

Governor Phillip's First Commission

On 18 August 1786, with mounting pressure on Britain's Pitt Government to find a solution to the "convict problem" and the shortage of prisons to house them, the British Government issued instructions to the Treasury to provide funds for the establishment a convict colony in faraway Botany Bay. Two months later, on 12 October 1786, Captain Arthur Phillip was given his first Commission appointing him "Governor of our territory called New South Wales".



Frank Moss Bennett (after Francis Wheatley), Captain Arthur Phillip (1937): For the sesquicentenary of British settlement in 1938, a copy of the portrait of the first Governor, Captain Arthur Phillip (1788-92), was presented to Government House by the Royal Empire Society. This copy was made from the original portrait painted in 1786 before Governor Phillip departed the colony.

The First Commission was a simple document. It read as follows:

"We, reposing especial trust and confidence in your loyalty, courage and experience in military affairs, do, by these presents, constitute and appoint you to be Governor of our territory called New South Wales, extending from the northern cape or extremity of the coast called Cape York, in the latitude of 10 degrees 37' south, to the southern extremity of the said territory of New South Wales or South Cape, in the latitude 43 degrees 39' south, and all the country inland and westward as far as the one hundred and thirty-fifth degree of longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitude aforesaid of 10 degrees 37' south and 43 degrees 39' south, and of all towns, garrisons, castles, forts and all other fortifications or other military works, which now are or may be hereafter erected upon this said territory. You are therefore carefully and diligently to discharge the duty of Governor in and over our said territory by doing and performing all and all manner of things thereunto belonging, and we do hereby strictly charge and command all our officers and soldiers who shall be employed within our said territory, and all others whom it may concern, to obey you as our Governor thereof; and you are to observe and follow such orders and directions from time to time as you shall receive from us, or any other (of) your superior officer(s) according to the rules and discipline of war, and likewise such orders and directions as we shall send you under our signet or sign manual, or by our High Treasurer or Commissioners of our Treasury,

for the time being, or one of our Principal Secretaries of State, in pursuance of the trust we hereby repose in you.

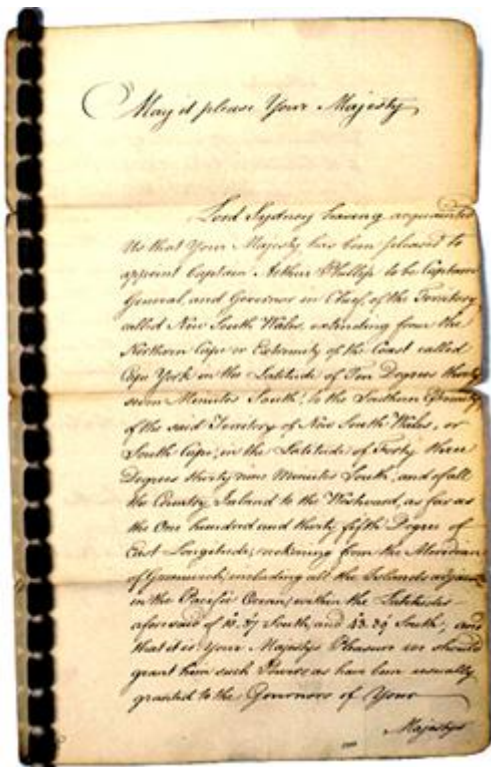
Given at our Court at St, James's, the twelfth day of October 1786, in the twenty-sixth year of our reign.

By His Majesty's Command
SYDNEY."

Later Commissions

Phillip's second commission, dated 2 April 1787, appointed him as the representative of the Crown, Captain General of the Fleet and Governor-in-Chief of New South Wales. It combined executive and legislative functions enabling him to remit sentences imposed by the Civil and Criminal Courts. This gave him the power to appoint Justices, to punish, pardon and reprove, to impose martial law and to grant land. To govern without the benefit of council was an enormous responsibility.

On 25 April 1787, Captain Arthur Phillip received what is also confusingly referred to as his '2nd Commission' or his 'Amended Commission' or his '1st Instructions', depending on the source. These instructions were composed by Lord Sydney on behalf of King George III, 'with the advice of his Privy Council'. It is perhaps the most important of all the early documents.



Draught Instructions for Governor Phillip, 25 April 1787: British Public Records Office

These 'Instructions', handwritten in clear Georgian font, again designated the territory of New South Wales as including "all the islands adjacent in the Pacific Ocean and running westward to the 135th meridian", (roughly running north/south through today's Alice Springs). The Instructions advised Phillip about managing the convicts, the army, the administrators, the

granting and cultivating the land, and exploring the country. Aboriginal peoples' lives and livelihoods were to be protected and friendly relations with them encouraged.

The 'Instructions' however make no mention of recognising the previous 60,000 years of Indigenous occupation. *Terra nullius* was assumed. This document would shape the law of the land, its occupation and the dispossession of the land's Aboriginal people.

Who was the man who would become Governor?

Arthur Phillip

Born: 11 October 1738; died: 31 August 1814

Governor of New South Wales: 12 October 1786 – 10 December 1792

Term in New South Wales: 26 January 1788 – 11 December 1792

Arthur Phillip had celebrated his 48th birthday the day before the awarding of his First Commission on 12 October 1786.

From a humble London East End background, he was viewed by many as a surprising and extremely unlikely contender for such a demanding and significant role, yet his history prior to the Commission would prove significant in fulfilling its objectives.

Aged 17, Arthur Phillip had joined the Royal Navy as a Captain's servant. The Seven Years War with France had just begun, in which he survived the horrors of battle and cannon bombardment. Arthur passed his lieutenant's exams and fought against the Spanish in Havana, taking a small share of the bounty from the capture of a Spanish ship, the '*San Augustine*'. He was lucky to survive the wet season of cholera, yellow fever, dysentery and malaria that killed 7000 of his fellow soldiers and sailors.

After the war, the 25-year-old Arthur Phillip married Welsh-born 42-year-old Margaret Charlotte Dennison, the wealthy, childless widow of a glove and wine merchant. Her deceased husband had been brother to Sir Thomas Dennison, one of the judges of the King's Bench. They lived in Hampton Court, London for two years before moving to her 22-acre country property named 'Vernals' at Lyndhurst in the New Forest area of Dorset. A near neighbour was Treasurer of the Navy, Sir George Rose.

Phillip ran the property as a dairy farm, looked after their horses and grew vegetables. It is here that he learned some of the rudimentary farming skills that he would later prove to be essential as he struggled to establish crops and drag the fledgling colony of New South Wales through those first four years of starvation and despair.

After six years of marriage, the couple separated amicably, and Phillip's career took another surprising turn. He rejoined the Royal Navy and, perhaps, being aware of his gift for languages, the Home Office and Admiralty sent Phillip off to France and the Low Countries for a few years to act as a spy, reporting back on the numbers and movements of the ships of French Navy.

Phillip was described as being "of less than average height, with an olive complexion, a long hooked nose and dark eyes, with a hint of the orient about him", someone who could blend well into the European melting pot and who would not be easily identified as a British secret agent. Around this time, a confrontation was brewing between Britain's enemy Spain and the

Portuguese over the ownership of parts of South America. The Plate River divided Spanish Buenos Aires from a colony claimed by the Portuguese in modern Southern Uruguay. The Portuguese requested assistance from the Royal Navy to enforce their claim, and following the recommendation of his previous Captain, Arthur Phillip was despatched to Lisbon in Portugal to take command of a Portuguese ship. Phillip gained valuable experience transporting 400 convicts from Lisbon to Brazil and soon distinguished himself, capturing a Spanish battleship with three times the number of guns as his ship.

Ten years later, after crossing the Atlantic on the first leg of the First Fleet's journey, Phillip would navigate using the very charts of the South American coast that he had made for the Portuguese Navy.

In 1777, the Spanish and the Portuguese signed a treaty and Phillip had a new commission and his first British command - of HMS '*Basilisk*' - conveying German recruits from Hamburg to fight for the British against the rebelling American colonies.

In 1782, aged 44, and promoted to Post Captain, he was finally given command of a battleship, the 64-gun, 600 man '*Europe*'. Britain again declared war on Spain with the intention of taking her South American colonies. Having worked for the Portuguese Navy and drafted many of the maps of the coast they were to invade, Phillip's knowledge was invaluable. As Captain of the '*Europe*', he was to participate in the attack. Unfortunately for Phillip, a peace treaty was signed while he was on route and he was diverted to India.

Back in Britain, the push to find a place to send the ever-increasing criminal class was gaining momentum. Phillip, by this stage, was carrying out survey work for the Navy.

Why and how Phillip was chosen to undertake the mammoth logistical and navigational task as Commodore, shepherding 11 vessels full of convicts and supplies to the other side of the world and there to establish an experimental colony in a lonely and distant outpost of the British empire, is not entirely clear. It was not exactly seen as a "plum appointment" amongst the officers from the upper classes.

This is where Phillip's 'connections' began to come into play. His old acquaintance Lord Sydney, Sir Thomas Townsend, head of the Home Office, wanted a robust, reliable and adaptable fellow to mount the flotilla, thereby emptying the hulks and prisons.

On 12 October 1786, Captain Arthur Phillip was officially appointed Governor of New South Wales, engaged to plan and carry out one of the most ambitious undertakings and voyages in modern history - to bring 11 small ships with 1400 men and women aboard; criss-cross the Atlantic twice to catch favourable winds and currents; endure the heat of the equator; round the bottom of Africa into the Indian Ocean and to battle storms and rough seas of the freezing Southern Ocean, to raise a new settlement on the oldest continent on earth.



Cape Town, Table Mountain &c; Sirius & convoy in Table Bay, November 1787. William Bradley, watercolour from his journal 'A Voyage to New South Wales', 1802+: State Library of New South Wales.

The planning stage alone would have defeated a lesser man. To attempt to assemble every single item of food, clothing, tools, medication, building materials and other supplies that approximately 400 sailors, 750 convicts and 250 marines and their 54 wives and children would need for an eight-month voyage, followed by up to two years without additional provisions, was a mammoth task.

From his small room at the Admiralty, Phillip had to fight every step of the way to get the quality and quantity of supplies he needed... nails, seeds, saws, grains, thread, hinges, forges, flour, furniture, paper, candles teaspoons, salted meats, hats, surgeons' instruments, shoes, hoes ... the list was endless. He was dogmatic and meticulous and refused to be hurried or bullied by his superiors. In contrast to the authorities, Phillip displayed a sound grasp of the multitudinous tasks and problems that lay ahead. Later there proved to be only two major oversights; firstly an inadequate supply of clothing, especially for the female convicts. After the festering heat of the doldrums the women's clothing was infested with fleas and lice. At Rio de Janeiro, Phillip had all their clothing burned and they were issued with new clothing made from rice sacks. The second oversight was the failure to issue Phillip with a list of the convicts' sentences, later forcing Phillip to take the convicts' word for when they had completed their terms.

Sir Joseph Banks was adamant that they only need take one year's supply of provisions, but Phillip insisted on two. Time would prove that not even that was enough.

The second extraordinary feat was Phillip's establishment of a colony, with uncooperative and unskilled labour, sub-standard equipment and poor food.

His first act of leadership in the colony was to decide that, contrary to advice, Botany Bay was entirely unsuitable; it was poor marshy land with no fresh water.



"A View of the Tree (Xanthorrhoea) at Botany Bay, wh yields ye Yellow Balsam, & of a Wigwan"

Arthur Bowes Smyth drawings from his journal *'A Journal of a Voyage from Portsmouth to New South Wales and China in the Lady Penrhyn ...'*, 1787-1789: Mitchell Library, State Library of New South Wales

He immediately set off, rowing north to discover the magnificence of Sydney Harbour. Cook and Banks had spotted the entrance in 1770, given it the name of Port Jackson, and sailed on past. The entire fleet was moved within three-four days to Sydney Cove, with its supply of fresh water, later known as the Tank Stream.

Chroniclers at the time of the First Fleet describe the eucalyptus trees around the Tank Stream in Sydney Cove as being so large you couldn't put your arms around them. The small and brittle tools brought from Britain were no match for these ancient hardwoods. Likewise, the first attempts to grow food at today's Garden Island and Farm Cove proved frustrating and fruitless. As would continue to be the case for many years, there were no draught animals to plough the dry, infertile ground. The seeds they had brought with them were carried away by insects and birds; the plants were eaten by insects and strange small animals. It is now thought that the Fleet arrived in an El Niño year. It was hot and dry; the plants had to be continually watered but still wilted and died in the scorching sun or were washed away in torrential summer downpours.

Undaunted, Phillip went in search of better farming land, which he found 15 miles up-river at a place he named Rose Hill, modern day Parramatta.

As the rations were repeatedly reduced, unbeknown to the colony, *'The Guardian'*, the relief ship bringing supplies had foundered and it was 2 ½ years before ships from Britain finally arrived. Jubilation turned to despair as the horror that was the second fleet began unloading its cargo of ill, abused and dying convicts; with it, came the realisation that, instead of supplies, aboard were yet more mouths to feed.

From first arrival, Phillip was keen to open a dialogue with the Eora people, but the Eora initially wanted nothing to do with these strange white people. To learn more of their customs and language, Phillip captured a young man by the name of Arabanoo, who later died from smallpox during the epidemic. Phillip did his utmost to win and keep the friendship of two more Aboriginal men, Colebee and Bennelong. Colebee soon escaped, but Bennelong quickly adapted to and enjoyed many of the European ways, before he too ran away. At Manly Cove, Bennelong was present as another warrior drove a 3-metre spear through Phillip's shoulder. Phillip staggered to the boat and during the long row up the harbour, dictated his last will and testament. Phillip forbade any punitive action. After Bennelong arrived to visit Phillip in

hospital, their relationship resumed. Bennelong continued to come and go at will, dining regularly at Government House and residing in his hut on Bennelong Point. Leaving his feisty wife Barangaroo behind, Bennelong and another young Aboriginal man, Yemerawanne, sailed back to England with Governor Phillip at the end of his tenure. While Yemerawanne died in England, after being the curious toast of English society for 18 months, Bennelong returned to Sydney. He turned his back on the settlement and re-joined the Eora community.

Phillip's Departure

During his entire tenure in New South Wales, Phillip suffered from an intense and ongoing pain in his side. After nearly five years at the helm, he determined it was time to temporarily return to Britain to seek medical treatment.

Leaving a settlement of over 4000 people, Phillip departed the colony on 11 December 1792, aboard the *'Atlantic'*. Still not entirely self-sufficient, the future of the colony was by no means certain. It was still a significant drain on the British taxpayer.

Contrary to Lord Sydney and the British establishment's view that New South Wales was - and always would be - a convict penal settlement, Arthur Phillip's vision was always that the settlement would form the basis for a new and free society. Unfortunately, this was not realised during his time, as British emigrants preferred destinations without the taint of convicts.

With unskilled and uncooperative labour, he had built a colony with buildings, roads, and farms, and a rudimentary administrative and legal system. He had sought out the fertile soils of the Toongabbie and Parramatta areas and had established the town of Rose Hill (Parramatta). By the time he departed there were over 1000 acres under cultivation, and he had explored up and down the coastline, and the land between the Hawkesbury and Nepean Rivers.

Return to England saw a second marriage, to 43-year-old Isabelle Whitehead, daughter of a wealthy cloth merchant, sheriff and magistrate. They moved to Isabelle's childhood town, the fashionable spa town of Bath and a four-story townhouse at 19 Bennett St, Bath. On his death in 1814, Arthur Phillip was buried in the consecrated ground of St Nicholas Church, Bathampton, Somerset, after which his grave was lost and forgotten for over 100 years. Rediscovered in 1897, the then NSW Premier Sir Henry Parkes paid for its restoration. Today, there are memorials to Arthur Phillip in Bath Abbey and in Westminster Abbey.



Gravestone in St Nicholas Church, Bathampton, UK

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