A tale of a new world by

VIVIAN STUART

THE PRISONERS

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The Australians

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Chapter I

During the next ten days the work of setting up the new settlement went on apace. More male convicts were landed from the transports and formed into working parties under guard.

A blacksmith's forge was erected; stores, tents, and supplies of dockyard canvas brought ashore; the construction of a wharf begun; and pits dug for cooking ovens and fires. Work started at first light and went on until dark, with a short break at midday.

The ground was staked out according to the plan Captain Phillip had prepared, with the marines under canvas on the west side of the freshwater creek, the convicts in newly built huts on its eastern bank. A hospital, initially of canvas, was to be set up on the headland at the cove's western extremity between the marines' encampment and the point designated as the site for an observatory, when Lieutenant Dawes should bring the admiralty telescope and other scientific instruments ashore.

On the eastern extremity the plan called for a small fort, mounting two of the *Sirius's* guns for defensive purposes, with the Government House – at present a large canvas marquee – erected a short distance to the rear of the landing wharf and flagstaff. Parties were sent to clear the land of trees in the area behind the governor's marquee in preparation for the construction of a government garden and fenced enclosures for the various livestock brought, with seed and young fruit trees and plants, from Capetown.

Inevitably there were setbacks, and Captain Phillip, while careful to preserve an outwardly confident and unruffled

appearance, fumed inwardly when the home government's parsimony was again revealed in the poor quality of the tools provided for the settlement's use.

"The axes and spades," he complained to Hunter, "are the worst I have ever set eyes on – inferior even to those used as barter with the natives of the Pacific Islands!"

The convicts, with one or two notable exceptions, drove him close to despair. Mainly city dwellers untrained in manual labor, they displayed a sullen unwillingness to exert themselves in its performance. The primitive huts they built – four posts, with walls of tree branches roughly interlaced and smeared with clay and a thatch of palm leaves – were too flimsy to stand up to wind and weather, and the native timber, which burned so well, proved useless for building purposes.

Fresh meat was virtually unobtainable. Organized hunting parties were sent out daily, but they returned, weary and dispirited, to report a lack of edible game. A few of the native marsupials – called kangaroos by the Aboriginals – were shot, with an occasional crow, but for the most part the salt beef and pork, on which they had been compelled to subsist for the past eight months, remained perforce a major part of their diet. The livestock was required for breeding and could not be slaughtered, so that the only fresh food available was fish, and some spinachlike plants and berries, which Dr. White had declared of some use in the treatment of scurvy.

The government garden – still only half cleared and littered with the stumps of the trees that had been felled – must be brought into production as quickly as was humanly possible, Captain Phillip decided. He put his servant, Edward Dodd, in charge and allotted him a large convict working party in the hope of hastening the initial planting, and since most of the officers had purchased livestock, fruit trees, and seed for their

own use, he began allocating individual plots of land to any of them who asked for it.

It was a beginning and a very necessary one, for a great many of the male convicts landed to make up the settlement's labor force were suffering from the ravages of dysentery and scurvy and quite incapable of prolonged work. The marines, who were younger and fitter, were forbidden by their commandant to do more than provide guards, and Phillip had his first serious clash with Major Ross on this account, within a few days of landing.

"My men are soldiers, Captain Phillip," the marine officer informed him with icy dignity. "They are here to do duty as garrison troops and for the protection of the settlement. They will confine themselves to this duty. On no account will I permit them to act as superintendents of convict labor, and they cannot be expected to perform manual labor either – save when they are off duty. Then – since you have not seen fit to assign any convict working parties to my officers – I have given them leave to assist in the clearing and cultivation of land taken up by their officers. It will be on a strictly voluntary basis, of course, and their labor will be rewarded. That, sir, is my final word on this subject. I give you good day."

Without waiting for Phillip's reply, he stalked off, a stiff, unyielding figure, attended as always by his son and Lieutenant Leach.

"What in God's name can I do with the infernal fellow, John?" the new governor asked helplessly of his second-in-command. "Our seamen are working harder than the convicts, without a word of complaint, but Ross forbids his damned jollies to do the same! And we need every man we've got."

"Have your commission read, sir," Captain Hunter answered uncompromisingly. "It appoints you as governor and captain

general and places Major Ross and his corps unequivocally under your command."

"I will," Arthur Phillip agreed. "But we must land all our people – including the women – before I can do so. And we're not ready for them, heaven help us!"

There were tents for the marines' families – twentyeight wives and a score of children – but the hospital was, as yet, a mere shelter, contrived of green timber and interlaced branches plastered with clay, like the huts, with a thatch of cabbage palm, reinforced with old sailcloth. It let in the rain, and there were few blankets to cover the shivering sick, who huddled there in abject misery. The huts planned for the women were only half completed, their latrines not even begun … Phillip sighed.

His own marquee, which had cost £125 and had been specially designed to provide both living and official quarters, was not weatherproof, he reflected wryly, and the slightest breeze disturbed its stability. But until, by their own labor, the settlers could improve on all these things, discomfort and even hard ship could not be avoided. It would mean, in the end, the survival only of the fittest and would apply to them all – officers, garrison troops, and convicts alike – when the ships and the seamen sailed away. And somehow he must bring this bitter and unpalatable truth home to them … again he expelled his breath in a long-drawn sigh and reached for pen and paper.

His brow deeply furrowed, he started to compose the address he would make to them after his commission as governor was read. It took him until well past midnight, working by the light of a spluttering candle, as sheets of rain beat against the leaking canvas of his marquee…

On February 5, a fresh issue of clothing from the ships' slop chests was made to the women convicts and their

disembarkation ordered for the following day.

First to be rowed ashore were the wives and families of the marines, most of whom had been given passage in the *Prince of Wales*, and they were followed by the fifty convict women from her hold. The *Lady Penrhyn*'s women – the largest contingent of female convicts, numbering close to a hundred, with half a dozen children and as many babes in arms – were kept waiting on deck for two hours before the boats were hoisted out and the first mate bawled an order to them to start loading.

Jenny held back at the end of a long, straggling line with Melia, Polly, Eliza, and Charlotte, and a trifle to her surprise, she recognized Auld Meg's once-devoted crony Hannah Jones come sidling across to join them.

"Reckon as I'll tag along of you," she said, not waiting for any of them to raise objections. "It don't look much o' a place, do it?" she added in a querulous tone, jerking her head in the direction of the shore and addressing no one in particular.

Jenny, who had been drinking in the beauty of the wooded shoreline, eagerly awaiting her release from the confines of the ship, eyed her reproachfully but made no reply. This cove – now called Sydney – was to be their home for the foreseeable future, and it would be as well to make the best of it and the comparative liberty they would enjoy once they landed. But … she bit back a sigh. They presented a strange picture of womanhood, she thought wryly – her in a seaman's striped jersey and ticking trousers; Eliza and Charlotte in much the same garb, but with the incongruous addition of ragged shawls; Polly in a dress, but bare of foot; and Melia's slim, shapely body half-buried in a sailcloth tunic.

Yet, Hannah apart, all were in an optimistic mood, eager to get ashore and set about the task of homemaking, which, as the first mate had been at pains to warn them, would constitute

their first task.

"There aren't enough huts to accommodate you all," he had told them as they stood huddled on the deck watching the boats of the Prince of Wales pull toward the landing beach. "Not by a long chalk there aren't. So if you want 'em, I reckon you'll have to set to and build your own. And that means," he had added waspishly, "that you'll have to keep sober!"

The warning was lost on most of them, however. As she followed Melia into one of the overcrowded longboats Jenny saw that Mattie Denver and a number of others were very far from sober, although, for once, the effect of the liquor they had consumed had been to dampen, rather than raise, their spirits.

"I'd as soon 'ave stopped in me saltbox at the bleedin' Newgate as come 'ere," the gaunt-faced mother of one of the infants claimed bitterly as the boat neared the landing stage. Several of the others voiced noisy agreement.

"Them's *palm* trees, for Gawd's sake! I reckon they've brought us to India, not New South Wales!"

"It's hot enough ter be flamin' India. An' them black critters we seen paddlin' their canoes over in Botany Bay – they was Aboriginals, wasn't they?"

"Aye … the kind that'll cut our throats whiles we're asleep. I wish we'd stayed in the ship."

"They'll try to make us work once they get us on dry land," Mattie Denver complained. She took a bottle from beneath the folds of her once elegant velvet gown and, ignoring the envious glances it attracted, sipped its contents thirstily. "Well, I for one won't build any huts, whatever they say. That's men's work."

Polly sniffed disgustedly. "Listen to them, Jenny," she invited. "They make me puke! *Anywhere's* better than Newgate, and dry land's better and safer than any plaguey ship."

The boat grounded, and the women splashed reluctantly

ashore, to be lined up by one of the ship's officers, who counted them before handing them over to the marine guard.

"Fifty-two females, eight infants, Sergeant. Sign for 'em, will you?"

The sergeant did as he had been requested. "All right," he said briskly, motioning to two of his men. "Take 'em along to the camp quick as you can and get back here."

The women had to run the gauntlet of cheers and catcalls from the various working parties of male convicts they passed on their way to the camp, which had been prepared for their reception, and Jenny's heart sank as she took in the scene about her.

Everywhere stores were piled up, spilling out of their containers; cooking, she saw, was being done in the open, and the roughly cleared, sandy ground was covered by a layer of ash from the burned trunks of felled trees, some of which were still smoldering. The stumps and roots were being grubbed up by hand and without enthusiasm by gangs of half-naked convict laborers.

There had been a deluge of rain the previous day, and all the huts and shelters had sustained damage. In one of the animal pens the entire fence on one side had collapsed, and two sullen convicts, instead of attempting to repair it, were standing, arms akimbo, watching the cattle it was supposed to contain make an unhurried escape. A marine sentry, posted to guard both convicts and animals, yelled for help, but the men ignored him and came grinning to meet the party from the *Lady Penrhyn* with obscene suggestions and complete indifference to the fate of the cattle.

Memory stirred. Many had been the time, in her childhood, that she had aided her father to turn back his young horses when they had broken out of the paddock at Long Wrekin …

and these poor creatures, Jenny told herself, would almost certainly die if they were not brought back to their pen.

"Come on!" she said to Polly. "If we haven't lost the use of our legs, let's turn them before they go too far."

Polly giggled, and the two of them ran, barefoot, across the sandy ground in pursuit of the straying cattle. They had rounded up all but two of them when, driven by contemptuous shouts from the other women, the convict herdsmen reluctantly joined the chase and the fugitives were herded back into the pen.

"Why not mend your fence?" Jenny flung at them as they halted, mopping their heated faces and cursing. "It'd be less trouble, surely, than having to run after the poor things."

She returned to the cheers of the women.

"Well done!" Eliza acclaimed sarcastically. "Perhaps things will improve now they've brought us ashore to show them how."

By evening, however, the majority were bitter and disillusioned by the conditions prevailing on shore. The shelters and huts provided for them were primitive in the extreme, and fighting broke out as the possession of the more advantageous dwelling places was contested and bickered over, the enforced discipline of shipboard life forgotten within hours of coming ashore. At dusk, when the day's work was over, some seamen entered the women's camp with casks of liquor, but scarcely had they set these down than they were engulfed by an army of male convicts who drove them back to their ships and seized the liquor they had brought with yells of unholy glee.

A great bonfire was built; more liquor appeared; and heavily outnumbered, the marine sentries were powerless to stem the tide, even had they desired to do so. Jenny, sitting with her companions in a corner of the canvas-covered shelter, was

thankful to recognize Sergeant Jenkins in charge of a file of men with loaded muskets, advancing to the relief of the sentries.

"Thank heaven I've found you, lass!" The old sergeant greeted her tensely. "Things are getting out of hand and our orders are to evacuate the camp and take no further action. The governor offers protection to any women who want it, and they're to come with us now. Help me find any you think wish out of here, and we'll escort the lot of them to our lines. But hurry, Jenny my girl – there'll be murder done before long, you mark my words!"

"The children," Jenny said. "And the babies – I'll get them first, Sergeant."

To her astonishment it was not only the children, most of them without their mothers, but also some of the more hard-bitten of the *Lady Penrhyn*'s women who elected to come with her. In all about twenty of them snatched up the bawling infants and frightened toddlers and, behind a screen of marines with bayonets fixed, made their escape from the mob.

Her last sight of the women's camp was of a huge fire, fed with the timber of which the shelter had been constructed and surrounded by a drink-crazed mass of men and women, many of them naked, embracing, dancing, screaming, and fighting, lost to all reason and all restraint. Jenny shivered, scarcely able to believe the evidence of her own eyes and ears, and beside her a tough young marine let out his breath in a long sigh.

"We had the breaks for eight months, I suppose," he said softly, "when they was battened down below hatches and in chains. Now it's their turn, and they've waited long enough for it – I don't reckon the Angel Gabriel hisself could stop 'em. Certain sure we couldn't—they're like animals; they'd tear us limb from limb if we tried!"

They passed Captain Phillip and some of his officers on the

way to the marine guard post, and Jenny, looking back, saw that the new governor's face was deathly pale and his shoulders despairingly hunched, as if the scene he was witnessing passed even his comprehension.

The next day, Thursday, February 7, 1788, Governor Phillip inaugurated the new colony. The convicts, subdued after their night-long orgy, were mustered on a freshly cleared patch of ground in front of the flagpole at an early hour, and a roll was called. Then the marine battalion paraded under its officers and marched, with colors flying and the band playing, to take post opposite them, the third side of the hollow square being formed by a naval contingent from the *Sirius* and *Supply* and parties of seamen from the transports.

When all were assembled, Captain Phillip and his principal officers, in full dress uniform, took their places beneath the flag. The marine band struck up the national anthem and heads were respectfully bared. Then, with due solemnity, Captain Collins of the Marine Corps, appointed judge advocate, read the governor's commission, followed by the act of Parliament and letters patent constituting the Civil and Criminal Courts of Judicature for the territory.

Jenny listened to the deep, slow voice of the young judge advocate, not taking in much of what he said but impressed, nonetheless, by the pomp of the occasion and by the sonorous words he was uttering with such telling gravity.

The powers that had been conferred on Captain Phillip as governor and captain general sounded immense. His authority was to extend from the northern cape or extremity of the coast called Cape York, in the latitude of 10°37' south, to the southern extremity of the territory of New South Wales, in the latitude of 43°39' south, and of all the country inland, as far as the 135th degree of east longitude, including all islands in the Pacific

Ocean within these specified latitudes.

He was empowered to summon General Courts-Martial; to appoint justices of the peace, coroners, constables, and other necessary officers; to pass judgment on criminals; to make grants of land; and – Jenny pricked up her ears as the judge advocate read: "Should His Excellency the governor see cause, he shall grant pardons to offenders convicted in the colony in all cases whatever, treason and willful murder excepted … and he has the authority to stay the execution of the law, until His Majesty's pleasure shall be known …"

Captain Collins finished his reading, the marines fired three volleys, and in the hush that followed, the governor stepped forward to address the assembled convicts.

"You have now been particularly informed of the nature of the laws by which you are to be governed, and also of the power with which I am invested to put them into full execution," he told them, his voice stern. "There are among you, I am willing to believe, some who are not perfectly abandoned and who, I hope and trust, will make the intended use of the great indulgence and laxity their country has offered in sending them here. But" – he paused, studying the sea of faces before him with narrowed eyes – "at the same time there are many, I am sorry to add – by far the greater part – who are innate villains and people of the most abandoned principles. To punish these shall be my constant care, and in this duty I will ever be indefatigable, however distressing it may be to my feelings." His voice was like thunder. "You may have my sacred word of honor that, whenever you commit a fault, you shall be punished, and most severely. Lenity has been tried; to give it further trial would be in vain – I am no stranger to the use you make of every indulgence, I speak of what comes under my particular observation. I warn you again, therefore, that a

vigorous execution of the law, whatever it may cost my personal feelings, shall follow closely upon the heels of every offender."

There was silence, complete and absolute, and Jenny, venturing a glance at some of the faces around her, saw that almost all were sullen and resentful. They would give only what was forced from them, she thought; all were hardened to punishment and expected little else. They had no dreams of the future, no dreams and little hope.

The governor, as if he had sensed their apathy, made an attempt to offer them hope. He spoke eloquently of the promise this new land held out, the opportunities it offered. "Here there are fertile plains, needing only the labors of the husbandman to produce in abundance the fairest and richest fruits. Here there are interminable pastures, the future home of flocks and herds innumerable…"

But the majority were not listening or, perhaps, Jenny told herself, they could not bring themselves to believe that the fertile plains and the flocks and herds could ever belong to them – they had been too long deprived of liberty. Besides, most were townsfolk; they had no love of the land, since all they knew were the streets of cities, and after over eight months at sea in the appalling conditions they had endured, they were weary and sick, wanting only to find oblivion in such liquor as they could obtain or, when this was offered, in the pleasures of the flesh, as they had sought the previous night.

The governor brought his address to an abrupt conclusion; the marines marched back to their own side of the creek, where they formed up, preparatory to his inspection, and there being nothing else for the convicts to do, they dispersed, with a reluctance they made no attempt to hide, to rejoin their working parties. Some of the women followed them, but Jenny's little group remained, gathering around her in an expectant

circle.

"Jenny," Melia said. "We've been thinking over what the captain – that is, the governor – said in his address. What it amounts to, really, is that he'll be willing to reward good behavior with remission."

Jenny nodded, conscious of a lifting of her spirits.

"Yes, I'm sure that was what he meant," she agreed.

"And all that talk of fertile plains needing only the labors of the husbandman to produce the richest fruits," Melia went on. She smiled wryly. "What that seems to amount to is that if we don't grow fruit and vegetables for ourselves, we'll probably starve. Well, you were brought up on a farm, weren't you? You know how to grow things and how to care for animals."

"I used to know, Melia. But it's been a long time since I worked on my dadda's farm and –"

A chorus of voices cut her short. "You know a flamin' sight more than the rest of us put together," Eliza told her with conviction. "But if we all stick together and work a garden plot the way you tell us to, it'd help, wouldn't it? And they'll surely let us have a plot of land and some seed if they see we're willing to put some sweat into it."

Jenny looked at their faces, and seeing the determination in almost all of them, she again inclined her head in assent. Some of them, she knew, had walked the streets since childhood; others had picked pockets; and most of them knew, from bitter experience, what it meant to starve. But if they were willing to work … "There are no plows," she reminded them. "We shall have to clear trees and grub up the roots before we can even begin, and then we'll have to use hoes. It won't be easy."

"We know that," Charlotte assured her gravely. She turned to the others. "Who else has ever worked on a farm?"

Only one woman answered her. Ann Inett was a quiet,

handsome girl, who had traveled in one of the other ships but had attached herself to the group the previous evening. “I have,” she admitted. “But I’ve volunteered to go to Norfolk Island when Mister King goes ta found a settlement there. Sixteen of us are going in the *Supply*, and they say we’re to leave next week. I’d work for a week, though, if it would help you to make a start.”

“I’ll see Sergeant Jenkins,” Jenny promised. “And ask him to get us a plot of land. If we can get it before you sail, Ann, then your help will be very welcome.”

No difficulties were put in their way. Tom Jenkins went to his company commander, Captain Tench, and twenty-four hours later Jenny, with Melia, Polly, and Ann Inett, were offered a choice of plots, and after inspecting these, they settled on one on high ground near the head of the next cove, to the east of the main colony. The officers had been allotted plots in this vicinity, to enable them to grow corn with which to feed their livestock, and Jenny, with a shrewdness born of painful experience, reasoned that their garden, once established, would be safer here than anywhere else, since the officers’ presence would discourage predators.

There were other advantages too. The plot ran down to the sea at one end, which would make fishing a practical possibility; there was a small stream flowing down to a rocky pool between this and the neighboring holding, which would ensure both an adequate fresh water supply and drainage; and the trees were sparse, growing mainly on the seaward side, where they afforded some protection from the sun.

A working party of male convicts, under Sergeant Jenkins’s stern supervision, did what clearing was necessary in a single day and departed, having, on Jenny’s insistence, left the timber screen on the seaward side untouched. Here, with infinite labor

and assisted only by the Charlotte's carpenter and two seamen, pressed into service by Tom Jenkins, the women built themselves three small but sturdy huts, into which they all moved. The *Supply* sailed for Norfolk Island, robbing them of Ann Inett's valuable aid and advice, but the two seamen from the *Charlotte* remained and occupied one of the huts with Polly and Eliza, and because both were sober and hardworking men, Jenny could raise no objection to their new liaison. In any event Polly was happier than she had been throughout the voyage and her seaman set himself to the construction of tables and chairs for the whole community – beautiful pieces, fashioned with a craftsman's skill from wood he smuggled ashore from the *Charlotte's* stores.

Not to be outdone, Eliza's new lover turned his attention to the sea, and thanks to his efforts with nets and fishing lines, crabs, lobsters, and a number of hard-skinned but edible fish were added to the weekly ration of salt meat, flour, dried peas, and now rancid butter, to which each settler – free or convict – was entitled.

If Jenny had any regrets during the first busy weeks, these were solely on the Jenkins' account. Sergeant Jenkins, who said initially endeavored to persuade her to join himself and Olwyn, no longer mentioned that possibility. He was hurt, Jenny knew, and the kindly Olwyn even more so, but much as this realization grieved her, she was determined to make her life with the convicts and accept no help or privileges for herself from which they were excluded.

Olwyn Jenkins's only visit to the busy little community in the eastern cove served merely to widen the rift that had grown up between them. She departed in tears and did not come again…

On February 11 the first sitting of the newly established Court

of Criminal Jurisdiction took place, and the whole of the convict community awaited its outcome with trepidation.

The judge advocate, Captain Collins, sat with three of his fellow marine officers – Captains Shea and Meredith and Lieutenant Cresswell – and Captain Hunter and Lieutenants Bradley and Ball of the Royal Navy, all in full dress uniform. Addressing the court, Collins went to some pains to point out that military courts-martial were to be quite separate from the criminal and civil courts – the marine commandant had reserved the right for men serving in the corps to be tried for military offenses by their own officers. The Royal Navy would, of course, retain the same right, and although, due to their present circumstances, the same officers were liable to serve on all three courts, a distinction would nevertheless be drawn between them.

"The letters patent of the second of April, seventeen eighty-seven, gentlemen, require that a Court of Criminal Jurisdiction shall be convened from time to time by His Excellency the governor for the trial and punishment of treason, felony, or misdemeanor. All decisions of the court will be subject to review by His Excellency the governor," Collins went on. "My duties require me to preside over sittings of the criminal and civil courts and to advise all courts-martial on matters of law. I am also required to examine the depositions taken upon the committal of offenders, to prepare information upon which they are to be tried by this court, to examine witnesses, assist prisoners in their defense, make minutes of the trials, and to keep and take charge of all the records of the court."

Hunter asked, "The examination of witnesses will, presumably, be carried on by members of the court, as well as by yourself, as judge advocate?"

"Yes, sir, that is so," David Collins confirmed.

“And all judgments will be determined by a majority?”

“To the best of my understanding, yes, sir.”

“Then I foresee no pitfalls,” John Hunter decided. There were nods of assent, and he turned again to Collins. “Be so good as to proceed, sir.”

“Certainly, sir,” David Collins assented. A smile lightened the gravity of his good-looking boyish face. “There are but three cases to hear, sir.”

The first case was that of a convict by the name of Samuel Barsby, who was accused of attacking the marine drum major with a cooper’s adz and of abusing men of the guard and sentries on the day of the women’s landing. Brought in under guard by Midshipman Brewer, newly appointed provost marshal, Barsby did not attempt to deny the charges. He pleaded guilty and, invited to make a plea in mitigation, hung his head. Eyes on the ground, he mumbled wretchedly, “I come out in the *Alexander*, sir. We’d not set eyes on a woman since we left England, none of us ‘ad. When I seen them dolly-mops runnin’ ‘round loose, I went berserk, sir, an’ that’s the Gospel truth. I don’t rightly remember what I done, sir.”

“But you did assault the drum major?” Captain Meredith asked sternly. “You remember that?”

“Yes, sir,” Barsby admitted. “I’m sorry, sir.”

He received his sentence of one hundred fifty lashes without complaint and was marched out.

The next case, Thomas Hill, also entered a plea of guilty to a charge of having stolen two-pennyworth of ship’s biscuit from a fellow convict. His sentence – the first of many yet to come – was to be confined in irons for one week, on bread and water, on a small, rocky island adjacent to the cove.

The third and last of that day’s hearing was the case of a man named William Cole. He, too, was charged with theft but it was

evident, when he appeared in answer to the summons, that he was simpleminded. Grinning amiably at the officers of the court in their swords and sashes, he confessed to having purloined two wooden planks – government property intended for building purposes – but pressed by Captain Collins, he could offer no valid reason for having done so.

"I didn't want 'em, sir – not to do nothin' with, like. I just thought … well, they might come in 'andy."

He was taken out, still grinning, and the court conferred. "He cannot be acquitted, sir," David Collins said diffidently, "since he has admitted his crime. But – a recommendation to mercy, perhaps, addressed to the governor might serve."

Captain Hunter inclined his head. "Fifty lashes then, gentlemen, with a recommendation to mercy – do you agree?"

There were nods of assent, and the court rose.

News that the governor had remitted the sentence on William Cole spread like wildfire through the convict camps. Spirits rose, and they rose still higher when it became known that a marine named Bramwell, charged with breaking into the women's encampment and beating Elizabeth Needham, had been awarded and received two hundred lashes.

The results were far reaching and unhappy. Thefts increased, the marines were jeered at and taunted by the women in the main encampment, and seamen, attempting to enter it, were assaulted and driven back to their ships by gangs of male convicts. Major Ross, resenting the governor's apparent leniency toward the convicts, sought him out to record a furious protest on behalf of his men.

"Examples will, alas, have to be made," Phillip told David Collins. "It is unfortunate, and I regret the necessity, but these people understand nothing else. They regard leniency as weakness."

The second court, which sat on February 27, endeavored to put matters right.

Three convicts – Thomas Barrett, Henry Lovell, and Joseph Hall – found guilty of conspiracy to rob the government provision stores, were sentenced to death. The governor, after reviewing their cases, commuted the death sentences on Lovell and Hall to banishment, but confirmed that imposed on Barrett, who had been flogged for coining in Rio de Janeiro. Before the day was out, four more miscreants had received the death sentence for theft, and orders went out for the marine battalion and the entire convict community to assemble to witness the hangings.

With the rest Jenny took her place on one side of a hollow square, with the marines under arms facing them.

The gallows was a tall tree, beside which stood a sergeant of marines and two drummers who had been ordered to act as executioners, all three looking pale and apprehensive at the prospect of the task before them. Thomas Barrett – little more than a youth, despite the record he bore as a hardened criminal – was led to the foot of the tree, under guard, his arms bound, and a halter about his neck.

The chaplain, Reverend Richard Johnson, walked at his elbow, in surplice and cassock, reading from his prayer book, and a murmur went up from the watching crowd, which was swiftly silenced when the condemned man turned to address them.

His manner was defiant and his voice steady. “Well, maties and” – he bowed in the direction of the women – “ladies … they’re goin’ ter turn me off, as you can see. An’ all things considered, I s’pose I’m gettin’ me just deserts, “cause I’m a monster of iniquity accordin’ ter them as judged me. All right, I’m guilty an’ I ain’t quarrelin’ wiv’ me sentence. It’s a just one, an’ I was given a fair trial. But take heed o’ my fate, friends – let

my death be a warnin' to yer. If yer gotta go on the pinch, just make sure you ain't caught." The chaplain muttered something, eyeing him with evident distress, and Barrett grinned at him. "If it'll please yer then, Mister Devil-Dodger … I commend me soul ter Almighty Gawd an' may He have mercy on me." He turned to face his executioner, and whatever he said clearly upset the sergeant, from whose cheeks the last vestige of color drained.

The hanging was badly botched, and there were screams from the women and shouted abuse from the men as Barrett's struggling body twitched and twisted and the taut rope slowly strangled him. Governor Phillip, his face almost as white as the wretched sergeant's, ordered the other executions postponed until the following day.

Just before sunset the next day the convicts again assembled facing the gallows tree and the pipeclayed marines. It was announced that the sentences on Daniel Gordon and John Williams would not be carried out, the governor having pardoned them. The two other condemned men, James Freeman and William Shearman, were led out, as Barrett had been, under escort, with the chaplain walking between them. Lieutenant Leach, Jenny saw, was in command of the escort. She had seen and heard little of him since coming ashore, greatly to her relief, and apart from a rumor that it had been he who had uncovered the plot to mutiny, hatched by the seamen and convicts in the *Alexander*, she knew nothing of his recent doings. Now, however, she glimpsed the expression on his face with something of a shock.

He was standing only a few yards from her, and she could see his face quite clearly enough to read in it an oddly gloating satisfaction, even pleasure, as if the ghastly spectacle he was about to witness were one to which he was looking forward with more than ordinary interest. The same sergeant who had

proved so poor a hand as executioner the previous evening was, she realized, waiting once again to act in that capacity, and his misery – like Leach's pleasure – was written on his face.

James Freeman, a big, hulking fellow of indeterminate age, was standing beneath the ladder with the rope about his neck, when the newly appointed provost marshal, Midshipman Henry Brewer – a man of fifty, despite his lowly rank – marched up to him and appeared to put a question to him. Freeman's jaw dropped in ludicrous astonishment; he gulped, staring at the harsh-featured Brewer as if doubting what he had said, and the provost marshal repeated his question. This time the prisoner nodded in vigorous assent, and the marine8 sergeant, beads of perspiration on his brow, removed the noose and began to coil up the rope with shaking hands.

Midshipman Brewer took a speaking-trumpet from the pocket of his uniform coat and announced in stentorian tones that the condemned man, James Freeman, had been pardoned.

"This pardon is conditional on his performing the duty of common executioner for as long as he shall remain in this colony. By order of His Excellency the governor, the sentence on Daniel Gordon for the same crime is also commuted. He is to receive a free pardon, on account of his youth. William Shearman is sentenced to receive three hundred lashes with a cat-o'-nine-tails, to be inflicted forthwith, in lieu of hanging. John Williams is to suffer exile to the South Cape, at His Excellency the governor's command."

He lowered his speaking-trumpet and said, in his normal voice to Leach, "See to it that your men do their duty, Mister Leach, if you please – there is a man to flog."

A subdued Leach snapped the order, and the sergeant and his two assistants triced the convict Shearman to their crossed pikes. The cat was brought, in its all-too-familiar red bag, and

the two drummers, in turn, laid on one hundred fifty lashes. At that point, with the unhappy prisoner unconscious and his back reduced to a bleeding pulp, Surgeon White ordered the punishment to be halted.

"He can receive the remainder a week from today," the doctor told Leach. "Be so good as to have him taken to the custody of your guard."

The flogging over, the convicts were dismissed, and the marines marched off. Melia grasped Jenny's arm.

"It's always going to be the same, Jenny, isn't it?" she suggested disconsolately. "The punishments, the brutality … whatever we do, it's not going to change. However hard we slave over that garden of ours, it won't gain us our freedom, will it?"

"It will keep us from starvation," Jenny asserted stoutly. "And prevent us falling sick."

"If we can make anything grow," Melia demurred. "We've worked for days in the heat, scratching the ground with those miserable hoes, and hardly any of it is ready for planting – even if we had any seeds to plant."

"The seeds are coming," Jenny countered. "I've applied for them; I've asked for sufficient for half an acre. And," she added, "Captain Tench has told me that I can take the manure from his stock pen and –"

"Manure?" Melia looked at her incredulously. "Do you mean we're to grub it out ourselves? Oh, Jenny, have mercy – I can't face doing that, even for you!"

Jenny smiled. "All right," she said. "You can empty and reset the fish traps. But I'm going to collect that manure if I have to do it alone. Land can't produce crops if it isn't fertilized, and our land is going to produce wheat and vegetables. I promise you it is, even if it kills me!"

The manure was collected and spread during the next two

days, and on the third day two male convicts delivered the promised seed. Jenny opened the first sack and stared at it in dismay, reminded painfully of a morning, long ago, when her father had found the seed for his wheat field scattered in the damp mud by Lord Braxton's men. As it had been then, the seed was swollen, and ants, so prevalent in the soil of the cove, were crawling all over it in the sack, feeding on the precious wheat germ. It would be useless to plant it.

"Please take this back to the store," she begged the men. "It's spoiled, it won't vegetate. I'll have to ask them to exchange it."

The men shook their heads and made to retreat. "Take it back yourself, wench," the elder of the two growled. "But you'll get nowt else – if this is spoiled, it's all spoiled. They reckon it got overheated on the voyage and then soaked in seawater – and them pesky ants have done the rest."

Was all their work to be for nothing? Jenny wondered as the men shambled off. She looked at the freshly tilled half acre of dark, sandy soil, and her resolution hardened. With the help of Polly and some of the others, she took the sacks of seeds back to the guarded store shed and, after much heated argument, obtained in their stead two sacks of maize and some wilted fig and orange saplings, which had barely survived their journey from the Cape.

The women planted these as the sun was setting, and Jenny, remembering the wheat her father and mother had sown with so much labor on the barren moorland at Long Wrekin, prayed silently as she worked.

"Oh, God, don't let them die! Please, God, let them bear fruit."

That night two of her little band of helpers deserted her to return to the main encampment, and a third, Ann French, who had been a tireless worker, escaped with her convict lover to seek asylum with Lapérouse's ships in Botany Bay.

Chapter II

During the next six months Governor Phillip found himself virtually in isolation, his authority and his administrative ability constantly challenged not only by the convicts and the local Aboriginals but also, to his bitter chagrin, by a number of his own Marine Corps officers.

Nevertheless, it was a time marked by encouraging progress in building and some fruitful exploratory expeditions, undertaken by the loyal Captain Hunter with the crew of the Sirius, several of which he joined as relief from the burdens of office. The flagship's master, James Keltie, and her first lieutenant, William Bradley, assisted Hunter to survey and chart the harbor. Names were given and recorded so that each cove, inlet, and stream, as well as each small islet, became recognizable under such descriptive titles as Rushcutters Bay, Farm Cove, North Head and South Head, and Garden Island. The bare, rocky islet used for the punishment of the more recalcitrant of the convicts was named, by them, Pinchgut and – in ever more frequent occupation – it lived up to its name.

On shore in Sydney Cove itself the few trained artisans – including those borrowed from the ships, whose departure was imminent – were set to work on the erection of necessary public buildings. Saw pits were dug, a bakery set up, kilns prepared for the making of bricks, and blocks of freestone rock hacked out by convict working parties for use in the construction of the larger buildings.

Of necessity Phillip accorded first priority where labor and materials were concerned to the provision of a permanent hospital. His visit to the makeshift edifice set up soon after

landing – made at Dr. White's urgent request – had shocked him profoundly. John White, excellent physician that he was, had done all in his power to make the place habitable, but the sheer number of patients requiring treatment had been overwhelming … Phillip sighed, remembering.

It had been raining when he had made his inspection, and he had seen for himself that the cabbage-palm thatch did not keep out the wet.

"We've procured some dockyard canvas, sir," the surgeon general told him, "and when this downpour slackens – if it ever does – I'll have it rigged over the thatch. But, as you can imagine, sir, lying here without blankets to cover them and with the rain coming in, patients who shouldn't die are dying. The convicts, and the women in particular, have very little resistance to disease – and I've very few medicines to give them, alas. They tend to abandon hope, sir."

Remembering the thin, scantily clad women in the larger of the two wards, the governor shivered. Their pale, resigned faces had haunted him for days after that first visit, for they bore no resemblance to the clamorous, foul-mouthed strumpets who had so disgusted him on board the transports and, who continued to do so in the women's camp. In the wretched shelter of wattle and daub that was all the settlement had been able to provide for them, they had become objects of pity and they troubled his conscience, for he could not escape the conviction that he had failed them. His plan for the future called for a building eighty-four feet by twenty-four, with brick floors and a dispensary, but the bricks had yet to be made, shingles for the roof cut and shaped, and the men assigned to the task worked with disheartening slowness … while the number of sick, even among the marines, increased at an alarming rate.