

Extract **Becoming a Penal Colony**

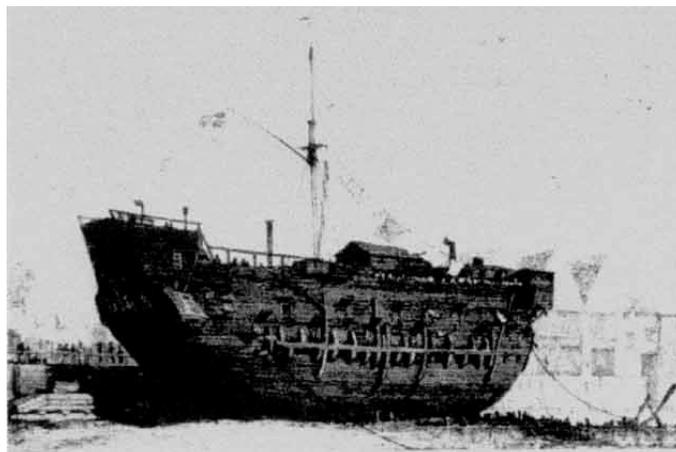
- (1) Convicts: Punishment & Transportation
- (2) Convicts: Working for Freedom
- (3) Convict Systems: Assignment, Probation & Exile
- (4) Hulks and Macquarie Harbour**
- (5) Convict resistance
- (6) Port Arthur
- (7) Point Puer: boy convicts

*These extracts are from an earlier version of **Becoming Tasmania**. They were edited out so that the published book was a manageable size and did not become a 'general history.' However, by making these 'general' elements available online it should assist readers to further interpret the published material.*

Please note: a 'lace doily view' of convict history is not intended, because one cannot ignore the 'drama of justice' nor the pain and punishment that operated on VDL while it was predominantly a prison island.¹

Background: General

What was Van Diemen's Land's European encampment to become because of convict transportation? While this is an interesting question, its huge scope requires that the focus here is restricted to 'getting the convicts onto the island'. This is central to it's becoming a penal colony, for as Lloyd Robson noted 'at the heart of the society and economy of VDL ... was the convict labourer and his treatment, dispersal, punishment and reward.'²



The *Anson*: originally a British warship before use as a transportation ship. It was eventually converted to a hulk and moored in the Derwent (1844-50). Upon its demolition parts were recycled for use in Government House, Hobart.

Anson: <http://www.femalefactory.com.au/FFRG/stations.htm>
<http://www.parks.tas.gov.au/historic/shipw/Williams.pdf>
<http://pinnacletimes.wordpress.com/2006/11/12/the-female-prison-hulk-anson/>

Background: Penal Plan

Van Diemen's Land becoming a penal colony was a matter of British political and legal policy. As a result of these repressive socio-political and legal policies John West and R. W. Giblin both suggest that by sending its criminals to the island the UK government had used VDL merely as the 'dust-hole of the Empire' and a 'dust heap'. Contradicting these widely held views, Geoffrey Blainey considered that Australia was too far away from the UK to have been used just for this purpose.³ Yet governmental expectations of convict reform meant that the bureaucracy hoped that the convicts would become 'peasants' after their penal sentence had expired. They were not expected, nor were many even eligible, to return to the UK.

Alternative views of convict history have stressed that trade and sea power were the vital selection factors involved not simply ridding Britain itself of convicts. Dallas encapsulated this fundamental feature of British colonial policy

Transportation was a mercantilist device for providing any likely colonial venture with a sufficiency of unfettered labour. Some form of slavery was essential in a civilisation which had not yet learned to respond to wage incentives.⁴

'Slavery' and 'Civilization' are subjective terms, although Dallas has remarked, when discussing so-called convict slavery, that many colonial masters treated their convicts like horses to be broken in, fed and watered. Conversely, Australian masters could not legally flog their convicts: only magistrates could order the lash, although many masters were close friends of local magistrates. On balance Dallas noted that the same work practices often applied in England.⁵

Horrible Hulks

Even the Reverend John West, an ardent anti-transportationist, realised that the 'character of convicts cannot be safely inferred from their sentence'.⁶ Lloyd Robson and James Moore, in their separate yet similar statistical analyses, also suggest that convicts may not have been as bad as they were, or are, painted. Robert Hughes though luridly described the convicts' hellish voyage, but at least noted that the ships' surgeon's skills made all the difference in the 'netherworld of transportation' on the outcome of the compulsory passage to NSW.⁷

Hulks may still appear inhuman to our eyes and sensibilities. They were never wholly supported, however. In the words of Frenchman Louis Garneray [admittedly prisoner-of-war 1806-1814] 'these floating tombs resembled one another', they were each an 'immense black sarcophagus'.⁸ On the other hand, transportation may have even partly been by chance: Moore explained that the day-to-day operation of the prison system in England meant that transportation to Australia only ever occurred when the infamous hulks - decommissioned warships which served as prisons for over 80 years - were full to overflowing.⁹ Therefore, the convict selection process was often random and so a broad spectrum of criminality and a wide range of personality types were transported. Alternatively, recent analysis of convict administration has painted hulks as less horrible than once believed. Besides, many convicts spent little time on them because they frequently left ship to labour long and hard on shore before eventually departing for Australia.¹⁰

Emptying Hulks

Emptying the prison hulks had a colony-creating purpose. Indeed, while Moore's convict data may be open to alternative interpretations he sums up the choice of Australia as a colony. For him it was 'probably all these factors were operating: a desire to get rid of undesirables, a desire for reform and a desire to expand overseas colonies and aid trade and commerce'.¹¹ We might add, in common with many, that the occupation of NSW was also 'intended to advantage Britain by

establishing resources for maritime enterprise - harbours, naval materials, food supplies, command of sea routes' - after all, by sea, South America is far closer to NSW than it is the UK.¹²

Moore also suggested that three other major variables stand out. First: that many transportees were victims of socio-political problems existing in England, Ireland and Wales during the Industrial and Agrarian Revolutions, not to mention the Irish Potato Famine. Secondly, for many transportees the convict rations, apart from the salt-laden skilly [porridge] they received, meant that they probably ate better and more food in Australia than they were likely to eat in England.¹³ Thirdly, many transportees actually gained from being sent to Australia because they could potentially achieve a better life than was possible under the prevailing British economy with its equally unending labour.¹⁴ However, 'noble convict legends' of personal advancement once out of these hulks must never overlook the hardship of body and mind ensuing from ceaseless toil for either the government or private masters which underpinned the hulks and convictism generally. Also the fact is, ex-convicts often remained socially tainted by their past.¹⁵

Hulks in Hobart

Hulks were also used in VDL, as they were in the UK, as depots for compulsory labour. But their usage generated unhappiness for those never to go board them. During the 1830s, in the preliminary urban development era of VDL, the *Duke of York* was used as a hulk for 79 male convicts all on one deck without divisions between their sleeping quarters. This accommodation method led, it was claimed, to unspeakable sexual behaviour between the convicts. In addition, across the gender divide lesbianism was also said to be rife on board the overcrowded prison hulk, the *Anson*, moored in the Derwent.¹⁶ The *Anson*, a huge 1,742 ton, 175 foot long converted 74-gun frigate, had arrived in VDL in February 1844 and was used before the establishment of the Cascade Female Factory.

Expressing a common view, G.T.W.B. Boyes dubbed the *Anson* an 'abstergent of vice' [meant to cleanse] except that one of his servants had come from there. Unreformed, she got herself 'heroically drunk' and was 'screaming, dancing, howling and insulting the Police'. Boyes even marched up and down his verandah to prevent her getting into the house and after two hours she was carted off in a wheelbarrow. The women received three months in the Factory - 'two with hard labour and one in a solitary cell'. On the other hand, regarding the physical state of the *Anson*, before it was broken up, West considered to be a model of decorum and cleanliness.¹⁷ In short, convictism generates extreme perceptions.

Macquarie Harbour

The penal colony of VDL had become a place of punishment. But it too had its own places of secondary punishment, and given their reputation, brief mention of them seems appropriate. West, for one, described these places of secondary punishment as associated with 'inexpressible depravity, degradation and woe', and his contemporary perception of them has been perpetuated. For example, the 'brutality, degradation and utter despair of Macquarie Harbour', wrote Pink in 1990, 'drove sane men to insanity, good men to depravity, moderate men to murder', although recent research has tempered such overly harsh assessment.¹⁸ Despite this horrendous reputation, only a small proportion of convicts, those who committed further offences after arriving in NSW or VDL, were, as previously mentioned, sent to Macquarie Harbour.

Macquarie Harbour was a remote timber-getting settlement established in 1822 by Sorell on the rugged west coast of VDL for the 'worse class of convicts'. The influential Hobartian whaler James Kelly claimed credit for discovering this settlement and said it was 'totally at my suggestion' that the settlement was 'formed' there. As a reward, he was granted 100 acres of land on Bruny Island for his trouble. He also pressed his case a second time and gained another 500

acres, which increased his sheep run and enhanced his wealth, albeit before he eventually went bankrupt.¹⁹

In relation to the island's name change, Macquarie Harbour was significantly labelled the 'lower depths of Tasmania' as early as 1840.²⁰ Because it was accessible only by sea it was 'an ideal location to set up a high security productive government enterprise'. Sorell had said in May 1820 that it was becoming 'daily more urgent' that he develop such a remote site for unruly convicts partly due to the equally rapid increase in the freecomer population.²¹ Once established, the mainly recidivist criminals sent there, often worked waist deep in icy-cold water and frequently under the lash. This image alone saw the settlement described as where 'desperate men committed desperate deeds' and because of the constantly harsh and miserable conditions it became known as an 'Earthly Hell'. The narrow channel that guards the entrance to the isolated harbour became known as Hell's Gates because once inside all - Sarah Island in particular - was a place of 'perfect misery'.²²

Vicious and varied tales certainly did come from the convict stations of Macquarie Harbour and Sarah Island, some from its ex-convicts. Such remarks as quoted here were written by swashbuckling seaman-convict Jimmy Porter and appeared in a 'memoir' written by him to help save himself from execution. Of Macquarie Harbour he wrote that 'nothing but misery, flogging and starvation - murders were frequently committed - twice or three times a month - with a view to ridding themselves of a wretched existence.'²³ Similar stories abounded and formed part of Porter's tall tale, which became very popular and appeared in print internationally and thereafter, was published in VDL. Vicious and varied tales certainly did come from the convict stations of Macquarie Harbour and Sarah Island, some from its ex-convicts. Such remarks as quoted here were written by swashbuckling seaman-convict Jimmy Porter and appeared in a 'memoir' written by him to help save himself from execution.

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Escaping from Hell

Stories of escapes and of police chases, while lurid and entertaining, are not part of the focus taken here, although escaping was also a means to outwit the convict system and begin a 'new' life. Becoming free of Macquarie Harbour was not easy, although the famous convict cannibal, Alexander Pearce, did it repeatedly, while most other escapees were 'presumed perished in the bush'.²⁵ Also because of the harbour's level of isolation come tall and untested convict related tales, oft-repeated but few in number, of mutually agreed murder. However, at least one murder amongst convict escapees was apparently done not because of a lottery but because one convict was 'agonised by hunger' and killed another felon over the 'division of a fish', only to be executed for it.²⁶ Sensational or sad stories such as this aside, Macquarie Harbour's initial period of operation was for only a decade, from 1822-1833. Subsequently, in 1846, shortly after Sir John and Lady [Jane] Franklin made their epic overland trip there, Lieutenant Governor Wilmot reopened it.²⁷

Colourful and hellish accounts of Macquarie Harbour hardship no doubt omitted to tell softer tales. For example, the story of 100 men, who after just two years on the rugged west coast, were sent to Hobart Town in 1831 because they had been well behaved. Nor probably would mention have been made of the fact that the sick amongst them were sent to Port Arthur or New Norfolk's Asylum. At the latter, a case has been told of a convict, once a pugilist and later a licensed hawker, when after being granted his Ticket-of-Leave, became blind and 30 years later returned

to and died at the institution. In short, many of the 12000 convicts, who spent time at Port Arthur, had nothing to do with its supposedly intrinsically cold-hearted conditions.²⁸

Ships & Whips

Punishment at Macquarie Harbour also generated profit for the Government. Timber getting and shipbuilding took place in this wild, windswept place. Hearsay accounts of the awful conditions suffered by the Huon pine-gathering gangs filled many an anti-transportation argument. On the other hand, dockyards were built on Sarah Island and during 1840s from this hard-won timber nearly 150 'high standard' ships were launched for the government Marine Department and for private enterprise. Many vessels built were relatively small, however, because Huon pine was not considered suitable for large ships.²⁹

The various gruelling working parties on the wild west coast, and throughout the island, always included convict clerks, who maintained what were known as 'Gang Credit Books'. As mentioned above, these and other weekly lists were used as proof of work done by each serving convict. This was important because individual rations depended upon the physical effort expended, and the amount of work done went towards the reduction in the duration of a convict's sentence.³⁰ Conversely, for bad behaviour even these clerks might receive 20 lashes, although this number was only an average. For worse crimes a dose of 25 lashes with the 'cat-o'-nine tails' was derogatorily known as the 'felon punishment' or the 'Botany Bay Dozen'.³¹ Also on the west coast metal workers for some obscure reason received more lashes: they had to endure 50 or 60. But topping this punishment list were textile workers, who suffered between 70 to 80 strokes of the 'cat', the multiple stranded, hard-knotted whip.

Terry Newman

¹ 'Lace doily' is Richard Bladel's appellation cited in 'Scrub-bashing through the past' *Mercury* 12/4/2003 p.38. For a history of prisons see N. Morris & D. J. Rothman [Eds] *The Oxford history of the prison: the practice of punishment in western society* New York: Oxford University Press, 1998 p.47.

² Robson, L 'History of Tasmania' Vol. 1 p.118

³ West, J 'Tasmania' p298, and 'dust heap' Giblin 'History' p5.92; dust may also be interpreted as a polite 19th century term for excrement. Blainey, G 'Tyranny of distance' Melbourne: Sun books, 1966 p24 and Macintyre, S 'A concise history of Australia' Cambridge University Press, 1999 p.37

⁴ Dallas, K. M. 'First settlement of Australia; considered in relation to sea-power in world politics' *THRA P&P* 1952 No 3 p.12

⁵ Dallas, K. M. 'Slavery in Australia – convicts, emigrants, Aborigines' *THRA* Vol 16 No 2 September 1968 p.63

⁶ West, J 'History of Tasmania' [2 vols] Launceston: Henry Dowling, 1852. [Facsimile Shaw, A.G.L.[Ed] Sydney: Angus & Robertson, 1971] p.518

⁷ Hughes, R' *The fatal shore* p.157

⁸ Garneray, L 'The floating prison; the remarkable account of nine years' captivity on the British prison hulks during the Napoleonic wars' [Ed. Rose, R] London: Conway Maritime Press, 2003 'sarcophagus' p.5 'tombs' p.131

⁹ Moore, J.F.H. 'Convicts of VDL' Hobart: Cat & Fiddle, 1976 p.6. In VDL, the Anson was used as a prison 'Hulk' for females before the Cascades Factory was built. Refer Campbell, C 'The intolerable hulks: British shipboard confinement 1776-1857' Maryland: Heritage Books, 1994

¹⁰ Kent, D & Townsend, N 'Convicts of the Eleanor; protest in rural England, new lives in Australia' London: Merlin Press: Pluto Press, 2002 pp.145-150

¹¹ Campbell, C *The intolerable hulks*, p.115 and 'interpretations' see Allan, S. R. 'Irish convicts - Hampdens or hardened criminals? : a review of the work of Lloyd Robson and John Williams: a comparative study' *Tas. Historical Studies* Vol 7 No. 2 pp. 94-118

¹² Refer various similar arguments presented in Frost, A 'The global reach of empire: Britain's maritime expansion in the Indian and Pacific oceans 1764-1815' Melbourne: Miegunyah Press, 2003

¹³ See also Nicolas, S 'Care and feeding of convicts' in Nicholas, S [Ed] *Convict Workers; reinterpreting Australia's past* Cambridge: Cambridge University Press, 1988, and Chapter Seven.

¹⁴ Refer Pybus, C & Maxwell-Stewart, H' *American Citizens, British slaves: Yankee political prisoners in an Australian penal colony, 1839-1850* Melbourne: Melbourne University Press, 2002 p.98. Salt is omitted Dunning, T

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- 'Convict care and treatment: the American experience in VDL' BCTHS Vol 2 No. 2 1989-90 p.74. For sick convicts see Duxbury, J 'Colonial servitude: indentured and assigned servants of the VDL Company, 1825-1841' Monash Publications in History: 4 Victoria: Monash University, 1989 pp.20-21. For bad food see King, M 'Convict ships to VDL: was there leisure or pleasure?' THRA Vol 49 No. 2 June 2002 p.122
- ¹⁵ From the female perspective of this life potential see Robinson, P 'Women of Botany Bay' Sydney: Macquarie, 1988 p.7, p.38, pp.80-81, and 'diversity of opportunity' p.212 and p.218
- ¹⁶ Goodridge, C M 'Narrative of a voyage to the south seas... and Statistical view of VDL ... offering a complete emigrant's guide' Exeter, England: Featherstone, 1832 p.284 see also Lennox, G R 'A private confidential dispatch of Eardley-Wilmot; implications and associations concerning the probation system for convict women' THRA P&P Vol 29 No 2 June 1982 pp.80-92
- ¹⁷ Hudspeth, W. H. 'Leaves from the diary of a VDL official' Royal Society 1947 p.46 Andrews, B P 'The life, position and influence of women in the early settlement of VDL [1803-1850]' Department of History, University of Tasmania, 1942. Pp.6-7, and Crossland, R 'The Boyes diaries' THRA P&P Vol 3 No.3 May 1954 pp.46-51
- ¹⁸ Pink, K 'And wealth for toil: a history of North-West and Western Tasmania, 1825-1900' Burnie: Advocate, 1990 p.25
- ¹⁹ Bowden, K. M. 'Captain James Kelly of Hobart Town' London: Melbourne University Press, 1964 pp.59-70, and see Kelly, J 'First discovery of Port Davey and Macquarie Harbour' Royal Society 1920 pp.160-181, also Fitzsymonds, E [Ed] 'Mortmain' Hobart: Sullivan's Cove, 1977 pp.16-19
- ²⁰ Burn, D 'Picture of VDL' [Facsimile] Hobart: Cat and Fiddle Press, 1973 p.58
- ²¹ HRA SIII Vol III p.19 and see Mickleborough, L *William Sorell in VDL, Lieutenant-Governor, 1817-24; a golden age?* Hobart: Blubber Head Press, 2004 and Graeme-Evans, Tasmanian Rogues p.9
- ²² Moore, J 'Convicts of VDL' Sandy Bay: VDL, 1995 p.8 and Moore, J.F.H. 'Convicts of VDL' Hobart: Cat & Fiddle, 1976 p.87 and Robson, L History of Tas., p.18
- ²³ Porter, J 'The travails of Jimmy Porter; a memoir 1802-1842' Prepared for publication by Richard Innes Davey, Strahan: Round Earth Company, 2003 p.32. For another version of Porter's story see L. Frost & H. Maxwell-Stewart 'Chain Letters Chain letters: narrating convict lives'.
- ²⁴ Porter, J 'The travails of Jimmy Porter; a memoir 1802-1842' Prepared for publication by Richard Innes Davey, Strahan: Round Earth Company, 2003 p.32. For another version of Porter's story see 'Chain Letters'.
- ²⁵ Pearce's exploits appear in many places: see for example his court case, where two books on him are cited. Published by the Division of Law, Macquarie University and the School of History and Classics University of Tasmania. Website http://www.law.mq.edu.au/sctas/html/r_v_pearce__1824.htm
- ²⁶ R. v Oats in Decisions of the Nineteenth Century Tasmanian Superior Courts. Published by the Division of Law, Macquarie University and the School of History and Classics University of Tasmania. Website: <http://www.law.mq.edu.au/sctas>
- ²⁷ 'Flagellator' HRA SIII Vol II p.266 and Macquarie's approval of this p.269. For several stories of escape and bushrangers see Graeme-Evans, R 'Tasmanian Rogues passim, and for police chases see O'Sullivan, J 'Mounted police of Victoria and Tasmania' Sydney: Rigby, 1980
- ²⁸ Brand, I 'Macquarie harbour penal settlements 1822-1833 & 1846-1847' Moonah: Jason Books, 1984 'Earthly hell' p.5 and pp.30-32. Denholm, D. A. 'Port Arthur: the men and the myth' Historical Studies Vol 14, No.55 October 1970 p.408. 'Blind' refer Ballyn, S & Frost 'Sephardi convicts in VDL' in Elias, P & A [Eds] 'A few from afar; Jewish lives in Tasmanian from 1804' Hobart: Hobart Hebrew Congregation, 2003 p.78
- ²⁹ Nash, M 'Convict shipbuilding in Tasmania' THRA P&P Vol 50 No.2 June 2003 pp.83-106 suggests larger vessels were built if compared to Kerr, G and McDermott, H 'The Huon Pine story; the history of harvest and use of a unique timber' Victoria: Mainsail Books, 1999 pp.10-11
- ³⁰ Eldershaw, P. R. 'Guide to Public records of Tas,' Section Three Convict Department ' Hobart: AOT 1965 p.2 and p.46.
- ³¹ Burn, D 'Picture of VDL' [Facsimile] Hobart: Cat and Fiddle Press, 1973 p.34. See also Laugesen, A 'Convict words: language in early colonial Australia' Melbourne: Oxford University Press, 2002 for other terminology for the terror of the lash.