



## Chapter 1 - Creation of a Colony

Criminal laws of the 18<sup>th</sup> century dated from the days of Queen Elizabeth I. And many of the monetary values for which crimes were punishable by lengthy imprisonment (or even execution) had not been altered for two hundred years. Aside from any other issues, the legal system had failed to take account of inflation or the growing poverty that drove people to crime. Society at the time gave little thought for the plight of the poor and the growing number of jobless.

‘Self preservation determined that more and more must turn to crime. A harsh criminal code protected property in a way that caused suffering to a degree that is hard to imagine today.’<sup>1</sup> Theft in one form or another could easily incur a sentence of transportation for seven years to the colonies. ‘There were over two hundred offences that were punishable by death in England at the end of the eighteenth century. However, the death sentence was often commuted to transportation for life.’<sup>2</sup> Transportation provided a means of ridding the country of people who committed crimes that they were driven to commit. ‘For many it was a case of steal or starve’ For most of the 18<sup>th</sup> century, transportation usually meant being sent to the colonies in North America.

With the American colonies succeeding with their war of independence in 1781, Britain found that it could not so easily dispose of its growing convict population. Constantly full gaols meant that more and more convicts were assigned to the hulks of ships anchored in London’s River Thames.

The other side of the coin was that the American colonies no longer were the beneficiaries of a regular supply of cheap labour from the United Kingdom. They had to employ free men in their place; or buy slaves, that is, innocent folk kidnapped from Africa. The latter option was cheaper and significantly contributed to the expansion of the slave trade to North America.

The need for a solution to the convict problem in the United Kingdom, led to consideration of various choices for new sites for convict colonies. Captain James Cook’s voyage of discovery with the Endeavour in the South Pacific 1769–70 proved fateful in this affair. It was Cook’s discovery, exploration, naming, claiming for Britain, and reporting on New South Wales (NSW), that eventually led to it being chosen as the place to send Britain’s unwanted. A fleet of eleven vessels, with 759 convicts, under the command of Captain Arthur Phillip set out from Portsmouth on a journey that took seven months and traversed 13000 miles, to a place at the other end of the world. It was on 26 January 1788, in the middle of summer, that they finally set foot on the shore of what became known as Sydney Cove.

Sydney Cove is inside Port Jackson and faces north into it. At the time, Sydney Cove was noted to be a place of sandy soil and rock. Captain Phillip chose Sydney Cove as a place of settlement because of ‘a fine run of fresh water, stealing silently through a thick wood’ flowing south to north into the south-west corner of the cove.

Just north of present day Hunter Street (formerly Bell Street) there was a fall in the stream towards Sydney Cove. The salt water was never able to reach south of that point. Above and near the fall were holes about ‘12x15 feet’ and ‘20x14 ft’ and ‘eight to twelve feet deep’ cut into solid rock, known as tanks, that were kept full by the stream. It was at those tanks that the wives of soldiers washed their family’s clothes. And it was those tanks that gave the stream its name. The stream that fed the tanks was a foot wide and a few inches deep.<sup>3</sup>

The Tank Stream, and the high ground that contained it, influenced the way in which Sydney was laid out then, and today. It was around and from this pivotal piece of geography that the colony was quickly

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<sup>1</sup> Hawkesbury Journey. p1.

<sup>2</sup> Hawkesbury Journey. p1.

<sup>3</sup> Memoirs of Obed West. p11, 21.



established, and was added to over succeeding years by the arrival of other convoys of convicts. However, while the Tank Stream quenched the infant colony's thirst, it took a lot longer than anticipated before the colony was able to feed itself. For many years, the colony was dependent on rations brought by supply ships that were often part of a convoy from Britain. The very existence of the colony was uncertain for some five years after the arrival of the First Fleet.



*The arrival of the First Fleet at Sydney Cove 26 January 1788. Derived from the watercolour by Julian N Briere.*

'For Forty years the people of Sydney were content to depend for their water supply upon the Tank Stream, with a well sunk here and there.'<sup>4</sup> It was around the Tank Stream the Colony of New South Wales was born, struggled to survive, was sustained, grew, and prospered.<sup>5</sup> As the colony gained strength it provided the foundation for development of Australasia, and much of the South-West Pacific.

The colony's status as a penal settlement altered little until the dawn of the 19<sup>th</sup> century, with a trickle of free settlers arriving. It was about this time the fate of the David Brown (1750 - 1836) and family (and those connected with them) became entwined with that of the Colony of New South Wales. They arrived in time to take part in a wave of expansion by the pioneers who opened up and developed this country.

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<sup>4</sup>Australia in the 1870's, p100-1.

<sup>5</sup>An interesting environmental observation of 1870 from which little seemed to be learnt: 'The Stream was dammed up in many places, and for many years the trees that shaded the waters of the creek were allowed to stand. As time wore on, however, and the population increased, many of the trees were cut down, and the water supply at once diminished, ....' Australia in the 1870s, p101.