

Convicts after 1853

Sir William Denison's successor as Tasmanian Lieutenant Governor, Sir Edward Fox Young faced different convict-related issues. His Ministers believed so strongly that the UK Government was not pulling its financial weight that in August 1858 they wrote to London in a forceful memorandum called '*Claims Against the Imperial Government*'.¹ Incumbent Premier Francis Smith signed this document which included, as item 4, the view that:

The Parliament of Tasmania represents that the dispersion among this community from time to time of irreclaimable criminals from the penal settlement of Port Arthur necessarily continues to expose the lives and properties of the inhabitants to danger, and entails increased burthens [sic] upon the Colony for the maintenance of Police and the administration of Justice.²

With a debt of £2,000,000, the Tasmanian Cabinet feared they were permanently responsible for the 'debris of British convictism'.³ In their view, this was as bad as having an influx of new convicts. They told the UK Government that:

Generations must pass away before the asylums of this Country - in the pauperism resulting from indolent improvident habits, in the destitute orphanage resulting from the same cause, and in the hereditary lunacy which has been far more largely connected with the criminality than it has been convenient at times to recognise - will cease to afford a costly evidence of the purpose to which the Colony was originally devoted.⁴

In addition, contemporary believes held to the view that convicts passed on their 'hereditary lunacy' and or criminality. In their view VDL's prisons and asylums were full of living proof! Casting this misconception aside the *Claims Against the Imperial Government* mentioned that 'orphanages' contained the children of 'indolent, improvident' and drunken parents. Nevertheless, the Imperial Government stood firm and even gradually decreased its share of administration costs.

Meantime, two years after this 'Claim' a Parliamentary Select Committee investigated 'Tickets of Leave'. Data provided to the Committee by the Comptroller of Convicts [see Table] illustrates the shift in fiscal burdens for convicts. Tasmanian was assuming a greater burden, although admittedly this was, in part, a factor of the natural turnover of inmates, which eventually saw Port Arthur closed in 1871.

Table: Port Arthur - Cost of Criminals born by Imperial or Colonial Government

Year	Imperial Expense	Colonial Expense
1858	339	240
1859	310	263
1869	271	298

Source: PP 98/1869

Nonetheless, this report, not least, scoffed at the 'unrighteous Regulation' (promulgated by British bureaucrats) which underpinned the Exile system. The Committee argued that the regulation was bias against Tasmania because it 'prescribes that all men convicted of crime after one years enjoyment of a Conditional pardon or expiration of their sentence of transportation shall be regarded as Colonial, and not Imperial convicts'.⁵ Such convicts, the Committee believed, had not become good citizens during or after their incarceration, and certainly not in just 12 months. Therefore, they should remain Britain's problem. [See extract 2 Working to Freedom for the text of this regulation].

Crime and Police (before and after cessation)

This negativity towards convicts and ex-convicts is evident in relation to a crime wave during the 1840s. At this time, not only were convict exiles entering VDL. A burst of escapes saw a resurgence of bushranging. As James Bonwick described this economically depressed period, sheep flocks were at 'the prey of lawless rovers'. Despite the fact that initially it was a capital crime sheep stealing was 'practised to a woeful extent'.⁶ This upsurge in rural and urban crime required, as Petrow explained, special police squads to be formed. Moreover, a sustained spate of petty crime necessitated the entire reorganisation of the island's police force to contain it. As mentioned previously, the police force was formed into town districts so that night patrols would help ease the 'panic over crime' that developed in 1844. This reform became a real problem because police numbers had dropped from 1:88.7 people in 1835 to 1:134.7 people in 1844 at the same time that an influx of convicts continued to arrive.

After cessation of convict transportation, the Imperial military troops stayed on to guard convicts, although they were progressively reduced and removed completely in 1870. However, with so many serving or ex-convicts on the island, VDL did not stop needing police constables, and the burden for them fell upon the local government. This could not be avoided, for as historian Henry Reynolds noted 'fear of violence and disorders lived on long after 1853'.⁷ For example, six years after cessation Parliament received information on the number of prisoners at Launceston for the year ending March 1859. Amongst this information, some 650 males and 442 females had been originally transported to Tasmania as convicts. They had 'become free by servitude', but were now back in prison again. Such re-offending was common in Hobart Town Prisoners Barracks as well. There 28,446 men had passed through the jail during 1859 after having previously been 'free by servitude'. This was an average of 77 prisoners per day, of whom just 5 per day had been born free.⁸ Yet this last statistic was obviously not interpreted to prove that criminality did not pass from one generation to the next?

As explained, believe in this negative theory generated continued anti-convictism. Respectable citizens frequently suggested that even ex-convicts were a great danger to law-abiding citizens. Yet some of the brutality at Port Arthur used as proof of this supposition was self-inflicted. Today we might regard self-harm as a possible by-product of depression, similarly suicide attempts were not unknown.⁹ However, through exaggeration of convict evils, perhaps it was hoped to gain additional funds from the British government to meet the cost of the convict legacy. Yet this very exaggeration undermined the goal of an improved reputation for Tasmania. Asking for money was valid enough, but over stating the case had the potential to generate even greater cost for Tasmania its image.

Tickets Out

Were the citizens concerns about convicts and ex-convicts real? Until 'death depleted their ranks' emancipists were, Reynolds estimated, responsible for 70% of serious crime in 1860-67 alone.¹⁰ Clearly many settlers used this state of affairs in order to 'wrench' more money from 'home'. However, as historian John Hirst put this: 'the anti-transportation league was following the dangerous course of seeking the world's respect by enthusiastically embracing the contamination caused by the convicts, yet they sought to reinforce their Britishness to distinguish themselves from it.'¹¹ That is, they wanted to police and contain the convicts, but have the UK pay for it. After cessation their vocal complaints sometimes came back to haunt activists such as lawyer J D Wood. He told a London audience in 1879 that they should *not* avoid immigration to Tasmania because of its notorious convict past. The island was by then, Wood claimed, practically free of robberies' nor was there a class of 'professional or hereditary criminals'.¹² He felt he needed to say this to counter the prevailing negative publicity, although at least he rejected the 'inheritance of criminality' theory.

Despite claims made upon it the British Government ignored most requests for more money. The 'low class of people', the convicts, who remained on the island to serve out their sentences, were at the full cost of the weak Tasmanian economy. The only concession initially made was that the British continued to maintain full control over Port Arthur and certain of its inmates. In contrast, many criminal sentences at Port Arthur and indeed elsewhere throughout the island were declining quite rapidly. Getting out of Port Arthur by 'ticket of leave' almost became standard practice, except when extensions of jail sentences were applied.

Revoluting Nature

After gaining cessation, VDL parliamentarians continued to keep a close eye on the convicts. In 1860 another group of Tasmanian parliamentarians investigated the 'Ticket of Leave system'.¹³ Their report appeared in September 1860 and in it they expressed concern about the system's potential to have 'small parties sent up to Hobart by steamer.' [Getting out of Port Arthur by road was never a real option until after WWII]. The MP's found proof of these unsavoury groups. From September 1859 until June 1860, this process involved releasing 161 time-served convicts. Except that, because they could not find work many of these men kept on returning for two or three nights at a time to the Prisoners Barracks in Campbell Street. Moreover, of the 161 released from Port Arthur the Committee most feared some 21 men who 'exhibited careers of continuous crime', which included 'indecent assault on girls of tender years.' The MP's feared the 'frightful evils resulting from the continued circulation of criminals through the community'.

Not every convict was to be easily freed from Port Arthur. The Committee noted that by the *Penal Servitude Act* of 1855 every prisoner's sentence could be *extended* by a further 'period of detention' between 12 months and 2 years so as to preserve the well being of the community. Becoming free could be held back by many of the same lawmakers who had sought cessation! Indeed, the Committee was also unhappy that 'Good Conduct' as determined by prison administrators seemed to 'imply only an absence of grave crimes.' Previous criminal careers, they complained, were not taken into account. Too many of the men, they reported were 'of desperate character and addicted to vices of a peculiarly revolting nature.'

Accordingly, the Committee recommended that Tasmania's convicts be re-transported to Swan River in Western Australia. They would have been happy to inflict upon someone else the very thing they had lobbied against for some many years. They claimed, the colonist in WA actually wanted convicts. Swan River settlers were complaining, they declared, about the 'diminished numbers lately introduced amongst them, and appear to regard a continuation of Transportation as essential to their prosperity.' The local parliamentarians conveniently ignored the fact that in Tasmania the aftermath of cessation was beginning to cause a period of economic decline. Only the mineral boom of the 1880s eventually overturned the economic depression, albeit only briefly.

'Convict stain'

Eventually, the ratio of free to convict population was reversed, particularly during the 1860-1880s. Yet this reversal did not equate to total removal and so Joe Lyons, in his capacity as State Minister for Education recommended that convict records be burnt during the demolition of the old Hobart Police Court in 1914.¹⁴ He was not successful in this, but in 1915 when Lyons opened the first State High School in Tasmania he declared that he was glad that 'Tasmania was pulling down gaols and building schools. The old Launceston Gaol was demolished to make way for the new building.'¹⁵

Sensitivity about the 'hated stain' surfaced again a decade later when Marcus Clarke's novel was about to be filmed. 'His Natural Life' caused a stir when it was proposed that it was to be enacted at Port Arthur, which 'refired the Van Diemen debate'. Depicting 'convictism' caused some to advocate censorship provisions to block the movie, especially amongst those who thought that renaming VDL as Tasmania had 'cleansed the record'. On the other hand, the film's release helped boost tourism to Tasmania. As historian Michael Roe put it, a 'good society has to seek truth about its past.'¹⁶

At the time of the Boer War (1899-1902) Tasmania's evolving sense of identity became more secure. Pride in 'Tasmania's' military prowess and scenic beauty won out over the convict past, according to S. G. Alomes: 'Good old Tassy' was the cry.¹⁷ Undone or not, the island's culture eventually came to value its convict past, but this was not always the case. Centenary celebration of Bowen's arrival held in 1903 barely mentioned the convict era.¹⁸ Yet by 1941 Premier Robert Cosgrove wrote a forward to Coultman Smith's *Shadow over Tasmania*, in which he described transportation as 'an important epoch in Tasmania's history.'¹⁹ Smith, who claimed to have written 'the truth about the State's convict history for the first time', presented a somewhat rose-coloured view, although we have suggested here that the dark picture of convictism should perhaps be seen as more 'grey' than black and white.

We might conclude, as Roe does, that an unexpected cultural benefit arose from convictism. Several excellent artists and other culturally distinguished people arrived in VDL as convicts: one such was T G Wainwright, the forger, poisoner and very fine portrait painter, another was Knud Bull, the Norwegian ex-convict painter.²⁰ One long-term consequence of convicts was that their presence in VDL perhaps kept class-consciousness down. Avoiding the 'hated stain' undermined overt political activism that might have moved the island faster towards a greater say for the lower classes. Close to this same position, for Reynolds, the once high ratio of 'bond' to 'free' meant that amongst the non-indigenous island population 'class solidarity failed to flourish.'²¹

This theory is supported by prominent parliamentarian Edward Braddon, who in June 1878 wrote to a friend saying that in VDL, 'class is respected without the bitterness of class-feeling.'²² Apparently, convicts and their ancestors knew their place. Elsewhere in Australia, a significant working class population and a generally pervasive ethos of anti-authoritarianism sprang from the convict era. As an important by-product of its own history, VDL spawned the most 'dispirited proletariat' in Australia, or so the argument goes. Convicts and ex-convicts did not seriously challenge the free settler oligarchy that ruled the island through parliamentary representation until the late 19th and early 20th Century. Socialism or at least democratic labour politics did not gain solid ground in Tasmania until 1930s.

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¹ S. Petrow 'Claims of the colony: Tasmania's dispute with Britain over the Port Arthur penal establishment 1856-1877' THRA Vol 44 No4 December 1977 pp.226-7.

² LC PP 4/1858 p.9.

³ LC PP 15/1860 p.5.

⁴ LC PP 4/1858 p.9.

⁵ PP98/1860 p.6

⁶ J. Bonwick 'Romance of the wool trade' London: Griffith, 1887 p211 and Petrow, S 'After Arthur; policing in VDL 1837-46' in M. Enders & B. Dupont [eds] 'Policing the lucky country' Sydney: Hawkins press, 2001 passim, and Clark, C. M. H. 'History of Australia' Melbourne: Melbourne University Press, 1962 Vol II p.128.

⁷ H. Reynolds 'That hated stain: aftermath of transportation' in Historical Studies vol 14 Oct 1969 p.24.

⁸ HA PP 46/1859 and HA PP 85/1859.

⁹ For some elements of this violence see Lennox, G 'A visitor's guide to Part Arthur and the convict systems' Rosetta: Dormaslen, 1994.

¹⁰ H. Reynolds 'That hated stain' pp.19-22.

¹¹ J. Hirst 'Convict society and its enemies; a history of early NSW' Sydney: Allen & Unwin, 1983 pp.212-7.

¹² S. Petrow 'The Hobart Town municipal police 1858-1878' THRA P&P Vol42 No.4 December 1995 p.165.

¹³ PP98/1860, and 'Swan River' p.7.

¹⁴ Lloyd Robson History of Tasmania Vol II p.288 and 'clung to' also p.288.

¹⁵ E. Lyons 'So we take comfort' London: Heinemann, 1965 p.84.

¹⁶ M. Roe 'Vandemonism debated: the filming of 'His Natural Life', 1926-7' Australian Studies Journal No.24 May 1989 pp.35-51.

¹⁷ See S. G. Alomes 'Island, Nation and Empire: collective identification in Hobart during the Boer War' THRA P&P Vol 23 No.1 March 1976 pp.9-20.

¹⁸ D. Young 'Making crime pay; the evolution of convict tourism in Tasmania' Hobart: THRA, 1996 pp.64-5.

¹⁹ C. Smith 'Shadow over Tasmania' 15th Edition - Hobart; Walch, 1967 p.2.

²⁰ M. Roe '1830-1850' Chapter 3 in Crowley F [ed] 'A new history of Australia' Melbourne: Heinemann, 1974 pp.115-21. See also D. Young 'Making crime pay' passim. For a brief biography of Wainwright see P. Lockley 'Thomas Wainwright: painter, writer, poisoner' 40^o South Issue No.13 Winter 1999 pp.21-6, I. Hansen 'Knud Bull: Tasmania's Norwegian convict painter' THRA Vol 37 No 4 December 1990 pp.140-9.

²¹ H. Reynolds 'Australian nationalism: Tasmanian patriotism' NZ Journal of History Vol 5 No.1 April 1971 pp.18-30.

²² S. Bennett [ed] 'A home in the colonies: Edward Braddon's letters to India from North-West Tasmania, 1878' THRA P&P Vol 27. No.4 December 1980 p.145.