 1792.

⁵⁸¹ Ibid.

⁵⁸² Ibid.

⁵⁸³ Ibid.

⁵⁸⁴ Trail was advised by Calvert, Camden and King that he was to follow the direction of the naval agent and obtain proofs of all necessities so the firm could claim the expenditure back from the government. Thus because Shapcote would not sign his name to confirm he agreed that the serving of alcohol was a necessity it was not given out.

stores instead.⁵⁸⁵ Once disease had erupted it was very difficult to keep it under control. This is evident in some of the other convict transports where prisoners were brought on board with disease, such as the *Hillsborough* which embarked from Ireland on 23 December 1798.⁵⁸⁶ With regard to the allegations of confinement, Trail advised that not one of the surviving convicts were chained on arrival at Port Jackson, although he did admit that they had only been released from their irons after a large number had died.⁵⁸⁷ The captain also pointed out that if the convicts had been chained to the orlop deck or been denied water, they would have included this in their complaints when they arrived at New South Wales. Interestingly, the prisoners only voiced their annoyance at being heavily ironed throughout the voyage which was, in turn, was investigated.⁵⁸⁸ In addition, when the prisoners were landed accusations regarding murder were not raised, nor were there any comments of the dead being left among the living in the convicts' quarters.⁵⁸⁹

We must show caution when taking the evidence of the crewmen at face value, as they clearly did not like Trail and were suing him for withholding their wages. There are also some suggestions that these men had not attended to their duties properly and some had left the ship without permission, which was the reason the captain refused to pay them in full. Thus, the murder of an unnamed convict may have been conjured up as way of seeking vengeance. In addition, the prosecuting attorney, Thomas Evans appears to have had his own concealed and undiscernible motives. It may have been that his role as attorney in two high-profile cases put pressure on him to gain a conviction and most likely knowing that Kimber would be

⁵⁸⁵ *Woodfall's Register*, 6 August 1792.

⁵⁸⁶ Bateson, *The Convict Ships*, p. 168.

⁵⁸⁷ This is in dispute as Reverend Richard Johnson advised that the convicts were chained on arrival. However, in Trail's defence Johnson did not go on board the *Neptune*. HRNSW: 1783-1792, p. 388.

⁵⁸⁸ *Woodfall's Register*, 6 August 1792. This is confirmed by Reverend Johnson, as advised the convicts had complained that they had been kept in chains for the majority of the voyage. HRNSW: 1783-1792, p. 388.

⁵⁸⁹ *Ibid.*

found not guilty he felt that Trail was his best option for victory.⁵⁹⁰ The letter written by Thomas Milburn was almost certainly the work of the attorney. In the transportation registers there is not a convict of this name who travelled with the Second Fleet.⁵⁹¹ Furthermore, there was no transportee named John Rogers.⁵⁹² Perhaps even more curiously, as Gary Sturges has pointed out, the words in the letter mirror that of the statements given by the crew members who testified against Trail.⁵⁹³ Therefore, it would seem that Evans was responsible for both and in essence most of the information that historians have relied upon is actually the fictional work of the attorney. Therefore, it can be concluded that the failings of the Second Fleet in all likelihood were not at the hands of brutal and tyrannical captains but a series of negative factors such as the weather and illness which hampered the success of the voyage. Trail, Anstis and Marshall were not blameless for the high mortality rates by any means, however reports of widespread corruption have been over played as the evidence is at best equivocal. For example, John Marshall had shipped a large number of convicts on board the First Fleet vessel *Scarborough* and he was highly regarded by the prisoners. During this venture only one convict died out of 208, thus Marshall knew how to keep captives alive during a voyage to the Antipodes. On the Second Fleet, 73 out of 259 died on the same vessel, commanded by the same man. Thus, scholars need to avoid simplistic answers based on the personality of the captain and crew to explain the failings of a transoceanic voyage.

⁵⁹⁰ There were a number of claims that Evans presented which Trail adamantly refuted. For example, the attorney argued that the women's chests had been thrown overboard out of anger and callousness. However, Trail advised that only one women's possessions has been thrown overboard and that was because they were crawling with lice. See Woodfall's Register, 6 August 1792.

⁵⁹¹ Transportation Register, TNA: HO 11/1/25-70.

⁵⁹² Ibid.

⁵⁹³ Gary L. Sturges, Thomas Milburn's letter, unpublished document.

5.1.2 The *Britannia*

The *Britannia* embarked from Cork harbour on the South Coast of Ireland, on 10 December 1796 with 188 convict men, women and children. After a voyage of 169 days she reached the penal colony having lost eleven convicts during the passage, thus achieving a mortality rate of only one death for every 17.1 convicts embarked. However, despite the relatively low mortality rate experienced on board, much like the prisoners that travelled with the Second Fleet the convicts suffered inexplicably during the latter part of their voyage. On 24 March 1797, a plot devised by the convicts to seize the vessel was uncovered. In response, Captain Thomas Dennott decided to punish those involved in the most savage and brutal manner. Firstly, the punishments meted out were extremely excessive and were more comparable with those inflicted on soldiers or sailors by a court martial than those issued to convict transportees. The men involved received between 300 and 800 lashes, while the women had their heads shaven, were placed in neck yolks and were publicly whipped.⁵⁹⁴ Secondly, the attitude adopted by Dennott when the punishments were inflicted was overtly cruel and sadistic. He whipped some convicts over two successive days. One of these was James Brennan, who on the first day received 300 lashes and the same number the second. During the latter half of his punishment, the captain looked to inflict the maximum amount of pain by adding two pieces of horse skin to the cat-o-nine tails and tying knots at the ends of each strand of leather.⁵⁹⁵ He then allegedly screamed at Brennan, 'Dam [sic] your eyes, this will open your carcass'.⁵⁹⁶ In another instance of inhumanity, when James Brady was being whipped he begged for a drink of water and complained that if he did not receive it he would surely die. Dennott's response was 'Die and be damned'.⁵⁹⁷ Furthermore, when

⁵⁹⁴ See the Trial of Dennott in the HRNSW: 1797-1800, p. 33-63.

⁵⁹⁵ Ibid, p. 65.

⁵⁹⁶ Ibid, p. 65.

⁵⁹⁷ Ibid, p. 56.

punishing another prisoner for his part in the mutiny, he advised, 'I will not hang you; it is too gentle a death, but I will cut you to pieces'.⁵⁹⁸

The threat to mutiny severely affected the atmosphere on board and appears to have negatively impacted the crew's collective psyche. Before the plot was exposed, the captain and crew made some effort to keep the convicts relatively comfortable during the passage. However, after this instance their attempts to clean and dry the prison were limited, despite the ship being notoriously leaky. Furthermore, it was reported that the convicts did not receive the correct provisions and other heinous acts of brutality occurred. All of these factors took their toll on the prisoners' health and, as a result, a high number were delivered to the shores of Sydney Cove sickly and emaciated. Once landed, the convicts complained of the hardships they had endured during the voyage. After their grievances, had been aired, the Governor instructed a Bench of Magistrates to assemble to enquire into the truth of the matters that had been raised.⁵⁹⁹ The charges brought forth against Dennott were,

1st. For having by severity of punishment, executed by your order, occasioned the death of six convicts on board the *Britannia*, transport, under your command. 2nd. For your general conduct not having been suitable to the intention of Government in sending them here in health and safety.⁶⁰⁰

During the case, Surgeon Jacob Augustus Beyer and Lieutenant William Burne of the New South Wales Corps gave evidence to suggest that the captain had not consulted with them when deciding what punishments should be meted out, which was customary on board convict transports. Furthermore, they both claimed that Dennott had been exceedingly cruel in his punishments.⁶⁰¹ Third Mate Isaac Froome agreed with the viewpoint of the Lieutenant and furthermore claimed that the punishments

⁵⁹⁸ Ibid, p. 37.

⁵⁹⁹ Dennott's case was investigated by the Acting Judge Advocate Richard Atkins, Reverend Richard Johnson and Surgeon William Balmain.

⁶⁰⁰ Ibid, p. 240.

⁶⁰¹ Ibid, pp. 241 and 242.

inflicted on the convicts were not absolutely necessary for the safety of the ship.⁶⁰² However, the chief mate in his evidence made it clear that the Beyer was complicit in the punishments. He advised that the surgeon had been present at the whippings, kept count of the lashes meted out to each convict and was consulted as to whether the punishments should continue. The chief mate also implicated Lieutenant Burne by claiming that he had taken part in the floggings and that both he and surgeon had not acted in a humane manner towards the convicts.⁶⁰³ With regards to the surgeon, the chief mate advised that the female convicts were afraid to speak with him and he beat some of the women in a vicious manner.⁶⁰⁴ The second mate then took the stand and confirmed this version of events. The boatswain and the ship's steward also gave evidence in favour of the captain. In addition, the content of the evidence provided by some of the convicts suggested that the Dennott did not mistreat them, whereas they claimed the surgeon had neglected his duty.

It is clear from the crew's statements and a letter from convict John Kenny to Mr Gregg the jailor of New Prison at Dublin that some convicts suffered a worse experience on board than others.⁶⁰⁵ Kenny advised that on 24 March, a conspiracy in which 40 convicts were plotting to murder the crew and take over the ship, had been discovered. The ringleader had propositioned Kenny to be a part of the uprising but he had declined and revealed he was pleased after he had witnessed their punishment. The convict stated that some men were given between 300 and 400 lashes. He advised that, 'the punishment was inflicted with the utmost severity,' and he 'was never so shocked as at hearing the groans of the sufferers.'

⁶⁰² Ibid, p. 243.

⁶⁰³ HRNSW: 1796-1799, p. 246.

⁶⁰⁴ Ibid, p. 247.

⁶⁰⁵ James Kenny was a 29-year-old baker from Dublin. He was convicted in 1796 for shooting and wounding a person, although curiously the newspaper advised he had been sent to the penal colony for stealing 20 yards of muslin. He had a relatively comfortable life in the colony, however in 1814 at the age of 46 was killed by an eight-foot black snake. See ICTNSW: <http://members.pcug.org.au/~ppmay/cgi-bin/irish/irish.cgi?requestType=Search2&id=15919>, for Kenny's profile [Accessed 03/05/15]

Kenny explained that 'eleven died in consequence of their deserved punishment.'

He went onto state,

The Captain and the officers of the vessel being satisfactorily convinced (as I was accused with the others) that I was not concerned in the conspiracy against their lives, henceforward shewed me great kindness on the voyage, when I arrived here, gave me such a recommendation, as provided me a situation to be clerk to a commissary.⁶⁰⁶

Thus, it would seem that only those involved in the plot had a horrific experience and those who were not were treated moderately well by the crew. This is also confirmed by the convict's witness statements.

The second, third and fourth convicts brought to the stand supported the surgeon and the Lieutenant. They told the court that the punishment meted out to them was upwards of 300 lashes and that the surgeon attended his duty with the highest degree of humanity. However, a convict referred to by the initials J.B. advised that after the captain had put a stop to the punishment the surgeon ordered him to be lashed another eight times.⁶⁰⁷ Furthermore, he advised that the Beyer did not attend to the convicts that had been punished in order to treat their wounds.⁶⁰⁸ The seventh convict to testify was a female named Mary. She miscarried during the voyage and claimed she had been treated badly by the surgeon but the captain had been very kind to her.⁶⁰⁹ She was not involved in the mutiny. The convict witness statements were followed by soldiers of the New South Wales Corps who supported the captain in his assertions that he had conducted himself in the most humane manner.⁶¹⁰

After all of the evidence was heard the magistrates convened and unanimously decided that Captain Dennott's conduct was unjust because he had not

⁶⁰⁶ *Caledonian Mercury*, 28 July 1800, p. 4.

⁶⁰⁷ HRNSW: 1796-1799, p. 270.

⁶⁰⁸ *Ibid*, p. 270.

⁶⁰⁹ *Ibid*, p. 267.

⁶¹⁰ *Ibid*, p. 266-267.

consulted with and gained the consent of the rest of the ship's crew.⁶¹¹ They went on to advise that the surgeon was an accessory to the very cruelties and inhumanities that he accused the captain of due to his lack of sufficient interference.⁶¹² Surprisingly, they did not mention in their concluding remarks, or appear to have taken into consideration during the case, that surgeon Beyer had occupied the same position with the Second Fleet vessel *Scarborough*, which was also plagued with an exceptionally high mortality rate and as detailed above certain suspected abuses. With regard to the second charge, the magistrate agreed that Captain Dennott had given proper orders and took the necessary steps to deliver the convicts to the colony safely and that punishments were meted out with good cause.

Although Dennott's actions were extreme, they appear to have worsened after the insurrection and it is clear that the attitude of the captain and the crew changed towards the prisoners on board. In the evidence given by Lieutenant Burne, he advised that Dennott had only taken steps that ensured the successful transportation of convicts in the first half of the voyage but in the latter, they were 'perfectly neglected'.⁶¹³ It is likely that they acted in such a heinous and brutal manner after the plot was discovered owing to fear. On a vessel that was miles away from land, when the crew was outnumbered by captives, who nearly always wanted to regain their liberty and in doing so murder them and take the ship, it is not surprising that they did not want to go below and attend to the convicts. This was particularly the case on board vessels that shipped Irish transportees, who were prone to mutiny between 1787 and 1807.⁶¹⁴ In addition, whilst these punishments appeared somewhat excessive in the convict trade, in the navy and army they were commonplace for lesser infractions. Thus, if we put this into perspective, the punishments meted out

⁶¹¹ Ibid, p. 276-277.

⁶¹² Ibid, p. 276-277.

⁶¹³ In addition, towards the end of the voyage the swabs and brooms used to clean the vessel had been destroyed. Ibid, pp. 241, 244.

⁶¹⁴ For information on plots of insurrection particularly in the period after 1807 see Hamish Maxwell-Stewart, "Those Lads Contrived a Plan": Attempts at Mutiny on Australia- Bound Convict Vessels, *IRSH*, 58 (2013), pp. 177- 196.

to the convicts on board the *Britannia* were sensational because there are no comparable circumstances during the passage of convict ships and not because, at the time they, were unacceptable. Furthermore, convict agency can be blamed for these events, the crew were arguably provoked into taking some form of action. However, it is probable that they did not need to punish so severely to assert their authority.

5.1.3 *Other abuses*

Although there are explanations as to why certain events took place on board both the Second Fleet and *Britannia*, both voyages were nevertheless littered with abuses. However, they were exceptional and unrepresentative of the majority of ventures from Britain to New South Wales. Between the sailing of the First Fleet and the legal abolition of the slave trade, convict ships set sail for the colonies 63 times.⁶¹⁵ Table 5.1 documents the abuses that occurred during their passage to the Antipodes which would have made a voyage extremely uncomfortable for those on board.

⁶¹⁵ Although only 61 voyages were completed as the NSW Corps mutinied and took the *Lady Shore* and the *Guardian* hit an iceberg and had to limp back to the Cape.

Table 5.1: Incidents that indicate failings during the voyage to New South Wales, 1787-1807

Incident	Number of voyages identified
Manslaughter	1
Incorrect provisions administered	7
Overcrowded	19
A large proportion of convicts landed sickly and emaciated	12
Complaints made by convicts when landed at New South Wales	4

Source: Bateson, *Convict Ships*, p. 128, 129, 134, 135, 146, 177, 179, 183, 184; HRNSW: 1783-1792, p. 538; David Collins, *An account of the colony in New South Wales*, p. 146.

Table 5.2: Alleged incidents/abuses that indicate failings during the voyage to New South Wales, 1787-1807

Alleged abuse	Number of voyages
Murder	2
Convicts heavily ironed throughout the voyage	6
Denied Access to the deck for a larger proportion of the voyage	5
Allegations of cruelty/inhumanity	4

Source: Bateson, *The Convict Ships*, pp. 128, 129, 134, 135, 146, 168, 177, 179, 183 and 184; HRNSW: 1783-1792, pp. 367 and 538; HRNSW: 1797-1800, pp. 33-63 and Collins, *An account of the colony in New South Wales*, p. 146.

As demonstrated in Table 5.1, out of the 63 voyages, only Lucklyn Betts commander of the *Hercules*, was charged with manslaughter. A case which is highlighted in the latter part of this chapter. During seven voyages, incorrect provisions were administered.⁶¹⁶ This abuse occurred on the three Second Fleet vessels and the *Britannia*. However, convicts were also defrauded out of a proportion of their rations on the Third Fleet transports, *Active* and *Queen* and also on board the *Atlas*.⁶¹⁷ At least 19 vessels were severely overcrowded, although the government, not the contractors or captains were at fault for this.⁶¹⁸ These included all of the First and Second Fleet vessels, as well as the *Mary Ann*, *Atlantic*, *William and Ann*, *Albemarle*, *Admiral Barrington*, *Pitt*, *Royal Admiral*, *Boddingtons* and *Hercules*. As a result of these factors and many more, 12 of the voyages ended with convicts being landed sickly and emaciated. These included the *Neptune*, *Surprize*, *Scarborough*, the Third Fleet Transports *Atlantic*, *William and Ann*, *Queen*, *Pitt*, *Ganges*, *Britannia*, *Hillsborough*, *Royal Admiral* and *Atlas*. Once landed, the convicts from six vessels made extensive complaints which were investigated by officials in the penal colony. These included those detailed above for the Second Fleet vessels and *Britannia*, the *Queen* for withholding provisions and the *Hercules* for the alleged murder of a mutineer.⁶¹⁹

As Table 5.2 demonstrates, out of the voyages to New South Wales between 1787 and 1807, only two convicts were allegedly murdered by the captain of their

⁶¹⁶ For information provisions withheld on the Second and Third Fleet see, Bateson, *Convict Ships*, pp. 128-129, 183-184.

⁶¹⁷ For information of the *Queen's* abuses, see HRNSW: 1783-1792, p. 538 and David Collins, *An account of the colony in New South Wales*, Second eds. (London: A Stranhan, 1804), p. 146; For the *Active* see, Bateson, *Convict Ships*, p. 135.

⁶¹⁸ Overcrowding was calculated based on tonnage of the vessel divided by the number of convicts embarked. It has been supplemented with additional complaints about overcrowding.

⁶¹⁹ See above for information on the *Second Fleet* and *Britannia*.

ship, these were John Rogers and Jeremiah Pendergrass.⁶²⁰ In total, on six voyages the convicts were supposedly kept in heavy irons for the majority of the passage and during five of those the prisoners were denied access to the deck for lengthy periods. These abuses took place on board all three Second Fleet vessels, the *Britannia* and the *Atlas*.⁶²¹ The convicts of the *Hillsborough* were ironed but there were no complaints to suggest they were not allowed on deck.⁶²² However, only Trail, Anstis and Dennott were accused of excessive brutal behaviour. As this evidence demonstrates, convict transportation was not like the slave trade where each voyage was littered with heinous acts. Arguably, the experiences of the prisoners on board convict ships were more closely akin to those of naval personnel, troops or generic migrants, where although some passages were shaped by the inherent violence accepted within the maritime sphere, the majority of ventures were unpleasant but not horrific. Furthermore, as this analysis has demonstrated most convict ships completed their voyages without allegations or instances of abuse.

5.2 *The success of convict transportation*

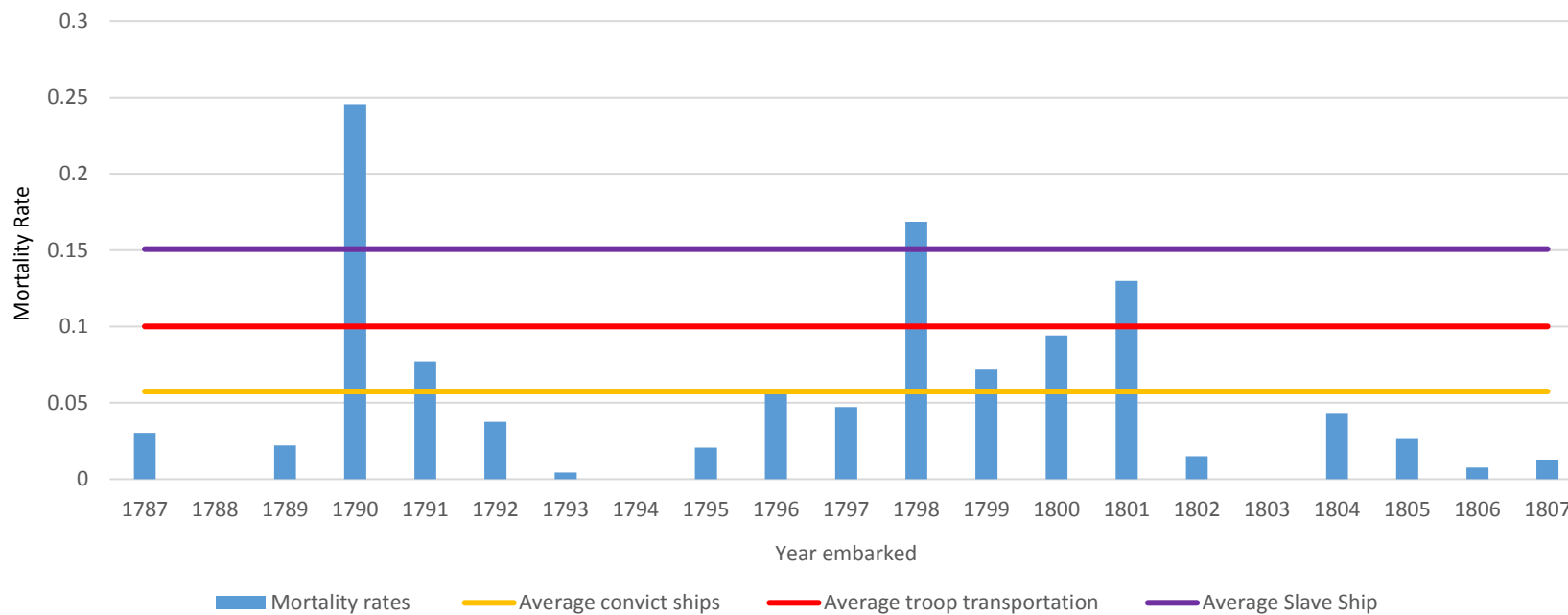
The relatively humane conduct of the crew was reflected in the low mortality rates experienced on board convict ships between 1787 and 1807. Figure 5.1 demonstrates the average mortality rate achieved by convict vessels, troop transports, and slave ships during the period of study.

⁶²⁰ Four convicts were executed William Siney and Owen Lyons on board the *Albemarle*, a male convict who travelled on board the *Sugar Cane*, Marcus Sheehy was shot dead on board the *Ann*, one male convict was executed on board the *Hercules*. All were ringleaders of insurrections. However, executing a mutineer cannot be classed as an abuse if the correct procedure was followed as will be explained in the latter part of this chapter. See Bateson, *The Convict Ships*, p. 134, 146, 177 and 179.

⁶²¹ For information on the *Second Fleet* and *Britannia* see, case studies above. For the *Atlas*, see Bateson, *Convict Ships*, p. 183-184.

⁶²² See Bateson, *The Convict Ships*, p. 168.

Figure 5.3: Average Mortality Rates on British vessels, 1787-1807



Source: Bateson, *The Convict Ships*, p. 379, TASTD: British vessels that sailed between 1787 and 1807 and H.C.B. Rogers, *Troopships and their history* (London: Seeley Service & Co., 1963), p.10. Note: In 1788 no convict ships set sail from Britain.

As Figure 5.3 demonstrates, very few convicts died during the passage from Britain to the Australian colonies. Only in 1790 and 1798 was the average death rate on board convict ships higher than those in slave ships. Furthermore, the average death rate during the voyage to the Antipodes was only higher than those on board troop ships in three years. This was a result of the sailing of the Second Fleet in 1790, the *Britannia* as part of the cohort in 1798 and the *Hercules* and *Atlas*, which sailed in 1801. Thus, convict transportation was a success in terms of meeting its aims, which was to relocate British criminals to New South Wales. There were three primary reasons for its success. These were the foundations provided by the First Fleet, the legal chain of responsibility created by the reformed system of sending convict to the Antipodes, and the improvements made to the system between 1787 and 1807.

5.2.1 *Organisational efficiency and solid foundations*

On 18 August 1786, Home Secretary, Lord Sydney sent a letter to the Lords Commissioners of the Treasury to inform them that a decision had been made regarding where to send convicts sentenced to transportation. The official correspondence revealed that Britain would form a new penal settlement over 14,000 miles away at Botany Bay and that the Treasury would be required to take the appropriate measures for providing ‘a proper number of vessels for the conveyance of 750 convicts... together with such provisions, necessities and implements for agriculture as may be necessary for their use after their arrival’.⁶²³ A full breakdown of the plan was also included, as well as the cost of the items Lord Sydney expected to have sent with the First Fleet.⁶²⁴ With regards to the convicts, it was suggested to the Treasury that they would need to supply money for clothing and bedding for each

⁶²³ HRNSW: 1783-1792, p. 14.

⁶²⁴ The plan detailed the position of the marines and how they would be cared for which included a statement that defined the British eighteenth-century view of other races that the women which they could marry would be procured from places neighbouring New South Wales. Although this action was not carried out it was suggested that women would be in effect taken consensually or not from other islands.

man, women and child, together with funds for surgical equipment and the medicine for their care during and after the voyage. The clothing issued to each male convict for one year amounted to £2/19/6 and included two jackets, four pairs of woollen drawers, one hat, three shirts, four pairs of worsted stockings, three frocks, three pairs of trousers and shoes.⁶²⁵ Sydney's letter to the Treasury demonstrates that not only was the plan well thought out but that the convicts were to be extensively provided for and the welfare of prisoners was central to the scheme. In the subsequent contracts after the First Fleet, the contractors were expected to supply the same quality and type of clothing.⁶²⁶

Curiously on 21 August, a mere three days after the government had made the decision to send convicts to Botany Bay, the London merchants George Mackenzie Macaulay, John Turnbull and Thomas Gregory submitted a letter to Under Secretary of the State for the Home Office, Evan Nepean, advising that they would supply the shipping and provisions for the First Fleet. To do so, the firm asked for 28 Guineas per person for conveyance and victualling during the voyage and a separate fee of seven shillings and four pence per man per day for the delivery of sufficient provisions based on the proportion meted out to troops, freight and insurance to New South Wales. Despite their apparent knowledge of troop transportation and connections with members of the Privy Council and/or Home Office, the firm was advised that their proposal would have to be submitted by tender, along with anyone else who was interested in obtaining this particular contract.⁶²⁷ Although this event has largely been written out of the history of convict transportation, the dismissal of the firm's offer demonstrates that the Government wanted to organise the First Fleet properly and have some input into whether the settlement was a success. This may not of course have been merely for the convicts' comfort and safe deliverance but

⁶²⁵ HRNSW: 1783-1792, p. 14.

⁶²⁶ Contract for the *Queen* NMM: MKH/9/2.

⁶²⁷ The decision to send convicts to Botany Bay was made secretly with the Privy Council and prominent members of the Government, it was not public knowledge until the end of August/early September.

because extensive sums of money were being invested into the colony, it was crucial that the venture a success.

Unlike the subsequent convict ships that travelled to New South Wales, only the vessels were to be supplied by a contractor and various government departments would take care of all other matters.⁶²⁸ The Home Secretary played a pivotal role in the organisation and planning of the First Fleet. His correspondence and actions demonstrated his diligence and determination for the convicts to be sufficiently provided and cared for during the voyage. This set a precedent for future ventures. To guarantee that his aims were met, Sydney made the controversial appointment of Captain Arthur Phillip as Governor of the newly acquired penal settlement. Lord Sydney backed Phillip from the outset, despite the reservations of prominent and influential men. On 3 September 1786, First Lord of the Admiralty, Richard Howe wrote to Sydney advising that 'I cannot say the little knowledge I have of Captain Philips [sic] would have led me to select him for a service of this complicated nature'.⁶²⁹ It is doubtful that Phillip was selected for his overall experience or knowledge of maritime exploration. However, his personality traits and gentle, humanitarian nature made him the perfect man for the task ahead, and thus he was sworn as the new Governor of Botany Bay on 12 October.⁶³⁰

Phillip sent several letters to various government boards with questions about his role in the settlement and the organisation of the Fleet. In his early correspondence, he very rarely mentioned the convicts but kept a watchful eye over the progress of the Fleet towards the end of 1786. However, on 11 January 1787 he wrote a letter to Nepean expressing his grave concerns about the situation on board the transports. The Governor advised that he had learned from Lieutenant Shortland and the surgeon's assistant on board the *Alexander* that 184 men had boarded the

⁶²⁸ The advertisement also makes reference to the relocation of black loyalists to Sierra Leone which nearly all the men involved in the organization of the First Fleet to Botany Bay also participated in planning.

⁶²⁹ HRNSW: 1788-1792, p. 23.

⁶³⁰ Ibid, p. 25.

ship several of which were in such a poor state of health they could not help themselves. Furthermore, he advised that the health of the convicts was sure to suffer as there was not enough space to move once the compliment of 240 men were embarked.⁶³¹ He then instructed that both the *Lady Penrhyn* and *Alexander* should be taken to Spithead as soon as possible so that the convicts would be safely permitted on deck and for surgical equipment to be delivered to the ships as soon as possible.

On 28 February Phillip sent another letter to Lord Sydney regarding the treatment of the convicts and advised that strict orders were to be issued to the masters to ensure that the women should not be abused or insulted by the ship's company, which he had heard had been the case on many of the transports that conveyed criminals to the Americas.⁶³² The following month Phillip sent a letter to Nepean, which raised further concerns regarding the impending embarkation of the Fleet.⁶³³ He advised that those on board the *Alexander* were extremely sick and recommended that the ship be cleaned and smoked. He went on to state that the wine and fresh meat he had ordered for the convicts and troops had not been delivered. The letter confirmed that Phillip had given the convicts clothes that were destined to be meted out at New South Wales whilst at Plymouth, on the presumption that the Navy Board would replace them.⁶³⁴ He further recommended that the convicts should be clothed and washed on leaving the prisons and hulks in future to ensure the transportees were kept healthy.

Whilst Lord Sydney was instrumental in the organisation of the First Fleet and Captain Arthur Phillip was pivotal in keeping the convicts' best interests at the forefront of the plan, Sir Charles Middleton was influential in giving advice on the

⁶³¹ HRNSW: 1783-1792, p. 46.

⁶³² Ibid, p. 51.

⁶³³ Ibid, p. 58.

⁶³⁴ Ibid, p. 58.

conveyance of the convicts to the colonies.⁶³⁵ The Comptroller of the Navy was prominent in a range of humanitarian projects but his involvement in convict transportation was of more of a practical nature.⁶³⁶ Despite Lord Howe's position as the head of the Admiralty, he had surprisingly little input into the organisation of the First Fleet. Instead, Prime Minister William Pitt and Lord Sydney preferred to consult with the Comptroller of the Navy.⁶³⁷ Middleton's first task was to give a breakdown of the expense that would be incurred from the venture, but that was not his only role. Middleton was also consulted on the logistics of transporting the convicts on the board the First Fleet vessels. Although George Teer was the Navy Board's official representative responsible for fitting out the First Fleet vessels, Middleton clearly advised him on how the convicts should be transported.

On 9 December, Nepean wrote to Middleton expressing his concern regarding the Comptroller's plan to split the women over three vessels, instead of keeping them contained within one. Middleton's influence and the trust put in his opinion are emphasised by the following lines, 'I ought not, to be sure, to presume to offer any opinion to you, as you must, for many reasons, be a better judge of these matters than I am, but it strikes me very forcibly that they should not if possible be divided.'⁶³⁸ Nepean's suggestion was to cram all the women into the *Lady Penrhyn*, although by

⁶³⁵ Middleton alongside other officials within the Treasury, Home Office and Admiralty such as George Rose were also instrumental in the organisation of the 'Province of Freedom.' Both the Botany Bay and Sierra Leone scheme were put into execution in 1786 and the first decades of the settlements share a paralleled history. In a recent article dedicated to the founding of the Sierra Leone Colony Isaac Land and Andrew M. Schocket wrote that the African settlement was characterised, 'by planning and improvisation, philanthropy and condescension, egalitarianism and efforts to impose authority, religious fervour, scientific curiosity, revolutionary utopianism and the search for profit,' a description that could also be applied to the initial colonisation of Botany Bay. See Isaac Land and Andrew M. Schocket, *New Approaches to the Founding of the Sierra Leone Colony, 1786-1801*, *Journal of Colonialism and Colonial History*, 9:2 (2008), pp. 1-15.

⁶³⁶ Middleton became Comptroller of the Navy in 1778, a post which he held for twelve years. In 1793 he obtained the position of Vice Admiral of the Navy and the following year Lord of the Admiralty, eleven years later in 1805 he was selected to be First Lord of the Admiralty at the age of 78.

⁶³⁷ Howe eventually resigned his post in 1788 because he felt constantly undermined by the Comptroller of the Navy.

⁶³⁸ HRNSW: 1783-1792, p. 34.

his own admission they would be overcrowded. Middleton appears to have been irritated by the Under-Secretary's plan and in response he advised:

I do not... see any force in the objection you have mentioned of putting male and female in the same ship, as it is done continually in all the African (Negro) cargoes that are carried to the West Indies. Each have their separate rooms, and though both in the same vessell [sic], have no communication with each other.⁶³⁹

Middleton's sentiment of allowing the slave trade to influence practices in convict transportation appears at first glance somewhat contradictory, especially given his abolitionist sympathies and role within the 'Province of Freedom'.⁶⁴⁰ However, Middleton's concern was not over the treatment of the convicts but whether they would be overcrowded and, given his experience in the navy, he believed that tightly packing the women into one vessel would be detrimental to their health.⁶⁴¹ In addition, by 1786 the slave trade had become relatively efficient in moving human cargo from Africa to the Americas as mortality rates declined significantly. Whilst slave trading may well have been barbaric and inhumane, it was undeniable that merchants and captains who invested in this line of commerce were among the best at transporting people across the seas. Therefore, Middleton was arguably right to use the slave trade to validate his opinions on how convict transportation should be executed. In addition to using knowledge and information about slave trading ventures, Middleton had extensive maritime experience and in his opinion

⁶³⁹ Ibid, p. 35.

⁶⁴⁰ As research by Dr Nicholas Evans and Professor Suzanne Schwartz has demonstrated, Middleton invested £500 in the Sierra Leone Company which was founded in 1790.

⁶⁴¹ During his time as Comptroller of the Navy, Middleton investigated and reported on naval governance. He was integral in the changes and modernisation of the Navy Office's methods and ruling principles. Furthermore, he was also deeply concerned about the discipline of the Fleet and strove for the introduction of better regulations. In his quest for improvement he conversed with his secretary and priest, abolitionist James Ramsay. It is during this time that that Middleton gave Ramsay access to the intelligence he received from Naval personnel about the slave trade. Thus the Comptrollers knowledge was far reaching and he demonstrates a further line of interconnected history between different maritime ventures. For further information on Middleton and Ramsay see, Richard Blake, *Evangelicals in the Royal Navy, 1775-1815: Blue Lights and Psalm-singers* (Woodbridge: Boydell and Brewer, 2008), pp. 57-71.

overcrowding would result in a high number of fatalities. The practice of transporting both male and female prisoners on the same ship continued until 1811, long after Middleton had left office. Although, it was seldom practiced in the later years.

The information taken from the Guinea trade was added to the knowledge and the extensive experience the Navy Board possessed regarding troop transportation and dealing with merchant contractors. The Navy Board received and processed tenders, their officers inspected and surveyed the ships presented to ensure they were capable on completing a journey of such magnitude and the victualling department organised the provisions for the duration of the voyage and for two years after the Fleet had arrived at New South Wales. All of these aspects were in the remit of their work in chartering vessels for the transportation of troops throughout the Empire and thus the same standards applied. Whilst the Admiralty and Home Office did not participate in the organisation of subsequent convict voyages, the Navy Board and later the Transport Board drafted charter parties which included all the necessities that were to be supplied by the contractor. This process and minute description of absolutely everything that should be provided was again taken from the practice of tendering ships to transport troops and victuals on government contracts, but the First Fleet acted as a blueprint for the ways in which these ventures should be organised. As R.J.B Knight and Martin Wilcox have demonstrated, this method of employing contractors became a pivotal part of the war effort against France between 1793 and 1815.⁶⁴² The stipulations within the charter-party that have been discussed in earlier chapters, also contribute to the view that convict transportation was organised in a manner to ensure the highest number of transportees were delivered to the colonies alive.

⁶⁴² R.J.B. Knight and Martin Howard Wilcox, *Sustaining the Fleet*.

5.2.2 *The legal chain of responsibility*

The second influential factor which significantly contributed to the efficiency of convict transportation was the legal system it was placed within and the chain of responsibility that was created. As convict transportation was a penal punishment, it is surprising that few historians have regarded the legal system as an integral part of ensuring that it remained relatively humane. Furthermore, these legal parameters set convict transportation apart from other coerced migration systems like the slave trade. Once transportees became the responsibility of the state, their names were taken, their crimes and sentence were recorded and most importantly a chain of responsibility was established. Though regulations in jail were difficult to police because they were privately run institutions, the hulks were paid for by the state and overseen by a contractor so there was an expectation as to how convicts should be treated whilst on board.

Although the prison ships have received endless criticism, there were efforts to ensure that the convicts who were put on board were treated moderately well. Unfortunately, as very few works have analysed the hulk records it is difficult to fully understand what significant improvements were made between 1787 and 1807. However, as early as 1779, Duncan Campbell informed a Committee on the Return of Felons that ‘there had been several great improvements in the management of the Hulks since last year’.⁶⁴³ These included improvements in the space between the prisoners’ beds, the quality and proportion of provisions meted out and the sanitation on board. With regards to the rations, Campbell advised that they were in greater proportion than those obtained by general labouring men.⁶⁴⁴ When Stewart Erskine, captain of the hulks, was called in front of the committee he concurred with Campbell, as did Dr William Smith, who had paid the prison ships an unexpected visit.⁶⁴⁵ The point here is that there was a real desire for improvement and

⁶⁴³ Fourteenth Parliament of Great Britain: Fifth Session 26 November 1788- 3 July 1779, p.309.

⁶⁴⁴ Ibid, p.309.

⁶⁴⁵ Ibid, p. 309.

furthermore a feeling of necessity that mortality was lowered, thus rendering the hulks a healthier environment. Eventually, this desire for improvement transcended into the slave trade as abolition surfaced at a time when reforms regarding penal institutions were circulating. Crucially, all improvements occurred under Whig rule.

Once a convict ship had been tendered and fitted out, a warrant for transportation was issued which stated that convicts were to be taken to the vessel. As the prisoners were delivered, the contractor signed contracts for the effectual transportation and paid the associated bonds, which amounted to the value of between £30 and £40 per convict. The surviving contracts for the Scottish transportees that were trusted into the care of merchant George Mackenzie Macaulay read:

I George Mackenzie Macaulay of Chatham Place London Esquire hereby bind and oblige myself my Heirs and successors cautioners and surety acted in the Books of Adjournal of the High Court of Judiciary for Edward Manning shipmaster of London Commander of the good ship Pitt that he shall transport and land at the Eastern Coast of New South Wales... the persons of Mary Macvey alias Steel and Katherine Ferguson present prisoners in the tolbooth of Perth and the person of Alexander Waddell present prisoner on board the Lion Hulk at Portsmouth removed thither according to the directions of the Act of Parliament in that behalf and report to the High Court of Judiciary a certificate of him doing so within three years- of the date hereof and that under the penalty of £30 sterling in the terms of and conform to the respective sentence duly pronounced.⁶⁴⁶

This document was then signed by witnesses and sent to the government to acknowledge the contractor had taken legal responsibility for the convicts. As Sturges has found, once the convicts were then received at New South Wales this legal responsibility was transferred to the Governor, thus offering them protection

⁶⁴⁶ National Archives Scotland (NAS): JC26/1791/66, 'Bonds of Caution for Edward Manning, shipmaster of London, Commander of the "Pitt", to transport and land prisoners in Scotland under the sentence of transportation to the eastern coast of New South Wales or the adjacent islands.

during the voyage.⁶⁴⁷ Furthermore, it shaped punishments meted out during the passage, the ways in which convicts were treated and the provisions they received. In addition, captains had to provide names of those who died and an answer as to why a convict did not arrive at the colonies. Thus, from county court house to Botany Bay a series of actors, influenced by humanitarianism or pragmatism, protected the convicts from judgement to settlement.

Following their conviction in Britain, felons had limited rights and in effect suffered a social death. However, from the moment they were taken on board a convict transport most their rights were restored and thus the voyage was not only the start of their new life but also a social rebirth where the stigmatisation of their past in the main ceased to hamper their future. Although these men women and children were by no means free, the fact they had rights at all is astonishing, given the era in which early convict transportation to the Antipodes operated. The Australian colonies could have been organised in the same manner as the heavily black populated settlements in the Americas where slaves had very few, if any rights at all. However, Governor Arthur Phillip was very quick to undermine the idea of a slave system in New South Wales. In a memo containing his views on how the expedition should be conducted and the ways in which the convicts should be treated he wrote, 'The laws of this country will, of course, be introduced in [New] South Wales, and there is one that I wish to take place from the moment his Majesty's forces take possession of the country: That there can be no slavery in a free land, and consequently no slaves.'⁶⁴⁸ It is clear that Phillip did not have any intention of keeping convicts in an absolute state of bondage like slaves in the Americas.⁶⁴⁹ On arrival in the colony, transportees were able to give evidence in court, prosecute if they were

⁶⁴⁷ Gary L. Sturges, *Legal Authority over convicts at Sea*, unpublished document, p. 28.

⁶⁴⁸ HRNSW: 1783-1792, p. 53.

⁶⁴⁹ The humane thinking of Arthur Phillip is clearly displayed in this passage. Deirdre Coleman has advised that with this tract the Governor was not only thinking about the convicts but the indigenous people of Australia. For further information, see, Deirdre Coleman, *Romantic Colonization and British Anti-Slavery* (Cambridge: Cambridge University Press, 2005), p. 167.

victims of crime, own property and furthermore could protect their possessions through their right to sue both those that were free and incarcerated.

The chain of legal responsibility also meant that once they had arrived in the penal colonies convicts were able to raise any complaints they had about their voyage and, as touched upon in the previous chapter, these were not only listened to but extensively investigated in a court of law. The first civil court case to occur in the colonies was brought in front of the judge at New South Wales by convicts Susannah and Henry Cable.⁶⁵⁰ After they had received charitable donations in Britain to start their new life together as a family, their possessions were put on board the *Alexander* to be carried to Botany Bay.⁶⁵¹ However, when they reached New South Wales their goods could not be located. Thus, on 1 July 1788, a writ was issued by the newly formed Civil Court in the names of Susannah and Henry Cable which advised that despite several requests their parcel had not been delivered to them.⁶⁵² It named Captain Duncan Sinclair as the defendant and requested that the Cable's possessions or the value of goods be returned to the couple immediately.⁶⁵³

The court, which included the Judge-Advocate and two civilians, issued a warrant to bring Sinclair before them so that he could answer the complaint. In the subsequent days, the case was heard and evidence was given to confirm that their package was loaded onto the vessel. However, the captain could not answer where the goods were or if they had been landed in the colony. In light of this, Henry Cable was awarded £15, which Sinclair had to pay from his own pocket. Although the convict had no proof that the package was worth this amount remarkably his word was taken as the truth.⁶⁵⁴ In Britain convicts were not allowed to bring a civil case to court, let alone testify. However, in a colony full of men, women and children who

⁶⁵⁰ Susannah Holmes and Henry Cable were married in February 1788 along with several other couples who had travelled to Botany Bay with the First Fleet.

⁶⁵¹ David Neal, *The Rule of Law in a Penal Colony*, (Cambridge: Cambridge University Press, 1991), p. 4.

⁶⁵² Ibid, pp. 4-5.

⁶⁵³ Ibid, pp. 4-5.

⁶⁵⁴ Ibid, pp. 4-5.

had been convicted, it was impossible to enforce such rules. The case of Susannah and Henry Cable was arguably the most important in the early years of the colony as it set a precedent. It demonstrated that evidence would lead the court and, regardless whether a victim of crime was free or incarcerated, they would be treated as equals at least in the eyes of the law. It also showed that convict property was to be respected and, more importantly, that captains of transports and other freemen who resided in the colony would not be allowed to mistreat felons or their possessions. However, this is not to say that in the subsequent months and years this did not happen.

Whilst the case of Susannah and Henry Cable was of a civil nature, the convicts played a large role in bringing captains to court for mistreatment and negligence during the voyage. It is within these cases that the extension of humanity that shrouded and protected convicts in the system of penal transportation can be found. From the First Fleet onwards, once the convict transports were moored in the waters of Sydney Cove or in the days after they had been disembarked, prisoners were given numerous opportunities to air their grievances about any mistreatment they had suffered during their journey to the penal colony.⁶⁵⁵ Surprisingly, there is no surviving evidence to suggest that a case was brought in front of the court at New South Wales after the arrival of the Second Fleet, although, as explored earlier in this chapter, Captain Donald Trail was tried for murdering an unnamed convict when the *Neptune* arrived back in Britain. However, when the Third Fleet anchored at the penal settlement, those that had travelled on board the *Queen* were quick to accuse the master, Richard Owen, of withholding their provisions. After an inquiry into this matter, the magistrates concluded that it was beyond all reasonable doubt that that

⁶⁵⁵ This tradition of allowing convicts to complain began with the disembarkation of the First Fleet and continued at least until 1838. In the Molesworth report it was advised that 'as soon as a convict vessel reaches its place of destination, a report is made by the surgeon-superintendent to the governor. A day is then appointed for the colonial secretary, or for his deputy, to go on board, to muster the convicts, and to hear their complaints if they have any to make. D. C. Douglas eds. *English Historical Documents* (London: Routledge, 1996), p. 517.

the correct rations had not been served to the convicts during their voyage.⁶⁵⁶ However, as the magistrates felt they had no authority to enforce the 'retributive justice for which the heinousness of their offence so loudly called', they submitted their findings to the Governor Phillip, who in turn sent a report to the Secretary of State in Britain.⁶⁵⁷ The problem with trying masters in the court at New South Wales was documented in Arthur Phillips' letter to Lord Grenville on 5 November 1791. The governor advised that the captain of the *Queen* had been examined, however Phillip lamented that 'I doubt if I have any power of inflicting a punishment adequate of the crime'.⁶⁵⁸ This lack of power caused a problem in cases of this nature, as in effect although the Governor wanted retribution for the poor treatment of convicts he had no real power to bring them to justice.

Another event of a more serious nature had occurred on board one of the Third Fleet vessels, however there is no evidence that this resulted in a full court inquiry. When the *Albemarle* arrived at New South Wales the Governor was made immediately aware that two of the convicts, Owen Lyons and William Syney, had been executed during the voyage.⁶⁵⁹ The Governor then conducted an inquiry to find out what events had resulted in the decision to capitally punish two of the ringleaders. His findings were sent in a letter to Secretary Stevens in London, which advised that Naval Agent Lieutenant Robert Parry had conducted himself with propriety and in a very 'officer-like manner'.⁶⁶⁰ Phillip's actions implied that he wanted a satisfactory explanation as to why other methods of rebuke could not have been used. However, he was satisfied that no wrongdoings had occurred.

The ways in which punishments were meted out during the voyage formed the basis of most inquiries that were brought in front of the court, which questioned

⁶⁵⁶ David Collins, *An account of the English Colony in New South Wales*.

⁶⁵⁷ Ibid, p. 180.

⁶⁵⁸ HRNSW: 1783-1792, p. 538.

⁶⁵⁹ William Syney is sometimes referred to as William Sydney. However, in the transportation records and colonial correspondence it is always the former.

⁶⁶⁰ HRNSW: 1783-1792, p. 559.

captains' behaviour during the passage to the Australian colonies. On 21 April 1796, the court met to inquire into the attempted mutiny on board the *Marquis Cornwallis*, which embarked from Ireland on 9 August 1795 with 163 men, 70 women and a detachment of the New South Wales Corps commanded by Ensigns John Brabyn and William More.⁶⁶¹ A close reading of the surviving material suggest that after the vessel had been at sea for approximately one month Captain Hogan received information from one of the convicts that there was a plot to seize the ship.⁶⁶² The informant named Sergeant Ellis of the New South Wales Corps as the leader of a group of convicts and soldiers, who looked to take the vessel and sail it to the Americas. The prisoner told the captain how the sergeant had issued the convicts with knives so that they could break out of their irons and overpower the ships company.⁶⁶³ Once he had obtained the facts, Captain Hogan advised Ensign Brabyn of the plot and requested that he inspect the soldiers' kit to ensure they had no items missing. The commander of the guard clearly suspected that Ellis was involved in the plot, as he confessed to Hogan that the sergeant had claimed he had lost two out of the four knives that he was issued before the vessel has set sail and thus had been given two more.⁶⁶⁴ When Ellis' bag was examined all six knives were found.⁶⁶⁵ Much like on board the *Britannia* the mood on the vessel changed significantly as evidence was provided to demonstrate that a sergeant in the guard was complicit in a conspiracy. Hogan decided to put two of the crew over each hatchway to stand guard with the military sentinels, as it would appear that he did not know who out of the guard he could trust. However, Hogan delayed taking any further precautionary measures until he had acquired more information regarding the scale of the conspiracy.

Shortly after this incident further damning evidence began to mount against Ellis, as he was reported to have used mutinous language among the soldiers and yet

⁶⁶¹ HRNSW: 1796-1799, p. 109.

⁶⁶² HRNSW: 1783-1792, p.6.

⁶⁶³ HRNSW: 1783-1792, Evidence of Ensign William Moore, p. 107.

⁶⁶⁴ Ibid, p. 106.

⁶⁶⁵ Ibid, p. 106.

another convict came forward to reveal more information about the plot. It was stated that the women were also involved as they planned to put glass in the crew's food in order to disable them from duty or inflict death.⁶⁶⁶ Just after the convict had brought this matter to Hogan's attention, it was found that Ellis had disabled six muskets and two pistols which he had been asked to clean. A full detail of the plan then came to the attention of Hogan who was advised that during his inspection of the prison rooms, the captain and the officer accompanying him would be killed whilst the soldiers who were part of the plan would murder the officers on deck and their counterparts in the New South Wales Corps who opposed them. They would then take the ship to the Americas where they would all be free.⁶⁶⁷ As Brabyn was reluctant to act against Ellis, Hogan went to the soldiers directly and achieved their consent to punish the conspirators immediately. This resulted in a mass flogging of 42 male prisoners and the punishment of 6 female convicts who were believed to be involved. Ellis was also whipped, handcuffed, thumb-screwed and leg ironed to another conspirator Private Lawrence Gaffney.⁶⁶⁸ Although this matter appeared to be dealt with, on 22 September some of the prisoners strangled one of the informants for being a traitor. They then rallied together and tried to smash their way out of the prison so they could gain access to the hatchway and get onto the deck. Hogan and his men immediately sprang into action and, armed with a pair of pistols and a cutlass, fired at the prisoners wounding several.⁶⁶⁹

Judge-Advocate Collins and Principal Surgeon, William Balmain, led the enquiry into the events that surrounded the mutiny and ultimately the mass punishment of prisoners. The first man to give evidence was Gaffney. The soldier asserted that he had nothing to do with the conspiracy and complained that when he protested his innocence to Hogan and pleaded to have his irons removed so that the

⁶⁶⁶ Bateson, *The Convict Ships*, p. 149.

⁶⁶⁷ HRNSW: 1796-1799, p. 108.

⁶⁶⁸ Gaffney was confined after information was given by Nichols Coghlin that he was communicating with the convicts in council with Ellis and planning to play a pivotal role in seizing the ship. See the evidence given by Lawrence Gaffney and Ensign Brabyn, HRNSW: 1783-1792, p. 102-103 and p. 106.

⁶⁶⁹ Bateson, *The Convict Ships*, p. 150.

hole in his leg from scurvy could heal, the captain refused. Interestingly when Gaffney protested his innocence to the captain on Christmas Day, Hogan advised the private to get his evidence ready to prove his innocence at New South Wales.⁶⁷⁰ Thus, Hogan was aware that an investigation into the mutiny would take place and that a more appropriate punishment would be meted out to the conspirators when they reached New South Wales.

Brabyn's testimony advised that neither Gaffney nor any of the other soldiers had been ill-treated during their voyage. He claimed that the soldiers had received the correct provisions and although some had been punished before and after the attempted mutiny had taken place, this had always been consented to by himself, the captain and the other officers.⁶⁷¹ This was confirmed by Ensign William Moore, who in his testimony advised that 'In consequence of the various information's which was received, the officers of the army (Ensign Brabyn and himself), the officers of the ship, and the ship's company, came to the unanimous resolution of punishing all those who were proved to be concerned in the conspiracy with the utmost severity.'⁶⁷² He went on to advise that the convicts were punished after on order from the commander of the ship, but that Ellis was whipped and confined after an agreement by his own officers. The most crucial line in his testimony was that 'it was the general opinion on board that if these steps had not been taken the ship would not have been brought in safely to this port'.⁶⁷³ This appears to have been of particular importance to the dynamics of the vessel whilst at sea, a sentiment echoed by first officer Hugh Reid, who testified that 'It was therefore agreed unanimously, by all the free persons on board, that the ringleaders should be punished with severity, which was put in execution'.⁶⁷⁴

⁶⁷⁰ HRNSW: 1783-1792, p. 106.

⁶⁷¹ Ibid, p. 106.

⁶⁷² Ibid, p. 107.

⁶⁷³ Ibid, p. 107.

⁶⁷⁴ Ibid, p. 108.

Although this case had similarities with the *Britannia* in that prisoners experienced mass floggings, the difference was that there was no question about whether the captain had gained consent from the ship's crew. After hearing and reading the evidence put before them Judge Advocate Collins and Surgeon William Balmain advised Phillip that Hogan could not avoid the steps he had taken to protect the ship and the lives on board.⁶⁷⁵ The point here was the captain had not punished the convicts out of callousness or brutality, but had done so to ensure the ship arrived at New South Wales safely. The inquiry into Captain Hogan's conduct on board the *Marquis Cornwallis* underlined the fact that it was essential for all the officers to consent to punishing the convicts and it was clear that all the men with a degree of authority on board agreed to meter out severe methods of rebuke.

In 1798, Governor Hunter organised the Vice Admiralty Court to deal with charges of attempted mutiny on board the *Barwell* but no one was charged due to lack of evidence. Four years later another matter that occurred on board a convict ship was brought before this court. This time Captain Luckyn Betts, master of the *Hercules*, which arrived at Sydney Cove on 26 June 1802 was charged of wilfully shooting and murdering several convicts during the voyage. Betts strongly denied all charges and pleaded not guilty. The main issue in the evidence was whether the vessel was secure when he shot convict insurgent Jeremiah Pendergrass. The troops believed that the ship was safe and that the captain took the life of the prisoner needlessly. However, the crew claimed that the commander of the New South Wales Corps, Captain Wilson had encouraged Betts to shoot the ringleader and had advised that if the master did not capitally punish the offender he would. During the trial, various witnesses were brought to the bar who gave a good account of the captain's conduct. Even the commander of the *Atlas* which travelled with the *Hercules* was brought to the bar and testified that Captain Wilson had complained that Betts was too lenient with the convicts as some resided constantly

⁶⁷⁵ HRNSW: 1796-1799, p. 102.

without irons while on board.⁶⁷⁶ Captain Betts was acquitted of the first charge of shooting convicts during the passage whilst in the act of mutiny. However, on the second indictment of shooting convict Jeremiah Pendergrass after the ship was secured he was found guilty of manslaughter. As a result, the commander was sentenced to be imprisoned until he could pay a fine of £500 to the Orphan School located within the colony. However, as Governor Hunter advised that as 'in cases which would be manslaughter at land the jury is always directed to acquit,' he gave Betts a conditional remission of the sentence until the case could be heard in England. However, as of yet no follow up actions have been found.⁶⁷⁷

Despite the disappointment regarding the enforcement of the sentence decided by the Vice Admiralty Court in New South Wales, this case more than any other demonstrates the difference between the slave trade and convict transportation. Only three men were tried for the murder of enslaved Africans between 1787 and 1807, these being John Kimber, Joseph Davies and Tomas Kelly.⁶⁷⁸ This was because there were no laws regarding how enslaved Africans should be treated during the voyages and thus there were difficulties in trying these men for murder, as slaves were classed as cargo. However, there were rules and laws that applied to convict transportation but they were occasionally undermined by a dismissive attitude towards the Governor's reports in England, especially during war time. Although there is very little evidence regarding the bonds paid by contractors, it is likely that if the vessel was not provisioned properly or their employees acted in a manner that was not in line with the charter party the £1000 bond paid to the State as assurance money would not have been returned.

⁶⁷⁶ HRNSW: 1801-1802, p.546.

⁶⁷⁷ On looking for a confirmation that Betts was reprimanded in Britain, all that can be found is a piece of paper with the name *Luckyn Betts* scribbled on the top within the HCA files stored at the National Archives.

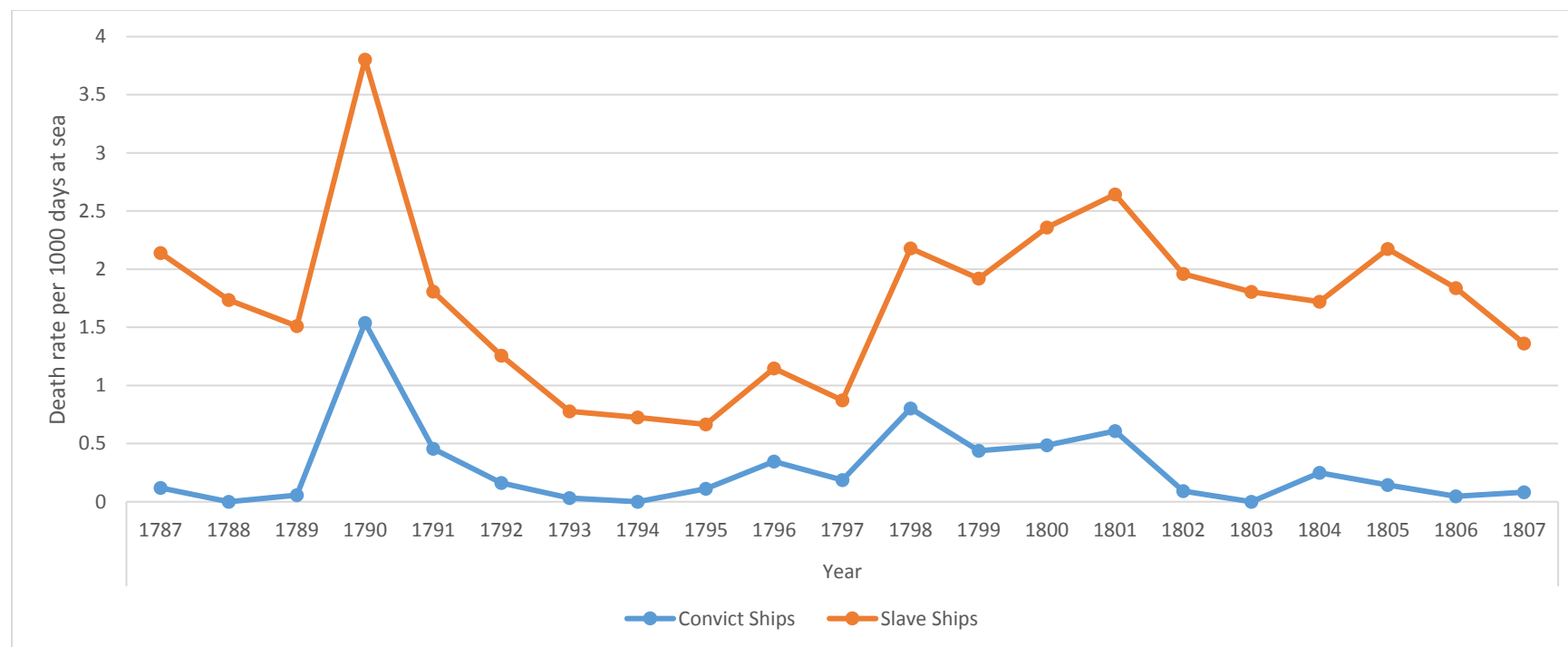
⁶⁷⁸ The case of Kelly and Davies has not yet been commented on in the historiography of the slave trade but has an important place in the history, as it shows ties with the *Zong* and Kimber cases.

5.3 *Improvements to the system*

The organisation and the execution of the First Fleet voyage together with the legal system in which convict transportation took place contributed to the early efficiency of the penal punishment. However, the improvements made between 1787 and 1807 ensured that it continued to develop and became an extremely well organised, efficient coerced migration system. The positive changes implemented within convict transportation did not occur in isolation and instead they fit into a much wider narrative regarding the transference of knowledge, ideas and skills that circulated around the maritime world in the late eighteenth and early nineteenth centuries. It is clear that the improvements on shore in Britain were transmitted into the maritime sphere as a result of humanitarian initiatives which improved life afloat and reduced deaths. Gradually, the slave trade, convict and troop transportation, and after the turn of the nineteenth century, passenger migration began to implement improvements which led to greater efficiency. Figure 5.2 demonstrates the death rate on board slave and convict ships per 1000 days at sea which embarked between 1787 and 1807.⁶⁷⁹

⁶⁷⁹ Unfortunately, the deaths on board troop transportation have thus far only been generalised and not minutely detailed in a study.

Figure 5.2: Death rates on British coerced migration vessels, 1787 and 1807



Source: Charles Bateson, *The Convict Ships*, p. 379 and TASTD, British Vessels that set sail between 1787 and 1807.

As Figure 5.2 demonstrates, both the slave trade and convict transportation were improving at the same rate towards the end of the eighteenth century.⁶⁸⁰ However, convict transportation continued to develop and reached extremely low death rates by 1802. This is in marked contrast to many studies, which have concluded that deaths fell significantly after the end of the Napoleonic wars.⁶⁸¹ However, this work concurs with the argument made by Sturgess, Rahman and Argyrous that the changes made to the system in 1801 significantly reduced mortality rates and from that point they were consistently low.⁶⁸²

After news had reached Britain regarding the Second Fleet, various improvements were implemented with regards to overcrowding. Though the dimensions for the on board prisons were not uniform, in the First Fleet Middleton explained he could not add any more females to the *Lady Penrhyn*, as the women were crammed into a space, which allowed only one and a half tons for each of those embarked.⁶⁸³ By the time Calvert, Camden and King signed the contract for the Third Fleet, the charter party stipulated that convicts were to be shipped in the ratio of one for every two tons. This improvement was most likely implemented because of changes in the slave trade. This captive-per-ton ratio most likely derived from the 1788 Dolben Act, the first legislation of its kind passed to regulate the British slave trade. It advised that Guineamen could only legally carry enslaved Africans in proportion to five for every three tons as a basic rule. Though Britain's onshore prisons were notoriously overcrowded, improved conditions on convict ships possibly arose because of anti-slavery thinking. A further regulation within the Dolben Act

⁶⁸⁰ Figure 5.2 also demonstrates a parallel in the death rates on board slave and convict ships. However, it is impossible to discern why they mirror one another. The only common features between both passages is their journey through the Atlantic. Thus, it is possible that the weather played a larger role in mortality than we have previously explored. Alternatively, it could be that these peaks and troughs are a mere coincidence.

⁶⁸¹ Alan Brooke and David Brandon, *Bound for Botany Bay: British convict voyages to Australia* (Kew: The National Archives, 2005), p. 188. Hughes, *The Fatal Shore*, p. 145, Batson, *The Convict Ships*, pp. 47-57.

⁶⁸² Gary. L. Sturgess, Sara Rahman and George Argyrous, *Convict Transportation to New South Wales, 1787-1849: Mortality Rates Reconsidered*, submitted to JEH, 2016.

⁶⁸³ The Dolben Act, 28 Geo. III, c.54.

stipulated that all slave ships had to carry a qualified surgeon, although it was not mandatory for all British vessels to employ and travel with a medical professional. Following the embarkation of the First Fleet, the government agreed a contract for the *Lady Juliana* with William Richards, a prominent London ship-broker. This contract, and all those agreed subsequently, stipulated that the vessels must carry a qualified surgeon and was likely influenced by this innovation within the Dolben Act. It was not until early nineteenth century that statutes advised vessels in all types that carried over 50 people had to sail with a surgeon on board.

On 15 February 1792, after the Second and Third Fleets had deposited their convicts in Botany Bay, Sir Charles Bunbury called the attention of the House to the situation of convicts.⁶⁸⁴ Although he raised issues with the hulks and with New South Wales as a penal settlement, it is his comments and suggestions for improving convict voyages that are of interest here. He called for an investigation into the Second Fleet voyages, including statistics on how many arrived at New South Wales and an account of their health. He asked for copies of the contracts between the Government and the proprietors of the ships and the stipulations which related to the maintenance of the convicts on board. Bunbury's speech gained little attention. Only two members provided an answer on the subject, the first was Henry Dundas, Secretary of State for the Home Department, and the second was Alderman William Curtis. Dundas' answer was somewhat defensive, as he declared that he did not want people to think that the government had not looked into the complaints of the Second Fleet. Once he had heard about this matter he had immediately sent correspondence to the Comptroller of the Navy to make an inquiry. Dundas declared that what he laid before the House would prove that the contract was as economical as it could be while paying attention

⁶⁸⁴ Seventeenth Parliament of Great Britain: Second session (31 January- 15 June 1792), 15 February 1792, p. 191.

to the comfort and ease of the convicts.⁶⁸⁵ Alderman Curtis advised he did not oppose the motion, however he declared that the mortality experienced on the Second Fleet rose from the 'elements alone'. He detailed that after the ships passed the Cape, the 'most tempestuous and worst weather any vessel could have experienced' ensued.⁶⁸⁶ He then went on to praise Captain Donald Trail and his good character.⁶⁸⁷ There appears to have been no resolution to Bunbury's speech and, despite general comments, a definite lack of interest in this matter was apparent.

When the Commons met in 1793, Bunbury returned to his objective 'to lessen the sum of human misery, and to prevent an unnecessary expenditure of the public treasure'.⁶⁸⁸ In this speech, Bunbury gives insight into why he brought the topic into the parliamentary domain. He conceived that not only humanity but also policy had to turn their thoughts towards the unhappy convicts destined to be transported, a statement echoed by the abolitionists for the slave trade. In this speech, Bunbury highlighted the atrocities that occurred on the Second Fleet. He declared that out of 500 convicts on board, eight out of 10 died and among those who survived only 42 were able to 'crawl over the ships side' as the rest had to be carried to shore.⁶⁸⁹ This was backed up by other evidence presented, which demonstrated that out of 1,863 on board the Third Fleet vessels sent to New South Wales in the autumn of 1791, 576 were in such bad states of health they were sent to hospital immediately.⁶⁹⁰ Bunbury intimated that Governor Phillip wished to punish those responsible, but did not believe his power extended to offences committed at sea. However, it was his

⁶⁸⁵ Dundas was not renowned for his sympathies towards coerced migrants, he avidly opposed the abolition of the slave trade and can be held responsible for the failure of immediate abolition in 1792 after he outmanoeuvred Wilberforce's proposal by proposing gradual abolition and thus splitting the votes of undecided members of the House of Commons. Judith Jennings, *The Business of Abolishing the British Slave Trade*, p. 72.

⁶⁸⁶ Seventeenth Parliament of Great Britain: Second session (31 January- 15 June 1792), 15 February 1792, p. 194.

⁶⁸⁷ Ibid, p. 194.

⁶⁸⁸ Seventeenth Parliament of Great Britain: Third session (13 December- 21 June 1793), 31 May 1793, p. 607.

⁶⁸⁹ Ibid, p. 610.

⁶⁹⁰ Ibid, p. 610.

stinging comparison to the slave trade, which is likely to have caused discomfort among the abolitionists of the House. Bunbury made it known that ‘the detail of the sufferings of these wretched convicts would be tedious and painful; suffice it to say, that by the depositions taken by the Solicitor of the Treasury, they were equal to any endured in the slave ships’.⁶⁹¹

To remedy the extreme mortality rates and atrocities that occurred on the Second and Third Fleets, Bunbury presented six resolutions to improve convict transportation.⁶⁹² He recommended that the per capita payment system which was adopted to transport convicts on the First, Second and Third Fleet vessels should be exchanged for a per head system, which meant the contractor would receive an initial wage per convict transported and a further payment for each felon disembarked at New South Wales.⁶⁹³ In addition, Bunbury advised each person should be allowed the space of 2 tons per vessel and all surplus provisions left over from the voyage should be deposited in the Government storehouses to prevent holding back foodstuffs. However, some of these stipulations had been adopted before Bunbury had suggested them. Prior to the sailing of the vessels that embarked from Britain in 1792

⁶⁹¹ Ibid, p. 610.

⁶⁹² Bunbury’s six resolutions: 1. The punishment of convicts by imprisonment and hard labour on the hulks ...ought to be discontinued. 2. That the confinement of felons under sentence of convict transportation that wait on the hulks...is impolitic, and productive of many evil consequences. 3. A proper prison should be provided for the reception of felons immediately after their conviction, with working rooms for select companies and separate apartments during the hours of rest. 4. That the distance of the settlement at Sydney Cove and Norfolk Island, the length and peril of the voyage and expense of conveying and maintaining the convicts when there is so great as to make it advisable to send thither only such as shall be sentenced to transportation during their lives, or at least for the term of fourteen years. 5. That inquiry should be made whether the North American States would be inclined to received...and also, whether a settlement might not be allotted to those under sentence of transportation for seven years in any other part of the North American Continent, or the adjacent islands...which they might be sent at a moderate expense... 6. That to preserve those criminals who may hereafter be transported from a calamity similar to that which destroyed the greater part of the unfortunate crew of the *Neptune*, and to rescue them from the dangers of foul air and famine, it seems expedient to allow a space of at least two tons per person; and that in addition to the salutary regulations proposed by Mr. Dundas, in his letter... a premium should be given to the Contractors, on the arrival of every felon in good health at the place of their destination; and likewise that all the provisions on board of the ships hired to carry convicts, should be purchased for the service of the Government, and the surplus, at the end of the voyage, be deposited in their storehouses. Ibid, p.611.

⁶⁹³ Bateson, *The Convict Ships*, p. 20.

merchants, captains and surgeons had no incentive to deliver their captive cargo to New South Wales alive. Charles Middleton had fore-warned the government about the potential pitfalls of the system in 1786, as he advised that contractors were only able to make money out of freight and victualling, which would tempt unscrupulous men to cut rations and sell those they had reserved in Sydney.⁶⁹⁴

The problem that presented itself to the government was two-fold, as they hired contractors to transport convicts to the Antipodes. On the one hand, unlike the slave trade, the men who were contracted to transport convicts to New South Wales did so because they looked to recoup costs for a voyage to the East. A proportion of merchants were involved in the sale of whale and seal by-products and wanted to circumvent the EIC charter to find a profitable whaling ground in the Antipodes, and the rest looked to infiltrate the EIC and gain an income from transporting their stores and profiting from private trade. This meant that unlike the slave trade, where enslaved Africans were the potentially profitable freight, convicts were a means to get a potentially lucrative cargo. Thus their welfare was not a variable determining financial success.

On the other, the 'per capita' payment system employed in the Second and Third Fleet meant that convicts were more profitable to merchants dead rather than alive. The contract signed by George Whitlock on behalf of Calvert, Camden and King for the Second Fleet stipulated that convicts were to be transported, clothed and fed throughout the voyage for £17/7/6 per head.⁶⁹⁵ Hill partially blamed the mortality on board the Second Fleet on the lack of incentive. He wrote:

The slave trade is more merciful compared with what I have seen in this fleet; in that it is in the interests of the masters to preserve the health and lives of their captives, they having a joint benefit with the owners; in this the more they can withhold from the unhappy wretches the more provisions they have to dispose of at a foreign market and the earlier in the voyage they die, the

⁶⁹⁴ HRNSW: 1783-1792, p.36.

⁶⁹⁵ See, Thomas Shelton's Accounts, TNA: AO 3/291/2/2-7.

longer they can draw the decreased allowance to themselves.⁶⁹⁶

Thus, once again knowledge and practices in the slave trade had been adopted into convict transportation. Unfortunately, the news of the Second Fleet had reached Britain too late to implement change on the Third Fleet but the contract system was revised in 1792 to a pre- and post- payment scheme, however it was used sporadically between 1787 and 1807.

The real innovation in light of these events had been the introduction of bonus payments for captains and surgeons between 1792 and 1794, ensuring both had a vested economic interest in the voyage, which was exactly the practice merchants of slave trading vessels had put in place years prior to this date. An analysis of the payment system adopted in the slave trade demonstrates that the monthly wages of captains ranged between £4 and £6. However, commissions received by captains made the slave trade a lucrative business opportunity. Stephen Behrendt has demonstrated that masters received either £2 for every £102 or £4 per £104 made from the sale of captives in the Americas depending on how they conducted trade on the African coast. This commission ensured that captains were committed to delivering the highest number of captives to the American labour market. In the same vein, the surgeon was paid a sum of £4 per month wages and 'head money' of around one shilling for every enslaved African sold as well as the proceeds from 'privilege slaves', which consisted of one male and one female.⁶⁹⁷ These incentives were given in light of their care and consideration of the captives while on board. In addition to the commissions received from merchants, after the introduction of the Dolben Act captains and surgeons received bonus payments from the government based on how many captives they landed in the Americas alive. Stipulation fourteen advised that if no more than two per cent of captives had been lost between the vessels arrival on the African coast to the port of disembarkation, captains would receive a bonus

⁶⁹⁶ HRNSW: 1798-1792, p. 366-367.

⁶⁹⁷ Stephen D. Behrendt, 'The Captains in the British Slave Trade from 1785 to 1807,' *Transactions of the Historic Society of Lancashire and Cheshire*, 140 (1991), p. 40-45.

payment of £100 and the surgeon would be paid £50 and if less than 3 per cent died they would be issued £50 and £25 respectively.⁶⁹⁸

These incentives were mocked by slave trade captains such as Hugh Crow. As he wrote in his memoirs, 'Many a laugh I and others have had at Mr Wilberforce and his party, when we received our hundred pounds bounty'.⁶⁹⁹ Although the aim of this clause was to encourage lower mortality on board Guinea vessels, Crow believed that captains already did all in their power to prevent deaths on board slavers, because they were motivated by the financial incentives they received from merchants. Therefore, the additional payment from the government only resulted in the further payment for successful captains and surgeons rather than acting as a major driver of change. Here the government, as slave trade merchants had decades before, identified that the prevention of wastage in terms of deaths was inextricably linked with financial self-interest.

However, to improve mortality on convict ships the government introduced the very same principle. In 1794 Captain Patrick Campbell and Surgeon James Thomson were promised one guinea for every prisoner landed alive in New South Wales from the *Surprize*. In total, they received £87 and 3 shillings each for the full complement of 83 convicts they delivered to Port Jackson. As this method of incentive incurred extensive cost for the Treasury, it was decided that a flat rate payment of £50 was to be received by masters for careful supervision and around 10 shillings per convict disembarked in good health for each surgeon. However, the latter payment was also quickly changed to a standard £50 per voyage. This mirrored the payments provided by the government for slave trading vessels after 1788. Maritime historian Tim Carter has also identified this filtering of slave trade practices into convict transportation. He wrote that the requirements for medical logs to be deposited with authorities on arrival, with recognition or even bonuses for healthy

⁶⁹⁸ Ibid, p. 40-45.

⁶⁹⁹ Hugh Crow, *Memoirs of Captain Hugh Crow of Liverpool: Comprising of a narrative of his life* (London: Longman, Rees, Orme, Brown and Green and G and J Robinson, 1830), p. 42.

delivery of a high proportion of those transported and sanctions if mortality was high, were carried forward from the slave trade into the terms of service of surgeons on convict and emigrant ships in the late eighteenth and early nineteenth centuries.

Further improvements to convict transportation were made in 1795. However, these were not in light of any atrocities but through the circulation of knowledge, practice and skills from troop transportation. In July 1795, Sir Jeremiah Fitzpatrick was relocated to Portsmouth and assumed responsibility for overseeing troop transportation. In August 1796, he gave advice on the fitting out of the *Ganges* convict ship and on 29 August the Transport Board received a letter from John King, on behalf of the Duke of Portland, advising that some alterations needed to be made to the fitting out of the ship conducive to the convict's health as directed by Fitzpatrick.⁷⁰⁰ After the *Ganges* had set sail Fitzpatrick wrote to Under Secretary of State for the Home Department, John King, on 23 October advising that he hoped that the modifications to the vessel would be adapted also in the transports sailing from Cork.⁷⁰¹ Fitzpatrick briefly gave advice on ventilation, however he quickly moved on to advise how he had 'railed off a part of the vessel where the convicts were confined and allotted it to the married men, their partners, and innocent orphans'.⁷⁰² This meant that the women were protected by their husbands from the crew and soldiers and the hospital could be positioned in the spare space. He then moved on to advise that he had put ventilators and water-purifiers on board with vitriol and nitre for the fumigation of the ship and various medicines. He also stated that he had supplied the same for the *Britannia* that was due to sail from the Ireland. However, he disclosed that the ship needed further improvements before it departed from Cork.⁷⁰³ Fitzpatrick also advised that in future the convicts should be landed on Spike Island, whilst the ships were fumigated which was the practice for embarked

⁷⁰⁰ Transport Board, TNA: ADM 108/38/252, 30 August 1796.

⁷⁰¹ Gary L. Sturgess, *Sir Jeremiah Fitzpatrick*, unpublished document.

⁷⁰² HRNSW: 1796-1797, pp. 162-163.

⁷⁰³ *Ibid*, pp. 162-163.

troops.⁷⁰⁴ He then stated that the prisoners should 'be supplied with vegetables, fresh meat, and malt liquor, and their salt provisions restrained whilst there, as is the case with soldiers, for otherwise I fear that the scurvy and destructive putrid fever will effect that which the humanity of the law and of Government never intended'.⁷⁰⁵

Fitzpatrick ensured that the subsequent vessels to leave Britain were fitted out exceptionally well. There are a number of examples of him imposing changes and reforming convict ships based on the practices employed in troop transportation between 1796 and 1801. He ensured that the convicts had toilets with lids, lead or pewter pans, he also insisted on lanterns for the deck, more soap and suggested altering the men's trousers so they could be removed at night.⁷⁰⁶ Fitzpatrick's most significant contribution to convict transportation, however was his instructions to masters and surgeons. His instructions to captains advised that the vessel should be furnished with a sufficient amount of cleaning equipment to preserve the health of those who travelled with the transport. The convicts at every opportunity that the weather permitted were to be brought onto the deck for health reasons but also so that their births could be cleaned and aired. He then instructed that to 'carefully to note these particulars in your Log-Book, which you are to produce to the Governor of New South Wales upon the landing.' In return the governor would give each captain a certificate to demonstrate he was satisfied with their conduct during the voyage. He then advised,

that on the production of which you will be recompensed for your Assiduity and Humanity by a present in Money, at the Discretion of the Secretary of State. On the other hand, for any neglect in performing these essential Duties, You will be prosecuted with the utmost Severity.'⁷⁰⁷

⁷⁰⁴ Ibid, pp. 162-163.

⁷⁰⁵ Ibid, pp. 162-163.

⁷⁰⁶ Gary L. Sturgess, Sir Jeremiah Fitzpatrick, unpublished document, p. 44.

⁷⁰⁷ HRA, 1801-1802, p.97-98.

The Surgeons instructions advised that they should keep a diary throughout the voyage which noted the sick and medicines issued, the number of times convicts were daily admitted to the deck, when the vessel was cleaned and all other information regarding the health of the convicts and crew. Importantly, Fitzpatrick advised that ‘No reward will be given to you in case of your omission to state these particulars.’ He went on to state the same procedure as he had for the captains regarding the production a certificate to confirm good conduct during the venture and the financial implications if there were reports of neglect.⁷⁰⁸ Both sets of instructions were issued to the captains and surgeons who were employed in the convict service from June 1801. These instructions are pivotal in understanding why mortality rates fell significantly and remained constantly low after the turn of the century. However, they were not only important as they contributed to fewer deaths, but also because this was one of the first attempts to systemise convict voyages.

Fitzpatrick’s role was exceptionally important in reducing the mortality on board convict vessels. His knowledge extended from troop transportation to convict transportation and then to the slave trade. In 1797 he wrote *Suggestions on the Slave Trade: For the consideration of the legislature*.⁷⁰⁹ The advice he gave on lowering mortality in the slave trade was adopted in the 1799 Act passed to regulate the forced migration system.⁷¹⁰ His innovations included swapping the slave-per-ton ratio to an assessment of space between decks. He also advised that slave ships should be checked and measured by qualified officers, which was adopted into the Act, as was his suggestion on fining crewman of slave ships that altered the ship after it had been checked. Whilst this contribution to the 1799 Slave Trade Act has gone unnoticed, it is significant to show how information, practice and skill circulated within the maritime sphere.

⁷⁰⁸ Ibid, p. 98.

⁷⁰⁹ Sir Jeremiah Fitzpatrick M.D., *Suggestions on the slave trade, for the consideration of the legislature of Great Britain* (London: 1797).

⁷¹⁰ 37 Geo III c. 104: An Act for regulating the Height between decks of vessels entered outwards for the purpose of carrying Slaves from the Coast of Africa, [19 July 1797].

Conclusion

In conclusion, convict transportation was arguably a hybrid mix of knowledge drawn from the slave trade, troop transportation and naval contracting. Thus the transference of knowledge, ideas and practice between these systems ensured that the movement of prisoners to Botany Bay was efficient and arguably successful from the outset. This organisational efficiency was further improved by the humane attitudes of the men who were responsible for provisioning convict transports, supervising prisoners' conveyance across the seas and those that received them in the colonies. The majority of these men all strove for the same outcome, which was to deliver prisoners to the Australian colonies safely with as little physical and mental suffering as possible. In order to fulfil this aim, the most successful practices from other transoceanic migration systems, together with regulations and laws, were used to contribute to the systems efficiency and relatively humane operation. The abuses that took place on board the Second Fleet and *Britannia* were unrepresentative of the generic convict ventures. The organisation of the First Fleet and the legal system in which convict transportation operated gave the penal punishment a solid platform on which it could be improved. The positive changes made to the fitting out of vessels and the conveyance of the convicts then moved the system forward ensuring that it remained successful in terms of mortality. Thus the key difference between convict transportation and other transoceanic migration systems was that it was a legal system regulated by the government.⁷¹¹

⁷¹¹ Ibid, pp. 162-163.

Conclusion

In March 2007 Queen Elizabeth II marked the Bicentenary of the Abolition of the British Slave Trade by placing a wreath at the pedestal of a monument dedicated to William Wilberforce inside Westminster Abbey. Two hundred years earlier he had cemented Britain's humanitarianism into popular and scholarly tradition. Alongside Scotland's historiographical obsession with the Enlightenment, Britain's national past has been framed around remembering acts of benevolence – eschewing more challenging moments in Britain's island story. For two centuries after 1807 Britain has drawn a line in the sand of coercively motivated migration. Her part in forced labour markets and practices before 1807 were perceived as legitimate at the time and a pivotal part of cementing Britain's position as a world power. After this date, the spreading of Britishness and values associated with 1807 have become a central component of the nation's history.⁷¹²

However, even after abolition Britons continued to sponsor coercively motivated migrations well into the nineteenth century. Aside from indirect involvement in the continued enslavement of Africans and maintenance of slave plantations in the Caribbean, Britain also expanded forms of forced labour in her Imperial dominions. The use of penal servitude, the sale of liberated African labour, apprenticeship on the expanding tea plantations of Asia and the extension of overseas colonies all contradicted the popular view of Britain as a defender of liberty. While the African slave, the Indian indentured servant and the exploited native have become pervasive protagonists in the story of Empire, they have remained distanced

⁷¹² John Oldfield, *Cords of Freedom: Commemoration, Ritual and British Transatlantic Slavery* (Manchester: Manchester University Press, 2007); Catherine Hall, *Civilising Subjects: Metropole and Colony in the English Imagination, 1830-1867* (Chicago: Chicago University Press, 2002); Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (London: Cornell University Press, 2012).

from British history.⁷¹³ Although complicit in the longevity of these labour systems, in the space of 26 years Britons had abolished the slave trade (1807) and slavery in the colonies (1833). However, despite being the defender of liberty and a champion of humanitarianism, curiously this did not stop Britain transporting convicts to the Australian colonies until 1867.⁷¹⁴

Despite the paradox between Britain's enlightened attitudes towards the slave trade from the 1780s, and continued use of convict transportation after 1807, historians have typically chosen to view both coerced migration systems separately. While they have been brought together through thematic explorations of Imperial expansion, labour migration and transoceanic voyages in edited volumes, historians have failed to comment or have misunderstood the interwoven threads of Britain's convict and slaving pasts.⁷¹⁵ Thus, this thesis has not only provided an original contribution to the scholarship on both topics. It has also demonstrated the historical relevance of this analytical approach by exploring how these trades coalesced geographically, politically and economically in the late eighteenth and early nineteenth century.

Following the passing of the Transportation Act in 1717, the slave trade and convict transportation were brought together geographically and in some respects politically, economically and socially. However, the outbreak of the American Revolution partially severed the Atlantic cord. In the 1780s, the hunt for an appropriate replacement penal settlement in Africa entwined both lines of commerce more closely together. However, the choice of a convict colony at Botany

⁷¹³ For the only works which have demonstrated that the slavery contributed to the wealth of the nation after 1807 see Catherine Hall et al (eds.), *Legacies of British Slave Ownership* (Cambridge: Cambridge University Press, 2014).

⁷¹⁴ The last convict ship to set sail from Britain was the *Hougoumont* on 12 October 1867. The vessel reached Western Australia on 9 January 1868.

⁷¹⁵ David Eltis, *Coerced and Free Migration: Global Perspectives* (California: Stanford University Press, 2002), Christopher, Pybus & Rediker (ed.), *Many Middle Passages: Forced Migration And The Making of the Modern World* (California: California University Press, 2007) and ; S. Nicholas & P.R. Shergold, 'Convicts as Workers', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past* (Cambridge: Cambridge University Press, 1988).

Bay once again appeared to disentangle both coerced migration systems from one another as they operated in different geographical spaces.

While the slave trade was concentrated in the Atlantic world, convict ships merely passed through this Ocean on their journey to a destination 14,000 miles away. However, as this thesis has demonstrated, the investors, vessels, captains, crewmen, chattels and campaigners were so interwoven that it is impossible to view either trade separately. They not only operated alongside each other in the British maritime world, this thesis has identified crucial ideological and legislative flashpoints where these separate systems became entangled. In the wake of the abolition of the slave trade legislation was passed in 1811 dictating that anyone found selling human cargo in the Atlantic would be transported to Australia. In addition, there was a campaign to abolish convict transportation to the colonies.⁷¹⁶

In taking this pioneering approach of analysing convict transportation through the lens of the British Transatlantic slave trade and highlighting the interplay between two 'different' forms of coercion, this thesis not only fills a significant lacuna within the historiography, it also provides a rethinking of the organisation and execution of the penal punishment between 1787 and 1807. Significantly, it demonstrates that although both systems were interwoven, comparatively the slave trade and penal transportation were very different. This conclusion contributes to a body of literature which has addressed the question of whether convictism was slavery. While several

⁷¹⁶ See Slave Trade Felony Bill, Commons Sitting of Tuesday March 5 1811, George III year 51, First series, vol. 19 pp. 246.

historians have argued that slavery and convict servitude were very similar on land this thesis has demonstrated that at sea this was certainly not the case.⁷¹⁷

6.1 *An entwined history of British coerced migration*

The British maritime world was a fluid space in which a diverse range of people and trades interacted daily. And yet, aside from the work of Cassandra Pybus and Emma Christopher, the interconnected histories of Britain's floating populations, forced migrants and their jailors, transoceanic vessels and mobile actors of Empire in the late eighteenth and early nineteenth centuries remain under explored. The lacuna is perplexing given the foci of so many scholars during this period of mobility and expansion. However, by exploring these entanglements, several micro histories have emerged which provide new and innovative inlets in which to analyse both maritime systems. In the current study, the focussed comparative approach has revealed subtle aspects of the Age of Enlightenment and the transitional phases between Britain's 'First' and 'Second' Empire. Throughout this thesis, various points in which the slave trade and convict transportation coalesced, whether through thoughts, ideas, practices, people, vessels, captives and the afterlife of the cargos which were carried, have been highlighted. When they are brought together they construct their own narratives of coerced migration and act as a medium to reveal more complex histories about British Imperial expansion, striving for onshore and offshore improvements through legislation and the rise of humanitarian. Crucially this study has identified contemporary sympathies for certain colonial subjects, such as slaves,

⁷¹⁷ K. M. Dallas, 'Slavery in Australia- Convicts, Emigrants and Aborigines', *Tasmanian Historical Research Association paper and proceedings*, 16 (1968), pp. 61- 63; A.G.L. Shaw, *Convicts and the Colonies: A Study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London: Faber & Faber, 1977), p. 20 and p. 103; K. McNab and R. Ward, 'The Nature and Nurture of the First Generation of Native- Born Australians', *Historical Studies: Australia and New Zealand*, 10 (1962), p. 292; D. Cubis, 'Australian Character in the Making: New South Wales, 1788-1901', *Journal of Royal Australian Historical Society*, 24 (1938), p. 169. For alternative arguments see S. Nicholas & P.R. Shergold, 'Convicts as Workers', in S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's past* (Cambridge: Cambridge University Press, 1988).

but has explored the absence of the same for others, notably convicts. Thus, through its innovative methodology this thesis has provided a nuanced and original approach to exploring an array of previously unexplored narratives that advance our understating of the men, women and children forcibly relocated in this period.

Through an exploration of the thoughts of Thomas Clarkson and validations for the continuation of the slave trade by John Fuller, this study has complicated the narrative of freedom making and has raised questions regarding notions of criminality as a source of legitimate slavery. While historians have been preoccupied with the horrors of both the slave trade and slavery in the colonies, contemporary ideas of legitimate slavery have been completely neglected. However, comparisons of the situation of John Martin and other emancipated slaves who were eventually transported to the colonies demonstrated that, while convicts were coerced migrants and forced labourers, they were not slaves. This reinforces the work of John Hirst who has also highlighted that, although campaigns in the 1830s described convicts at slaves, they were not. In fact, they were servants of the crown and thus had rights.⁷¹⁸ This thesis has reinforced this argument in relation to its examination of the ability of convicts to raise complaints through legal channels upon arrival in Australia.

In addition, these narratives have highlighted questions regarding race and persecution. Although enslaved Africans may well have been exploited because of their colour, this thesis has found that black convict transportees appear to have been treated the same as their white counterparts en route to, and upon arrival, in Britain's antipodean penal settlements. It has argued that this was not surprising given the relatively indiscriminate nature of the eighteenth and nineteenth-century maritime world. This idea of colour blindness on board vessels has reinforced the works of scholars such as Peter Lineburgh, Marcus Rediker and Ray Costello and builds a broader understanding of black and white floating populations. These findings also reinforce the work of Cassandra Pybus which demonstrated that emancipated slaves

⁷¹⁸ John Hirst, *Freedom on the Fatal Shore: Australia's first colony* (Melbourne: Black Inc, 2008).

transported to Botany Bay encountered the same experiences on board transport vessels as well as a similar degree of social mobility upon arrival in the colonies in line with the experiences of white transportees.⁷¹⁹

Furthermore, by identifying the merchants, captains and vessels that operated in both lines of commerce, this thesis has demonstrated that, although scholarly attention has been placed firmly within the boundaries of one trade, these maritime pawns were transferrable. Individual studies of particular merchants, captains or ships have already begun to highlight the fluid nature of the maritime world.⁷²⁰ However, this thesis is the first to weave a vast number of interconnections together to build a narrative of transoceanic migration and global trading systems. Importantly this thesis has also demonstrated that the cargoes which were bought, sold and carried on board slave and convict transports weaved an intricate web which demonstrates entanglements between coerced migration and global markets on a grand scale. Jim Walvin's most recent publication can be used to expand this concept as he has explored how products used in the slave trade or made by enslaved Africans flooded the global market.⁷²¹ Together both works indicate that there is a need to explore more widely how coerced migration facilitated expansion in the global economy.

The current study has also shown that the contractors involved in transporting convicts across the seas were enterprising and had the ability to adapt to any economically beneficial business venture. This work therefore reinforces and builds upon the work of David Hancock and Kenneth Cozens who have respectively explored

⁷¹⁹ Cassandra Pybus, *Black Founders: The unknown story of Australia's first black settlers* (Sydney: University of New South Wales Press, 2006); Cassandra Pybus, *Epic Journey of Freedom: Runaway Slavers of the American Revolution and their Global Quest for Liberty* (Boston: Beacon Press, 2006).

⁷²⁰ Michael H. Styles, *Captain Hogan: Seaman, Merchant, Diplomat on Six Continents* (Virginia: Six Continent Horizons, 2003) and Ken Cozens, 'Politics, Patronage and Profit.'

⁷²¹ Jim Walvin, *Slavery in the Small Things: Slavery and Modern Cultural Habits* (Sussex: John Wiley & Sons, 2017)

the enterprising business skills of merchants located in London.⁷²² Through an extensive case study of the merchant firm Calvert, Camden and King, this study has been able to re-examine the Second Fleet and the vilification by contemporaries and historians alike, highlighting that their previous involvement in the slave trade was not the main contributory factor in the failings of these voyages as alluded to by Emma Christopher.⁷²³ Calvert, Camden and King were resourceful global merchants who diversified their business portfolios through a range of maritime trades. They were also involved in European trading ventures, whaling and shipping goods for the EIC. They looked to make as much revenue from their global enterprises as possible and approached convict transportation in the same ways as they had slave trading voyages. They wanted to obtain a permanent government charter, thus condoning the death of convicts was not in their best interests. The analysis of Donald Trail's career also confirms that he was not necessarily an overtly brutal captain who would have allowed the mass death of convicts if they could have been avoided. He was an experienced mariner who, during his career, held a number of high profile positions and was praised by Horatio Nelson for being an excellent master, demonstrating a conflicting narrative of Trail as a "villain."⁷²⁴ Furthermore, the success of Calvert and Captain Patrick Campbell's 1794 convict venture, which delivered a full cargo to the Australian colonies on board the *Surprise*, offers a further contradictory notion to this hypothesis that the tentacles of evil which manifested in the slave trade were far reaching. These findings contradict conclusions made by Emma Christopher regarding

⁷²² David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735-1785* (Cambridge: Cambridge University Press, 1995) and Ken Cozens, 'Politics, Patronage and Profit: A Case Study of Three 18th Century London Merchants' (Unpublished MA thesis, University of Greenwich, 2005).

⁷²³ Cassandra Pybus, *Black Founders*, p. 113; Thomas Kenealy, *Commonwealth of Thieves*, p. 239, Robert Hughes, *The Fatal Shore*, p. 145 and Emma Christopher, *The Slave Trade is Merciful Compared To [This]*

⁷²⁴ A letter to Trinity House attesting to the character of Donald Trail, 11 December 1802. Signed by Nelson & Bronte, TNA: ADM 106/2943 EXT 11/152.

the Second Fleet and demonstrate that we must avoid simplistic answers regarding failings at sea.⁷²⁵

In contrast to other studies which have used the slave trade to explain negative aspects of convict transportation, this work has demonstrated, through the influences and ideas of abolitionist, MP and Naval Administrator Sir Charles Middleton, that, in fact, it helped to shape convict transportation and contributed to its early efficiency. Furthermore, an exploration of the life of Sir Jeremiah Fitzpatrick highlighted his role within prison reform, troop and convict transportation and the slave trade. An analysis on Fitzpatrick's career serves to reinforce and expand upon the work of Richard L. Blanco.⁷²⁶ This brought the study full circle in that it also provided notions of improvement and humanitarianism for all captives not just those on board slave ships. The analysis of both Fitzpatrick and Middleton further demonstrates that the positive aspects of the maritime world, which have previously been neglected within the scholarly field, need to be woven back into this narrative. A potential explanation for the previous historiographical silence on their role in shaping the system may be due to the fact that triumphant, philanthropic, humanitarian white British history is no longer fashionable and has been replaced by research on the history of minority or persecuted groups. However, in looking at these groups, and indeed individuals including Fitzpatrick and Middleton, positive progressive elements of British history can be celebrated.

In summary, by highlighting these interconnected points this study has raised previously unanswered, and unasked, questions and has highlighted a nuanced approach that has developed micro-histories that will be used in the future to shed light upon networks of trade, people, places and goods.

⁷²⁵ Emma Christopher, "'The Slave Trade is Merciful Compared To [This]': Slave Traders, Convict Transportation, And The Abolitionists,' in Emma Christopher, Cassandra Pybus & Marcus Rediker (ed.), *Many Middle Passages: Forced Migration And The Making of the Modern World* (California: California University Press, 2007), pp. 93-109.

⁷²⁶ Richard L. Blanco, 'The Soldier's friend- Sir Jeremiah Fitzpatrick, Inspector of Health for Land Forces,' *Medical History*, 20:4 (1976), pp. 402-421.

6.2 *Placing convict transportation into a global narrative*

Given Britain's Imperial reach and the disparate nodes of Empire that were connected by the journeys of slave and convict ships, this thesis has taken a global approach to British coerced migration. Together, the slave trade and convict transportation were pivotal in expanding the colonial frontier and supplying labour to the outposts of Empire. Thus, this thesis began in Chapter One by placing the rise of abolition and the revival of convict transportation within Imperial changes, demonstrating that the loss of the American colonies and the social, political and economic swing to the east shaped thoughts and practices in both systems. Therefore, this work reinforces the argument of Christopher Brown who has demonstrated that the abolition of the British slave trade was initiated by charges which occurred because of the American Revolution. However, it builds upon his work by highlighting that the loss of the thirteen British colonies across the Atlantic not only sparked the abolition campaign but initiated national and imperial reform which effected coerced migration more generally. It also reinforces P. J. Marshall's work on Britain's swing to the east and the imperial changes that took place in the late eighteenth and early nineteenth century.⁷²⁷

In order to advance this argument, Chapter Two discussed the business aspects of both trades, showing that whilst slave and convict ships transported human cargo, they operated in a diverse range of geographical spheres and were very different lines of commerce. While the slave trade exploited networks in the Atlantic world, convict transportation brought together four out of five Oceans. The trading exploits identified in South America, Europe, Asia and Australasia highlight the global span and the opportunities which convict transportation offered to British merchants. Through research into the financial motivations of contractors, the first two chapters of this study demonstrated the importance and lure of the East in an era which straddled the end of the 'old' and the beginning of the 'new' British Empire.

⁷²⁷ P. J. Marshall, 'The First and Second British Empires: Questions of Demarcation', *History*, 49:165 (1964), pp.13-23

The merchants who invested in this line of commerce were pioneers of their age and they embodied the mercantile spirit, which cemented Britain's high standing in the maritime world. They used convict transportation to circumvent the EIC's charter as the government ensured their ships would be taken up as extras or secured their safe passage on exploration missions in the Pacific to uncover a profitable whaling ground. Convict transportation was thus central in the expansion of Britain's global reach, yet previous interpretations of the penal system have ensured that it has remained bound by its ties to crime history.

While historians have chosen to draw partitions around the globe separating places and spaces from one another with invisible borders, the Ocean knows no boundaries as the seas bleed into one another. The Atlantic is not a self-contained space, instead it is joined by the Indian and Pacific Oceans without constraint. Thus, Chapter Four moved on to assess the experiences that took place on board these floating prisons. Through this analysis, this thesis demonstrated that while convict ships sailed through the Atlantic, Indian, Southern and Pacific Oceans, activities on board remained constant. To captains, crewmen and convicts, the seas rolled into one another and time on board became tedious as their vessel plied through vast stretches of water. The logs detail nothing of ocean names only changes in the weather, the traditions that were customary to crossing the equator and the marine mammals which were sighted during their journey. As the sailors left the floating prisons in which they were also contained, they were exposed to different cultures which ranged from South America, Africa and Asia, demonstrating that the men on board these vessels were part of the global fabric of seamen who wandered the world. Thus, this thesis builds on a concept explored by Marcus Rediker, namely that, although captains and sailors were a mobile and fluid population free to roam the world, they were also incarcerated in floating prisons far from the shore, their homes and their loves ones for large periods of time.⁷²⁸

⁷²⁸ Markus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, And The Anglo-American Maritime World, 1700-1750* (Cambridge: Cambridge University Press, 1987), p. 159

Finally, in Chapter Five this thesis demonstrated the transference of knowledge, practice and skill in the maritime world. Although it concentrated primarily upon convict transportation and the slave trade, it is likely that advancements in efficiency and limiting mortality moved into other trades and onto different nations' ships. Britain's close relationship with America and the diverse range of nationalities that were found on board her vessels most likely meant that there was a global maritime community that exchanged ideas and best practices. Thus, this thesis reinforces the finding of Robin Haines and Ralph Shlomowitz who demonstrated that the decline in mortality in the slave trade was in line with other migrations, perhaps due to the transference of knowledge explored in this thesis.⁷²⁹

By placing convict transportation with a global framework this thesis has demonstrated that it may not be beneficial to limit studies to a particular leg of the voyage. Although transport vessels were called 'convict ships' they were so much more. This challenges works by scholars who have studied aspects of convict voyages in isolation. However, it reinforces the approaches taken by historians including Emma Christopher, Cassandra Pybus, Clare Anderson, Gary Sturges and Kenneth Cozens which have located convict transportation within the global fabric of British maritime trade and expansion in the late eighteenth and early nineteenth century.⁷³⁰ By viewing convict transportation within a global framework, this thesis has expanded our understanding of the motivations of convict transportation from a business and Imperial perspective.

⁷²⁹ Robin Haines and Ralph Shlomowitz, 'Explaining the mortality decline in the Eighteenth-Century British Slave Trade', *The Economic History Review*, 53:2 (2000), pp. 262-283.

⁷³⁰ Emma Christopher, 'A Disgrace to the very Colour'; Emma Christopher, '"The Slave Trade is Merciful'; Emma Christopher, *A Merciless Place*; Cassandra Pybus, *Black Founders*; Cassandra Pybus, *Epic Journey of Freedom*; Clare Anderson, *Subaltern Lives*; Gary L. Sturges & Ken Cozens, 'Managing a Global Enterprise in the Eighteenth Century'; Gary L. Sturges, Sara Rahman and George Argyrous, *Convict Transportation to New South Wales*; Gary L. Sturges, *Sir Jeremiah Fitzpatrick*, unpublished document.

6.3 *Rethinking convict transportation*

By combining interconnected 'migrant', 'maritime' and 'global' histories this thesis has not only exposed previously unexplored aspects of convict transportation, but has provided a significant rethinking of the penal punishment. This study began by locating convict transportation and the decision to house a penal colony at Botany Bay within the changes that were taking place within the British Empire. The loss of the American colonies meant that Britain had lost her convict dumping ground. This led to overcrowding in jails and hulks, which, in turn, resulted in a clamour to rid Britain of her criminal class. The choice of Botany Bay as a penal settlement was in part because other options were thwarted. However, as Michael Roe, Stuart Macintyre, Alan Atkinson, and Alan Frost have demonstrated, it was also bound up in Britain's Imperial swing to the east. This work has thus reinforced their arguments by demonstrating that the colonisation of Australia was part of a larger Imperial plan.⁷³¹ However, it has also bridged the gap to the opposing argument put forward by Mollie Guillian that Botany Bay was colonised because Britain needed a convict dumping ground.⁷³² This thesis takes the approach that a number of circumstances coalesced and made Australia the option for imperial expansion and the protection of assets in the East. In turn, it was the only place where a convict colony could be housed without serious complaints in the 1780s.

Whilst the movement of people to the colonial frontier, whether forced or voluntarily, has been typically analysed within the remit of studies regarding labour migration, this thesis has demonstrated that the choice to colonise Australia with convicts was primarily to ease the overcrowded hulks and jails in Britain after a panic over perceived rising crime rates. Chapter 3 demonstrated that although the age, gender and propensity to work were conducive to labouring in the colonies, this was

⁷³¹ Michael Roe, 'Australia's Place in 'The Swing to the East,' 1788- 1810; Stuart Macintyre, 'Australia and the Empire'; Alan Atkinson, 'The First Plans for Governing New South Wales; Alan Frost, *Botany Bay: The Real Story* (Victoria: Black Inc, 2012).

⁷³² Mollie Gillen, 'The Botany Bay Decision 1786: Convicts not Empire and 'Response to Alan Frost.'

a product of the typical profile of people who committed crime in the realm, not a deliberate attempt to send only the best workers.⁷³³ While this counters the generalisations put forward by Stephen Nicolas and Peter R. Shergold and Deborah Oxley who have advised that Australia's early economic growth was made possible as convicts were selected for transportation based on certain criteria, it provides a prequel to their pioneering works which focus on the later period. Thus, this thesis has developed our understanding of how convict transportation as a system evolved over time as the colony began to thrive.⁷³⁴

While many studies have commented upon convict transportation to the Australian colonies, very few have engaged with the practicalities, especially in its early stages. After convicts were sentenced to transportation they were contained in jails or hulks before being taken by waggon or boat to their embarkation point. Once they were gathered, they were typically taken on board lighters and conveyed to the transport ship. They were then checked to ensure they were in good health before being ushered below decks. In many instances, the convicts were chained. However, when the ship was out of sight of the shore, some were unshackled. Typically, each convict was provided with a bed, a pillow and blankets as well as some clothes by the contractor. The maintenance of convicts, which again has received very little attention, included bathing, shaving, feeding and medical care all of which contributed to the aim of keeping convicts alive. A log was kept by every surgeon and captain and any unusual occurrences were noted and could be used to record, and to justify, instances on board. The medical care and treatment of convicts highlighted throughout this thesis and the relationships formed with medical men during the voyage provides an important precursor to the Katherine Foxhall's work for the period 1815 to 1860.⁷³⁵

⁷³³ For a more extensive study of the profile of offenders, particularly property offenders who accounted for the greatest proportion of transportees, see King, *Crime, Justice and Discretion*.

⁷³⁴ S. Nicholas & P.R. Shergold, *Convict Workers* and Deborah Oxley, *Convict Maids*

⁷³⁵ Katherine Foxhall, *Health, Medicine and the Sea: Australian Voyages, c. 1815-1860* (Manchester: Manchester University Press, 2012).

Furthermore, through the previously unexplored business aspects of the convict trade, this thesis has analysed the contract systems and has highlighted the logistical elements of transporting a large volume of prisoners across the seas. These findings contribute to an emerging literature on the government contracting system. It reinforces the findings of R. J. B. Knight and Martin Wilcox, David Syrett and Mary Ellen Condon that contractors were a pivotal resource during conflict in the eighteenth and nineteenth centuries.⁷³⁶ However, while previous studies have focused upon the use of contractors in wartime, this thesis is the first to demonstrate the pivotal role played by contractors during peacetime and how they were employed to expand as well as contribute to the protection of Imperial assets.

Although convict transportation has been extensively investigated, the conveyance of felons across the seas has typically been explained through the success of the First Fleet and the failures of the Second, and on occasion the Third, Fleet. The former presents the story of a marvellous maritime achievement. It details humane crewman and relatively well behaved convicts, while the latter highlights the supposed dark side of the penal system with images of unsanitary convict ships crossing the seas with debauched convict whores, starving men and brutal captains.⁷³⁷ The works of Robert Hughes and Sian Rees in particular have contributed to shaping opinions on convict transportation and their works have largely led to a negative view of the penal punishment in the early years. However, in conducting a closer analysis of the 63 voyages to the Australian colonies between 1787 and 1807, this study has reinforced the work of Charles Bateson. In addition, it has arrived at the conclusion that firstly, the Second Fleet in particular has been misunderstood,

⁷³⁶ R. J. B. Knight & Martin Howard Wilcox, *Sustaining the Fleet, 1793-1815: War, the British Navy and the Contractor State* (Woodbridge: The Boydell Press, 2010); David Syrett, *Shipping and the American War, 1775-1783*; David Syrett, *Shipping and Military Power in the Seven Years War*; Mary Ellen Condon, 'Surveying, Measuring and Valuing British Transports.

⁷³⁷ Hughes, *The Fatal Shore* and Rees, *The Floating Brothel*. To oppose the stereotypes of convict women as debauched whores see Michael Sturma, 'Eye of the Beholder: The Stereotype of Women Convicts, 1788- 1852,' *Labour History*, 34 (1978), pp. 3-10.

and secondly, that convict transportation was an efficient, relatively humane coerced migration system, in which the welfare of prisoners was central from the outset.

By highlighting the positive aspects of convict transportation this work has provided a fresh insight into the topic which has previously been hindered by the sensational narrative of Robert Hughes. In his work *The Fatal Shore*, Hughes wrote, 'By the standards of the time... the convicts did not do so badly once the system for getting them out to Australia was working smoothly... After 1815... hell ships were few.'⁷³⁸ Statements of this kind imply that a high number of these so called "hell ships" operated within the early period, which, as this thesis has demonstrated, is largely incorrect. Instead, one of the central findings of this work is that the Second Fleet and the voyage of the *Britannia* in particular were anomalous ventures. By uncovering further details about the Second Fleet this work contradicts the findings of a number of historians. However, it builds upon the pioneering work of Michael Flynn who has pointed to the many failings of the Second Fleet including turbulent weather and the outbreak of disease between the Cape and the Australian colonies instead of concentrating solely upon on board treatment to explain its mortality rates.⁷³⁹

This work has demonstrated that violence, brutality and poor treatment were not synonymous with convict transportation. Transportees had rights and those who moved them from one region to another had a legal responsibility to deliver them alive and in good health. The state ensured that convicts were well provided for and were protected during their passage to the Antipodes. These aspects of penal punishment, coupled with the humanitarian attitudes of influential men, ensured that convict transportation was efficient from the beginning. It increased in efficiency because of the circulation of knowledge, practice and skill, and by 1801, as opposed to 1815 which has previously been stated as the time of substantial change, convict voyages achieved a consistently low mortality rate. This is an incredibly important

⁷³⁸ Hughes, *The Fatal Shore*, p. 144-145.

⁷³⁹ Michael Flynn, *The Second Fleet*.

finding as historians such as Charles Bateson, Debroah Oxley, Robert Hughes and Robin Hains, among many others, have argued that the introduction of Surgeon-Superintendents was the first step to lowering convict mortality.⁷⁴⁰ Instead, this thesis demonstrates that in fact they were one of many subsequent features that furthered the lowering of convict deaths at sea, already evident in the late eighteenth century, after the turn of the nineteenth century.

Together, the positive aspects of penal punishment ensured that in the main convicts had a better experience on board transport vessels than other coerced migrants. Although works such as *Many Middle Passages* have endeavoured to demonstrate that migrants in different trades endured their own struggles during their oceanic crossing, the 'Middle Passage' of the slave trade was unique and thus can only be used in this specific context. The experiences of convicts on board transport vessels varied and depended upon several factors, including the vessel, the captain, the magnitude of the sense of loss the transportee felt regarding what they were leaving behind, if any illnesses broke out during the voyage, the time of year they sailed through the Southern Ocean and the relationships they entered into on board. By demonstrating the achievements of convict transportation and the horror of the slave trade this work contributes to ideas regarding a spectrum of coerced migrant experiences like *Many Middle Passages*. However it has removed the inherent inaccuracies of attempting to argue that a small number of horrific experiences in the history of convict transportation to Australia automatically makes the experiences of transportees comparable to those of slaves.

Although there are many other aspects of the penal punishment that could be expanded upon, this work was naturally limited by time and space. However, this thesis has gone some way to encouraging further analyses into the comparative

⁷⁴⁰ Charles Bateson, *The Convict Ships*, Chapter four- The Surgeons and Surgeon-Superintendent, pp. 38-57; Deborah Oxley, *Convict Maids*, p. 113; Robert Hughes, *The Fatal Shore*, p. 151; Robin Hains, *Doctors at Sea: Emigrant Voyages to Colonial Australia* (Basingstoke: Palgrave Macmillan, 2005), p. 67

parameters laid out in this work. It has demonstrated the potential to investigate geographical, social, political and economic comparisons with other trades, regions and countries. Pioneering work by Clare Anderson is recovering the hybridity of penal labour in multiple spatial settings around the world between 1415 and 1960, and further archival research in both Europe and Australasia may yet reveal more about what happened during the era preceding the First Fleet when convicts were moored off the Thames. Pivotal, investigating the supply chains sustaining cargo supplies in Asia may yet reveal whether they were enabled by other degrees of coercion far worse than the Transatlantic slave trade and the other penal trades discussed throughout this study. Thus, while answering many questions that have yet to be addressed by historians, this study has opened other important lines of enquiry for future studies.

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