

# The Role of Parliamentary Committee Witnesses in the Foundation of Australia\*

Andrew Tink\*\*

When Lieutenant James Cook arrived at Botany Bay at the end of April 1770, he brought with him two future Parliamentary Committee witnesses who would turn out to be crucial to the British Government's decision to settle Australia.

Those future witnesses spent their short time at Botany Bay examining everything in sight and making copious contemporaneous notes of whatever caught their eye. They were of course, Joseph Banks and James Mario Matra who along with Captain Cook himself wrote in their Journals about the sandy soil, strange vegetation and even stranger animals.<sup>1</sup>

Less than a month beforehand, on the other side of the world in Boston, a small detachment of British soldiers had fired on a crowd of American colonials who were protesting about having to billet such soldiers in their homes.<sup>2</sup> This crisis, the so-called 'Boston Massacre', a fateful step in the lead-up to the American Revolution, had its beginnings in evidence given to a House of Commons Parliamentary Committee by Benjamin Franklin back in January 1766.

After disastrous attempts by the British Parliament to introduce a Stamp Tax into the American Colonies the previous year were abandoned, Franklin gave evidence that, whilst such internal taxes had been objectionable to Americans, external taxes were not. He told the Parliamentary Committee that Americans 'could neither marry

---

\* After dinner Address to annual meeting of the ASPG, Parliament House, NSW, October 2005.

\*\* Andrew Tink is the Member for Epping, Legislative Assembly, Parliament of NSW, Shadow Attorney General and Shadow Leader of the House.

<sup>1</sup> Cook's Journal, 1 May 1770, P. Edwards, James Cook, *The Journals* (Penguin Books 2003) pp. 125–6; Banks' Journal, 1 May 1770, J.C. Beaglehole, *The Endeavour Journal of Joseph Banks* (Angus and Robertson 1962), Volume II, p. 57; Matra's Journal, in A. Frost, *The Precarious Life of James Mario Matra* (The Miegunyah Press 1995) p. 59.

<sup>2</sup> G.S. Wood, *The American Revolution* (Weidenfield and Nicholson 2003) [Wood] p. 33.

nor make wills' without paying a Stamp Tax, but an external tax on imports, such as tea allowed people a choice of not buying the goods and not paying the tax.<sup>3</sup>

On the strength of Franklin's evidence, the British Parliament passed laws to tax tea and other imports to the American Colonies, thinking these were acceptable to the Americans themselves.<sup>4</sup> Unfortunately, Franklin had disastrously misread the mood of his countrymen and it was not long before John Dickinson in his famous *Letters from a Farmer in Pennsylvania* had whipped up such a storm of protest especially in Boston that British troops had to be billeted there.<sup>5</sup> If only Dickinson had been on the Commons Committee Clerk's witness list!

Even though Franklin admitted that his Committee evidence had been wrong and the British Government repealed most of these taxes, the tax on tea remained in place, leading to the 'Boston Tea Party' in December 1773 and was one of the central causes of the American Revolution.<sup>6</sup> And once the American Revolutionary War began in earnest, the transportation of British convicts to planters in Virginia and Maryland ceased, causing a massive build-up of convicts in British jails who had been sentenced to transportation but now had nowhere to go.<sup>7</sup> Ironically, Benjamin Franklin had been a severe critic of transportation to America.<sup>8</sup>

Although the British Government was involved in a bitter civil war with the American Colonies that also split the British Parliament itself, the House of Commons still found time to examine the pressing issue of transportation. Almost exactly nine years to the day after his visit to Botany Bay, Joseph Banks was called to give evidence to the Bunbury Committee and when asked about establishing a colony of convicted felons in a distant part of the globe where the fertility of the soil would allow them to maintain themselves after the first year, Banks nominated Botany Bay 'where the proportion of rich soil was sufficient to support a very large number of people.'<sup>9</sup> Banks had obviously mislaid his Botany Bay notes about sandy soil or decided to embellish his evidence to the Parliamentary Committee. And no one appears to have compared Banks' notes of 1770 with his evidence of 1779, to test him.

---

<sup>3</sup> Examination of Dr Benjamin Franklin, 17 January 1766, in *Parliamentary History of England* (T. Hansard 1813) [Parliamentary History] Volume XVI, p. 144.

<sup>4</sup> W.R. Anson (ed.), *Autobiography of the Duke of Grafton* (Kraus Reprint Millwood New York 1973) [Grafton's Autobiography] pp. 126–27; Lord Shelburne to Lord Chatham, 1 February 1767, in *Executors of John, Earl of Chatham, Chatham Correspondence* (Spottiswoode 1838) Volume III, pp. 184–85.

<sup>5</sup> Wood, p. 31; Lord Edmund Fitzmaurice, *Life of Shelburne* (Macmillan 1875) Volume II, p. 125.

<sup>6</sup> Grafton's Autobiography, pp. 229–30.

<sup>7</sup> *The Times*, 14 July 1785; A. Frost, *The Global Reach of Empire* (Melbourne University Press 2003) p. 147.

<sup>8</sup> G. Martin, *The Founding of Australia The Argument about Australia's Origins* (Hale and Iremonger 1981) p. 154.

<sup>9</sup> Joseph Banks' Evidence to the Bunbury Committee, 10 April 1779, *Journal of the House of Commons*, Volume 37, p. 311.

Indeed the Government, as with countless Parliamentary witnesses since, took no action on Banks' recommendation which to be fair, was understandable given the fact that the French and Spanish navies were on the prowl and all available British shipping was obviously tied up on the trans-Atlantic run so that the assembling of a fleet to sail safely to Botany Bay was virtually impossible.<sup>10</sup>

In such a threatening maritime environment, the British Government began plans for a massive penitentiary on the banks of the Thames four miles upriver from Westminster bridge to house 900 convicts who in the meantime, were mostly imprisoned in hulks on the Thames.<sup>11</sup> Things remained in this state until a general peace with America, France and Spain was agreed to in early 1783 which was followed by a year of great Parliamentary instability during which successive British Governments had to decide what to do not only with these convicts, but with tens of thousands of loyalist supporters as well, who were now forced to leave the newly created United States of America.<sup>12</sup>

James Mario Matra who had also been with Cook at Botany Bay, approached the Home Secretary Lord Sydney in 1784 with a plan that had been ignored by his predecessor, Lord North. Matra was from a New York loyalist family and suggested Botany Bay as a destination for loyalists. Although Sydney had already made plans to settle the loyalists in Canada, he met Matra and suggested that Botany Bay might 'be a very proper region for the reception of criminals'.<sup>13</sup> In another political life as a member of the Commons, Sydney had taken a keen interest in penal matters and no doubt had Banks' evidence to the Bunbury Committee some years before, in mind. Matra reworked his plan to incorporate Sydney's suggestion into a supplement and like Banks, exaggerated the fertility of Botany Bay's soil.

Matra's supplement also referred to a Parliamentary Committee's recommendation that all the Transportation Acts be consolidated into one Act and that the King in Council rather than Parliament be empowered to nominate places of transportation. Sydney acted promptly to change the law and the Opposition did not resist, perhaps realising that with the Government choosing the destination, it would be free to criticise any delay in making the choice as well as the choice itself.<sup>14</sup> And as to the choice, Sydney did not immediately take up Matra's Botany Bay suggestion but looked to destinations closer to home, especially in Africa. The Opposition began to criticise this delay, conveniently overlooking the fact that it was much harder for the

---

<sup>10</sup> P. Macksey, *The War for America* (University of Nebraska Press 1964) p. 275.

<sup>11</sup> Bunbury Committee Report, 22 March 1784, *Journal of the House of Commons*, [JHC] Volume 39, p. 1040.

<sup>12</sup> C. Moore, *The Loyalists* (McClelland and Stewart 1994) p. 116.

<sup>13</sup> Matra's Supplement to his New South Wales Proposal, 6 April 1784, in *Historical Records of New South Wales* (Government Printer 1892) [HRNSW] Vol. I, Part 2, p. 6.

<sup>14</sup> Transportation of Felons Bill, 16 and 17 August 1784, *Journal of the House of Lords*, [JHL], Volume 37, pp. 160, 163.

Government to send convicts to a place where there were no established planters ready to receive them under contract as they had in Maryland and Virginia.<sup>15</sup>

Edmund Burke unloaded on the Government in the Commons on 16 March 1785 asking 'what was to be done with these unhappy wretches and to what part of the world was it intended they should be sent. He hoped it was not to Gambia where all life dies and all death lives.'<sup>16</sup> The Government spinners started spinning and when pressed again in the Commons by Burke and Beauchamp, Prime Minister Pitt denied anything had been settled.<sup>17</sup> This was untrue because as Sydney acknowledged to the Treasury, the African transportation plan had simply been deferred until the 'rainy or sickly season' was over when it would 'be carried into execution'.<sup>18</sup>

Burke and Beauchamp remained rightly suspicious and in what can only be described as a giant historical favour to Pitt and Sydney, decided to set up a select Committee to investigate and report on the implementation of the Transportation Act.<sup>19</sup> The Committee's hearings caused Sydney extreme political discomfort but ultimately saved him from what would have been a disastrous settlement on the Island of Lemane in the Gambia River. In evidence to the Committee Evan Nepean, Sydney's Permanent Under Secretary said that although many places for transportation had been suggested to the Secretary of State, in his opinion, the Government preferred Lemane to every other plan though it was not finally resolved on.' Pressed further, Nepean revealed just how far planning this option had advanced admitting that '200 convicts were to be sent to Lemane not in the King's vessel but in a transport or two chartered for that purpose'.<sup>20</sup>

The next witness was John Barnes an African merchant who said that he had originally proposed the idea of sending convicts to Lemane 'and that in different conversations with Lord Sydney the plan had been formed'. Barnes talked up the location saying it was fertile relatively healthy and that the natives would not be a problem.<sup>21</sup> For Sydney it was a case of so far so good. Nepean the bureaucrat had suggested a direction without final commitment while Barnes the eyewitness had talked up Lemane's suitability. Sydney's only discomfort would have been Barnes publicly linking him to the plan.

However the witnesses who followed Barnes, including African traders John Nevan and Thomas Nesbitt, an African Army surgeon John Boon and the naval experts Sir

---

<sup>15</sup> Matra's Supplement, HRNSW, Volume I, Part 2, p. 7.

<sup>16</sup> Commons debate on the state of the convicts sentenced to transportation, 16 March 1785, *Parliamentary History*, Volume XXV, p. 391.

<sup>17</sup> Commons debate on transportation of felons, 11 April 1785, *Parliamentary History*, Volume XXV pp. 430–31.

<sup>18</sup> Sydney to the Lords of the Treasury, 20 March 1785, T.I./619.

<sup>19</sup> Transportation of felons, 20 April 1785, JHC, Volume 40, p. 870.

<sup>20</sup> Beauchamp Committee Report, 9 May 1785, JHC, Volume 40, p. 955.

<sup>21</sup> Beauchamp Committee Report, 9 May 1785, JHC, Volume 40, p. 956.

George Young and Commodore Thompson tore the plan to pieces as likely to start a war with the natives, lead to escapes and cause many deaths from sickness and starvation. To add insult to injury, two members of the Commons, John Call and Charles Sturt also joined in the evidentiary condemnation.<sup>22</sup> By now it must have been clear to Sydney that any plan to send convicts to the River Gambia would most likely turn a sentence of transportation into a sentence of death.

Even then Sydney was not off the hook. The Beauchamp Committee directed the Chairman to ‘apply to Lord Sydney ... for copies of all plans which have been submitted to Government for the transportation of criminals which might be attended to with no public inconvenience’. In a response which stretched the truth Sydney replied that:

different ideas had been suggested on the subject but that such suggestions were either made in conversation or appeared from the nature of them unworthy of the attention of the Committee and that no such plan as was required existed in his office.<sup>23</sup>

Despite overwhelming evidence to the contrary, the Committee took this answer no further. On 28 July 1785, it rejected the idea that convicts could be ‘settled’ without strict Government supervision and then prioritised its search for a suitable location, considering Africa first, British North America second and finally, other parts of the globe. From this process only one option emerged, Das Voltas Bay on the south west coast of Africa which according to sketchy accounts contained plenty of ‘wood, water, antelopes and wild fowls.’<sup>24</sup> However Sydney would not commit to a site about which so little was known and so Commodore Thompson was dispatched in August 1785 ‘to fix upon a proper spot for making a settlement upon that coast if such a measure should be judged expedient.’ On 23 July 1786, the expedition returned. Thompson was dead and those who survived reported seeing only a steep, barren, rocky, shoreline without a drop of water or a tree.<sup>25</sup>

Das Voltas Bay was totally unacceptable and so politically, was any further delay. Within a month on 18 August 1786, Sydney issued his legendary instruction to the Admiralty accompanied by the ‘Heads of a Plan’ to send the First Fleet to Botany Bay and this happened so quickly that he may have been working on this back up plan for some time.<sup>26</sup> Contrary to what some historians have written, it mattered to Sydney that the convicts’ destination was fit for purpose. In dealing with pleas for clemency on behalf of prisoners sentenced to death, Sydney had repeatedly demonstrated that he was a humanitarian.<sup>27</sup> He saw convicts as British subjects

---

<sup>22</sup> Beauchamp Committee Report, 9 May 1785, JHC, Volume 40, pp. 956–60.

<sup>23</sup> Beauchamp Committee Report, 28 July 1785, JHC, Volume 40, p. 1161.

<sup>24</sup> Beauchamp Committee Report, 28 July 1785, JHC, Volume 40, pp. 1162–3.

<sup>25</sup> A. Frost, *Global Reach of Empire*, (Melbourne University Press 2003) pp. 157, 181–2.

<sup>26</sup> Sydney to the Lords of the Treasury, 18 August 1786, T.I./639.

<sup>27</sup> George III to Sydney, 3 January 1785, in A. Aspinall (ed.), *Later Correspondence of George III* (Cambridge University Press 1962) Volume I, p. 119.

under sentence and the State owed them a duty of care to return them to society when their sentences expired.<sup>28</sup>

What now swung the decision in favour of Botany Bay was that it needed no survey because Banks and Matra had surveyed it in 1770 and given glowing reports about its suitability to successive Parliamentary Committees. Their evidence allowed Sydney to act with confidence and to avoid any further politically embarrassing delay. Matra's evidence to the Beauchamp Committee on 9 May 1785 about the suitability of Botany Bay had been very positive and like Banks before him he embellished his evidence way beyond the notes he made in 1770. When asked 'do you think Government would run any risk in attempting this plan without further examination than you or anybody you know could give them of that country,' Matra replied firmly, 'I think they would not.'<sup>29</sup>

It was now almost a year and a half since Burke had asked in the Commons 'to what part of the world was it intended [the convicts] should be sent', and Sydney desperately needed an answer without the long delay involved in yet another survey. Sydney's mind was made up by Matra's evidence that no further examination of New South Wales was needed. Africa was unsuitable and North America was unwilling. And so by a process of elimination driven by the political need to make a decision, the King in Council appointed New South Wales as the place to which convicts pardoned on condition of transportation would be sent.<sup>30</sup>

Many Parliamentary Committee witnesses had demolished Africa as a convict destination and Matra had finally swung Sydney in favour of Botany Bay just as decisively as Benjamin Franklin, just on twenty years earlier, had swung the British Government in favour of a tax on tea imported into the American colonies. Both decisions were vital turning points in the history of the English-speaking people and both were based on the evidence of witnesses given to Parliamentary Committees. But not all that evidence was accepted. Thankfully Sydney ignored Banks' evidence in 1779 that one year's supplies would do and instead sent out the First Fleet with two years' supplies that, given the early struggle and famine in New South Wales, no doubt made the difference between success and failure.<sup>31</sup> ▲

---

<sup>28</sup> A. Atkinson, *The Europeans in Australia* (Oxford University Press 1997) Volume I, p. 55.

<sup>29</sup> Matra's testimony to the Beauchamp Committee, 9 May 1785, in A. Frost *The Precarious Life of James Mario Matra* (The Miegunyah Press 1995) pp. 119–20.

<sup>30</sup> N. Wraaxall, *Posthumous Memoirs of his Own Time* (Keegan Paul 1904) Volume I, p. 288.

<sup>31</sup> Sydney to the Lords of the Treasury, 18 August 1786, HRNSW, Volume I, Part 2, p. 15.

