

Extracts: Becoming a Penal Colony

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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

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



INTERIOR OF CELL.

Pentonville: an example of a British prison cell from which convicts were transported.
Note its similarity to those at Port Arthur

Becoming Tasmania extract (3) Convict Systems

Penal System One: Assignment

The ‘system of transportation’ was not singular it was sequential; it began as ‘Assignment’, then it became ‘Probation’ and before its cessation it became ‘Exile’. Even though assignment to private masters came first, from early in VDL history Collins felt that he had to set matters straight as to who legally ‘owned’ the convicts. To do this he issued a General Order in December 1804 in which he declared

The Situation of the Prisoners belonging to this Settlement not seeming to be clearly understood the Lieut. Governor finds it necessary to state, that while under Sentence of Law, the Prisoners are to be considered Servants of the Crown, to be employed under [his] direction.⁶

Collins also withdrew the convict servants automatically attached to civil officers and Military officers after the original six-month period of open access to them had ended. Applications for extensions of access to servants had thereafter to be made on a more formal written basis. All the same, such formality amounted to a potentially one-way street for the convicts. The Government and the settler-recipient of the convicts gained most from the system because, as Charles Joseph La Trobe put it, they had a ‘lease’ over the convicts’ labour and services.⁷

Were convicts slaves? Slaves were seen as only property and were owned often for life by their masters, as were their innocent offspring. In Australia as Collins well knew convicts belonged to the Crown. According to the British *Transportation Act* of 1824 - reconfirmed in VDL by the *Huskisson Act* of 1828 - it aimed at 'vesting in the Governor ... the property in the service of ... offenders' and they were not even meant to be 'transferred' without the consent of the Governor.⁸

Another difference between Australia's convicts and American slaves was that there 'couples' were separated, while Australian felons, male or female, could, much to their benefit, be potentially 'assigned' to their spouses. In addition, many convicts, although sometimes 'loaned' - as property - by their masters' to others, eventually came to hold 'elite jobs' such as lawyers, merchants and architects. However, a contrary view comes from a contemporary critic, the Reverend William Ullathorne. For him, a convict automatically 'becomes a slave' as soon as he was assigned to a master.⁹

Assignment Board & Indents

The British *Transportation Act* confirmed the legal basis for assignment and from 1826 the Superintendent of Police decided the allocation of convicts until a local Assignment Board was established in 1832. It was to this board that applications were made and assessed for convicts, labourers or servants.¹⁰ Of course, some convicts were allotted to masters in groups depending on the amount of land a settler acquired after presenting a letter of recommendation from British patrons.

The Assignment Board consisted of the Chief Police Magistrate, the local Treasurer and the Superintendent of Prisoners. Police officials, sometimes serving military men, played a central role because Lieutenant Governor Arthur had created nine separate police districts around VDL in 1828 as part of his more efficient control of the convict system. The board, with local police advice on regional requirements, determined the wages to be received by convicts, for example. This was significant because convicts could no longer work for themselves without permission from their master, who also had to prepare an annual report on each convict's behaviour.

Such records or 'indents'¹¹ began when each convict transport ship arrived in VDL and the Port Officer and the Surgeon checked the human cargo for its state of health and conduct during the voyage. To start the process everyone on board was also given fresh clothing, and then over the next day or two all their minute personal and criminal details were recorded for use by local police authorities. Only when a convict's details were complete were they made available for assignment. For more on this, see below where the probation era indents, on which a Police Number logged each convict, are noted.¹²

Arthur believed that, upon landing, a convict's 'confessions' of his or her crimes were generally true because the convict was 'not quite conscious of how much of it was known'. Therefore, Arthur added, 'he reveals, I should think a fair statement of his past life, apprehensive of being detected in stating what is untrue'.¹³ Confirming the probable truthfulness of confessions obtained by these interrogations 'designed to catch out those prisoners who gave misleading or false information'; British authorities sent a 'Caption' with each convict. This occurred for the period 1838-1851 and provided details of a convicts': name, age, marital status, number of children, literacy, general intelligence, trade or occupation, crime, sentence, date and place of conviction, ... former convictions' and so on. Likewise, bodily features were noted, and after being stripped naked any distinguishing marks [scars, birthmarks, deformities or tattoos, et cetera] were recorded.¹⁴

Convicts, such as George Loveless had to suffer a good talking-to from the Lieutenant Governor. Sorell had greeted each convict ship, as did Arthur, and, for example, after newly arrived convicts were mustered ashore Franklin gave an oft-repeated message of their inherent 'badness' from horseback. In the accounts left to us by several political prisoners sent to VDL for high treason in northern America-Canada we have detailed descriptions of such an occurrence. 'You are bad men, very bad men indeed', was Franklin's repeated refrain, except that he was not altogether unsympathetic towards these particular rebels' political rather than morally evil crimes.¹⁵ The Canadian convicts were still sent to Sandy Bay to toil.

Master Lottery

Convict assignment has been dubbed a 'lottery'. It could be a 'terrible punishment or none at all', according to Charles La Trobe Acting Lt-Governor of VDL. However, whether it was a lottery or not, a more positive interpretation of assignment comes from John Oxley, NSW Surveyor-General, who in 1810, remarked that four benefits arose from the convict assignment system

- 1: Convicts were separated from evil companions**
- 2: No incentive to plunder arose**
- 3: Convicts were soon habituated to honest industry**
- 4: When less restricted they had reduced inclination to plunder¹⁶**

Despite Oxley's comments, the assignment system was riddled with uncertain outcomes. The 'convicts were at the mercy of their masters' goodwill or malice', as Collenette noted.¹⁷ The uncertainty factor might result in a minor offender being assigned to a harsh master, while a hardened criminal went to a lenient master, who offered many 'indulgences' [tea, sugar or tobacco, et cetera] to promote harmony. Some convicts might be worked hard, others much easier. Depending on their assignment, the Rev. John West noted a dishonest but 'robust' convict could earn more wages and so 'leave behind his more honest shipmates' if they were 'sickly and unskilled'.¹⁸ This was possible because under the initial government regulations no fixed hours of labour were set for assigned servants.¹⁹ Eventually though certain amounts of leisure time were incorporated into convict routines: so we might again ask, were they in fact slaves? In addition, putting these working practices into perspective, the convicts' working hours were similar to those of poorly paid labourers in rural England - namely they had to toil from daylight to dark should their employee or master demand it.

This question of the potential for endlessly variable interaction between 'master and servant' has been the subject of close studies elsewhere and need not delay us long.²⁰ In 1838, the Reverend Ullathorne described such uncertainty as subjecting convicts to the 'caprice of the family' to whom they were assigned, and for him 'human life' in the colonies was a 'contest between master and convicts'. 'Profit' was the aim of the former, and 'ease' the latter's, while the 'great persuader to work was the lash', wrote Ullathorne.

We can note here that Anne McKay's study of the *Assignment System of Convict Labour 1824-1842* has suggested that the attitude of master to convict servants may be broken down as follows:

- 20% Masters of the best type caring for their convict servants**
- 40% Masters fair but impatient and self-interested**
- 20% Masters both self-interested and inclined to punish convicts**
- 20% Masters who were psychologically unfit to be masters.²¹**

Two years before McKay's study period Captain James Dixon visited VDL and advised his readers against using the 'great persuader', and instead to

Let the servants be well treated, and treated as rational beings, and they will generally, unless desperately hardened, become more useful than by any system of flagellation which can be invented.²²

Midway through McKay's study period her analysis was corroborated by James Backhouse during a visit to VDL in 1830s for religious and temperance purposes. With these reasons in mind he was unhappy with the 'variety of treatment' assignment made likely because

few masters attend to their [convict's] moral and religious instruction; many treat them with some degree of kindness; a larger proportion treat them with disdain and harshness; and a few are still more unreasonable and severe.²³

Lloyd Robson likewise considered the unlimited possibility of variant outcomes associated with this first convict system. They were so great that it was 'kaleidoscopic' in its effects on individual convicts.²⁴ Confirming this position, Henry Reynolds has pointed out that so entrenched was this range of response between master and servant, that for decades after transportation ended, certain country-based land owners disciplined their staff by simply having them arrested, sentenced, punished and sent back.²⁵

Penal System Two: Probation

To overcome perceptions that transportation had become lax, convict assignment to individual masters was abandoned and replaced by the probation system. The central information that generated this revision emerged from the Molesworth Committee's investigation for the British Parliament, discussed elsewhere, especially in Chapter Nine. In short, after an initial trial in 1839, no convicts who arrived after June 1840 were to be assigned to private service until after periods of 'punishment' on public works.

Probation was to enforce a system starting with a period of hard labour before the staged progression towards freedom.

- **Stage one** - Temporary incarceration in an English penitentiary, with some hard labour
- **Stage two** - Transportation to VDL with a hard labour in a probation gang
- **Stage three** - Potential to earn a Probation Pass to wholly or partly work for one's self
- **Stage four** - Earn a Ticket-of-Leave or self-sufficiency before pardon or emancipation

Despite some misgivings, Sir John Franklin painted probation in a favourable light - for public consumption at least. At its outset Franklin claimed that 'the first stages of Probation, will be to enforce habits of obedience, to arouse the moral energies, and to bring the mind of each prisoner under the influence of rightful impressions'. 'Labour was', said Franklin, a convict's just 'desert and consequence of guilt'.²⁶ 'Rightful impressions' used here referred to religious instructions and education, which did fitfully occur, to the benefit of many convicts. Franklin also added that VDL's settlers should be pleased with the system because 'Great Britain has herself, in this matter, set us an example of self-denial'. It was 'about to incur a large expenditure in the attempt to emancipate her erring children from the wretched, and infinitely more degrading, slavery of crime'.

Franklin was certainly spouting propaganda here, and the locals undoubtedly knew it. The 'erring children' - whom Franklin felt included all the convicts - were to be subject to the new convict system. But this revision would eventually cause convictism's undoing, no matter how positively Franklin tried to portray probation. Nonetheless, Sir John wrote to Lord Stanley in July 1840 setting out his probation regulations and expressed his expectation on

their success, for which he ‘entertained no doubt’: we shall see otherwise. Stanley likewise stated that assignment ‘once abolished, must in no shape be revived’, and convicts must ‘undertake and execute works of public utility’, Franklin was told.²⁷

Probation was a much more complex system than ‘assignment’ and controlling it was to become a heavy bureaucratic burden, although this difficulty was partially foreseen. A new government Convict Department was created under the management of a Director, although the title later became Comptroller of Prisons. The scheme was to have **three classes** [half that of Arthur’s convict system] established under the approved Regulations for the Probation of Convict Labour issued in 1841. Labour gangs were to range from 250 to 300 men, and the ‘Third Class’ were to be convicts kept in ‘Separate Confinement’, although this was explicitly stated to *not* refer to solitary cells [then set at 7 feet by 4 feet].

The ‘Second Class’ were to be ‘huted in rooms of 10 men’, while the ‘First Class’, those nearest to expiration of their sentences could be in ‘huts of 20 men’. Three overseers, themselves often convicts, for each probation gang was the ideal laid down - but hardly ever adhered to - and it must be noted that these gangs often became very mixed. For example, should a convict’s good conduct gain them a probation pass, the lack of employment in VDL’s depressed economy of 1840s saw them remain with the gang, albeit on lighter duties and without wages. They could depart once private employment became available.

Despite frequent modern assertions that it was universal, silence was NOT to be imposed upon the probationers ‘as a means of punishment whilst convicts were at work’. Instead, perhaps they even sang similarly to Negro slaves as they constantly thudded down their pick axes or sledgehammers? Yet they were certainly forbidden to talk to any convicts from another class, or while marching to and from their place of work. Further maintaining order, all probation convicts were required to ‘touch their caps’ to their superiors, including visiting magistrates, to whom they, while still only ‘half-citizens’, had theoretical rights of complaint.

Franklin’s speech to Parliament on probation specifically linked two subjects intimately connected with each other; namely, ‘Transportation and Immigration’. Franklin was right: convict labour previously available to settlers had to be supplemented. Nevertheless, to facilitate the change from assignment to probation, after 30 June 1839, officials gradually ended what was described as the ‘luxury’ assignments of males. They would no longer be sent to less taxing town-based duties, especially not in Hobart or Launceston, which ‘ceased altogether’ on 1 July 1840, or so Franklin told the Legislative Council in August of that year.²⁸ Yet by 1847 Denison was still issuing ‘rules for the first stage of convict probation in VDL’ which were designed, after convicts underwent the required number of years of justice, punishment and education [secular and religious] to develop in them ‘industry and self-control’.²⁹

Probation Unappreciated

The main effect of probation on the island society was that the VDL settlers, both the old and the new free immigrants, were in future to gain less cheap labour from the convicts. This was a new phenomenon for them, especially those whom W.C. Wentworth called ‘small capitalists’ who had previously often made quite a profit out of their convicts. Robson confirmed this lucrative aspect of the convict assignment system because farmers and merchants had a ready market and were able to profitably sell their produce to the government store for convicts and officials to draw upon.³⁰

James Fenton encapsulated this period.³¹ He recalled what amounted to the conjunction of probation and an economic depression made his time living on the north west coast in 1841 much harder. He observed that ‘in addition to all the uphill work of starting farming operations in a new district, I derived no advantage from the cheap labour of the convicts’. This, he said, ‘almost extinguished the chance of getting a living out of agriculture’. Food prices were also high which was another ‘heavy item of expense’ especially because Fenton

needed to employ 'twelve to twenty men to construct a bank around a marsh'. Consequently, he felt that the 'result of such heavy expenditure was that I not only drained the marsh, but my pocket too'. In these contemporary remarks, we hear that the hip-pocket nerve twitched even before VDL gained its first elections a decade after probation began.

The local *Colonial Times* in June 1841 said the British had 'clinched the woes of the Colony by stopping assignment'.³² Not everyone mourned the assignment system, which Levy dubbed a 'bugbear', because the already mentioned potential for variations of treatment of convicts had 'called forth strong censure'.³³ The replacement for the assignment system also soon had its strident detractors, whom Ian Brand has rightly declared became 'implacable foes' of the system, even when it became the 'exile' system. He also assessed probation to have been an 'utter failure', worse than the assignment system that preceded it.³⁴

At the time Lady Franklin, in a letter to her sister dated 3 January 1839, touched upon a central issue of contemporary debate in VDL. 'There is much to be said in favour and against assignment', she wrote, 'and this is a subdivision of the great subject whether Transportation shall be continued or abolished'.³⁵

This 'subdivision' also broke down as complaints about convicts and exconvicts became widespread amongst the freecomers. Convicts too complained because many felons were never happy under any form of authority, and conducted active and or passive resistance - such as female convicts simply walking off the job. But such negativity did not only come from the convicts, the settlers were equally unhappy with the revised probation system. In short, antagonism towards the probation system came from both those oppressed by it and those outside it who benefited from the 'system'. Perhaps it's a wonder that convict transportation lasted so long, except that a distant political regime supported it. Closer to home, the most influential and prominent citizens on the island increasingly no longer endorsed the system. It was only when the island's constitutional system was about to be changed that convictism ceased and along with it went the island's negative name.

This second convict system of locating convicts in probation stations and on public works was fine in theory. But when the local economy went into a decline, the convicts were often forced to stay permanently at these probation stations. While so confined - unless roaming the countryside as the respectable repeatedly claimed - the convicts grew their own food, as this newspaper item suggests

The men [at the Fingal Probation Station were] employed in detached parties on the roads or engaged in the station, where about fifteen acres of potatoes and four of turnips have been cultivated by spade husbandry.³⁶

Convicts providing their own potatoes as one of the necessities of life reduced the local farmers' potential markets still further, and Mrs Anna Nixon, wife of Bishop Nixon, for one, considered that convict self-sufficiency would be the 'entire ruin of the colony'.³⁷

Between 40-80 probation stations, which housed up to 200 convicts each, were eventually scattered around VDL. Four districts held the majority of convicts: Hobart, Swanport, New Norfolk and Richmond.³⁸ During their heyday, from these stations convicts went out in their gangs to perform their labouring duties, sometimes with portable huts for overnight use. The famous Irish convict William Smith O'Brien subsequently expressed a view that the money spent to build these probations stations had been wasted because many of them were soon closed down and fell idle. Overall, the consequences of this and other aspects of the convict probation system were largely negative. Fundamentally the probation system was hardly administered with any skill, locally or from Britain.³⁹

Probation Overseers

Forming large gangs of convicts caused problems. Even splitting the gangs into the classes noted above required two or three overseers for each sub-gang of 10-20 men. Moreover, the congregation of convicts under this revised system generated widespread rumours of gross indecency. For example, homosexual acts apparently occurred at the probation stations and on the hulks. Lesbianism too was 'rife', which was considered both 'debasement' and likely to generate 'disorder' amongst the women, and would certainly cause trouble for prison authorities.⁴⁰ Another all-pervading problem with the system - apart from poor policing - was that there were few troops on the island to guard the convicts. Instead, the Government became reliant upon other convicts to oversee their colleagues of either or both genders. These convict overseers often used bullying tyranny and unvarying violence to 'control' the gangs or fellow prisoners.

Ian Brand confirms that many of the overseers of these convicts were indeed 'bad'. We might add that a calculation based on information presented in Acting VDL-Governor Charles La Trobe's report of 1847 indicates a ratio of 1:76 overseers to convicts, which is clearly unsatisfactory.⁴¹ Even the best overseers couldn't possibly 'see' everything, especially not at night in crowded dormitories. Yet any supposedly 'unnatural practices' were a facet of the probation system that generated vocal opposition to it, especially from amongst the more moralistic or respectable settlers. Conversely, medical evidence for such practices was scant, according to Brand.

Paying for Probationers

Charles La Trobe described the 'probation' system as the 'exchange of an uncertain for a certain punishment'.⁴² However, since probation regulations commenced the vocal VDL settlers came to hate the most concerned cash:

The public works of the Colony shall no longer be in receipt of the labour of any employed Convicts gratuitously, but must pay six pence per diem to the British Treasury for each Convict employed on Public Works.

That is, even the VDL government authorities had to pay for convict labour. As a result, convict labour no matter how abundant, was no longer free and local taxes were needed to support the system – another bone of contention. Masters too had to continue to house, feed and clothe their convicts, but henceforth also pay them wages, albeit reluctantly. At first the Comptroller of Prisons acted as an intermediary between the master and the servant and was responsible for drawing up convict-master contracts for employment.

After 1844 Comptroller Dr John Stephen Hampton relaxed this arrangement, no doubt in part because of the extra work involved with so many felons on the island. Ticket-of-Leave holders could not, however, turn down 'reasonable' offers of work for 'reasonable return'. Half-citizens they remained and could still not pick and choose their employment. On the other hand, 'indulgences' as they were termed, such as tea, sugar and tobacco, were no longer to be substituted for real wages. In addition, masters or mistresses had in future to pay a proportional fee for any hospital treatment for convict patients of any class or status under their nominal control.

Probation & Female Factories

The probation system's enforced public labour requirement because of its harsh physical nature was predominantly aimed at male convicts. Female convicts did not 'participate' to the same extent as male convicts in this transition from convict assignment to probationary punishment. In short, 'for females probation was not that far removed from assignment'.⁴³ Domestic service was the predominant female punishment. In addition, as Kay Daniels has

noted, the female factories performed, albeit rather badly, as places of incarceration and half-hearted reform for the female convicts. This was again partly because insufficient resources were provided to train and educate the factory females properly. Yet, they were expected to be 'docile and peaceable whilst in the prison and respectable when they leave it'.⁴⁴

Both before and after probation, factories became a source of female punishment. They were believed to be a workable form of control over female convicts, who otherwise presented a contemporary social problem because corporal punishment against women was becoming frowned upon. It was becoming unacceptable to flog females. In fact, it is convenient to note here that flogging of females was banned in 1817, except that they could still be hanged!⁴⁵

First mooted by Sorell in December 1820 as a 'modest place' for 'restraint and labour for female convicts', female factories were expected to educate, reform and train the women for productive roles in the colony.⁴⁶ Women were to work and or be trained as sewers, spinners, dyers, and so on. Resources to provide this instruction were often lacking and VDL's economic depressions meant that even if and after work training occurred many convicts, of both genders, clogged work depots. One such depot was at Brickfields, where North Hobart Football Oval stands today.

Suds and Hair Shaving

By the way, the word 'factor' used to mean one who does work or contributes something to society. Today the word 'factory' has an industrial meaning. Back then convict 'laundress work', provided a service. As G. C. Mundy described it, factoring meant laborious toil and revenue

squads of women were up to their elbows in suds, carrying on the cruel process of wringing ... as they spread the linen over the drying line. The townsfolk may have their washing done here [Cascades] at a shilling and sixpence per dozen, the money going towards the expense of the institution. I was pained to see so many very youthful creatures in this yard - delinquents in their earliest teens, debauched ere the pith had hardened in their bones.⁴⁷

Mundy's moralising aside, wearisome work was considered a valid alternative to harsh punishment for female convicts. It could be made akin to the pain meted out to males. Also another visitor described a typical example of what went on in these factories. In 1833, Augustus Prinsep after a brief visit to the 'Cascades' Female Factory in Hobart Town noted that the females were 'wearing the yellow dress', and that their punishment meant 'solitary confinement and having their hair cut off'.⁴⁸ As to the coloured attire mentioned we might insert here that David Burn remarked that 'even the yellow jacket [worn by males] may cover many a repentant and returning heart'.⁴⁹ At least some settlers saw convicts in a benevolent light.

Head shaving was also practised on men on Norfolk Island as a form of punishment, and was undoubtedly hurtful. Not least because many convicts male or female were often 'psychologically brittle', and could react violently or become traumatised by such practices. Fundamentally, 'head shaving' according to Damousi, 'evoked a particularly hostile ... effective form of female punishment'.⁵⁰ In contrast, by 1830s hair shaving, as a means of 'imposing discipline and hygiene' had, says Daniels, become rare in VDL, and by the 1840s it no longer received official sanction, except for cleanliness sake.⁵¹

However, as late as 1848 as part of the harsh punishment regime [including the cane and solitary confinement] while attending an orphan school run by the Convict Department 'girls had their front hair cut off, this last being much dreaded by the girls'.⁵² Similarly, every male convict arriving at Port Arthur was 'unshackled, searched, bathed, had their hair closely cropped and given cell clothing'; their own clothing was stored in Hobart for later return. Even so, this 'cropping' was mainly for reasons of hygiene. The inmates' hair at the Invalid Hospital at Port Arthur was directed 'not to be short', although if it ever became 'too long and

dirty' the individual would forfeit their tobacco rations. Doubtless similar instructions applied at the Invalid Depot in Launceston.⁵³

Meanwhile, female 'factories' or their annexes acted as lying-in hospitals for poverty stricken pregnant women. Except that reputedly premature weaning of these babies from their mothers helped cause a high rate of infant mortality: over 100 new-born died in 1851 alone. On the other hand, Lady [Jane] Franklin effectively told Elizabeth Fry, the English prison reformer, that convict mothers spent up to two years bonding with their children.⁵⁴

Female Regulations

While detailed punishment regulations required calm, conditions at these female factories, including 'overcrowding, poor diet and damp', occasionally gave rise to rebellion.⁵⁵ Cases of female protest are noted below, but first, the regulations included visits to 'all classes while at work ... [to ensure] that quietness is observed, [and] that idleness is not permitted.' Also solitary punishment, but only up to 24 hours on each occasion, was permitted. Much the same as for the male probationary system, three classes of factory females were to be created

1st Class - Those considered 'assignable' with 'good character' [Hiring Class]

2nd Class - Those 'guilty of minor offences, and those who, by improved conduct, merit removal from the Crime Class

3rd or Crime Class-

Those 'transported a second time' or guilty of misconduct on their passage to the colony, or those sentenced while in VDL, or 'guilty of offences within the walls, they shall never be removed from the 3rd to the 1st Class'⁵⁶

Despite such seeming rigidity, a female convict's narrative about her time at the Launceston Female Factory [opened in 1834] records that 'during the day time the women in the factory amuse themselves the best way they can, dancing & singing etc'. Also smuggling in of tobacco to the 'crime class' was even possible.⁵⁷ Getting to be 'hired out' during an economic depression was harder!

In another story from the Cascades Factory in Hobart, a notorious case supposedly took place during which the women attempted to deprive a visitor of his manhood. On another occasion, likewise unproven, a group of inmates' lead by a few females known as the 'Flash Mob' [by their attire], during an official visit supposedly simultaneously bared their buttocks and clapped their hands on them. It was only by their collective action in doing this that they managed to avoid individual punishment for this mocking gesture.⁵⁸

Factories Failed

The underlying harshness of factory life is missing from these accounts. In short, VDL had become a penal colony and female factories were not nice places. Harsh work and strict discipline regimes and poor general living conditions were endemic. Equally so were low levels of nutrition, for little value came from a regular diet of sago and wine. It lacked 'dairy products and fresh fruit and so was lacking some essential minerals and vitamins'.⁵⁹ Today we might suggest that this diet perhaps engendered short-tempered behaviour amongst the inmates, and it often led to deaths amongst sickly adults.

Women undergoing solitary confinement in a dark, cell, Hutchinson has explained, were fed on only bread and water, which again probably generated ill-health and ill-temper. Another example was that many women had to operate their sewing machines with bare feet because the pedal mechanism quickly wore away their shoes. As a result, these factories have been described as a 'sad reflection on the medical and administrative conscience of the period'.⁶⁰ Lt-Governor Wilmot amongst a host of accusations against him, was said to have poorly managed these facilities, which no doubt contributed to his recall.⁶¹

Female convicts had to remain in the factories-cum-work depots even if work dried up. Some women also went to the factories for biological reasons. As noted, these 'factories' often functioned as maternity hospitals for all types of convicts as well as free albeit poverty-stricken females. This very mixture of inmates further muddled the intended reform system. Managers had to deal with female convicts ranging from the 'virtuous to the refractory', and by and large such institutions could not do so.⁶² Statistics from January 1847, for example, record in part some 398 females in a House of Correction [Female Factory], with 14 nursing children, and another 37 in the Lying-in Home or Nursery at Dynnyrne: the number of children above two years was 14, and under two years old, another 14. The mortality rate there was, however, tragically high, partly due to insufficient diet causing poor weaning.⁶³

Problems with Probation

The case study of Impression Bay may stand as an illustration of, Ian Brand's suggestion that VDL was above all not ready for the probation system. VDL did not, because of insufficient local or British budgets, have sufficient buildings to house the increasing number of convicts involved. Brand also remarked that existing buildings were grossly inadequate and, as suggested above, few overseers were available, good, bad or indifferent. Only during the two year hiatus or suspension of transportation [1846-1847, during which convict ships still arrived] did building of separate sleeping compartments for convicts - to reduce possible homosexual acts - meet demand.⁶⁴

Designed at a distance, the probation system did not suit VDL's economic conditions. A range of unintended consequences of probation as a 'new' system of convict administration arose. Lieutenant Governor Sir John Eardley-Wilmot, even before he took up his post, predicted the collapse of the probation system because of the 'pecuniary embarrassments of the colony' - its depressed economy.⁶⁵ Summing up in May 1847, La Trobe said that he thought probation caused the loss of 'common feeling' that had previously developed between good masters and their assigned convicts.⁶⁶ This sense of mutual feeling was lost amongst the short-term associations necessary for specific labouring tasks expected under the rural-based probation system. As Brand put it, VDL was not a 'proper theatre' for the probation system: it was too remote and too economically weak to effectively manage such a huge scheme, nor could it afford to build the required stations at a suitable standard.⁶⁷

Penal System Three: Convict Exiles

We now reach the third and last form of convict administration inflicted upon VDL. Assignment was followed by Probation, next came 'Exile'. This last system was implemented when Earl Grey once again revised and improved convict transportation, except that it was never appreciated as such in VDL. Local antipathy was especially strong because Earl Grey admitted that the colonies had 'just objections' to receiving any 'fresh' convicts: but exiles were not, he argued, 'fresh' convicts. Strenuous local reaction to such nit picking will become the focus of Chapter Nine. Before this the first batch of exiles left the UK in November 1844 and another significant batch arrived in 1846, along with Dr John Stephen Hampton who was to become Comptroller of Convicts.

The 'Exile system', in theory meant the criminals were not convict transportees, they were to be trained or reformed convicts sent to assist Australian development. Australia would not get newly convicted criminals, instead, they would spend *half* of their sentence in newly constructed prisons on English soil. The difference in the system was that after serving this initial period of detention, with a high proportion of it at hard labour undertaking British public works, convicts of good behaviour would be granted a conditional pardon for the remaining *half* of their sentence. These pardons, theoretically granted after some training programmes, would be subject to the convict going out to Australia, never to return to England - hence the use of the term 'exile'. They would there spend the latter half of their sentence working for the Government on public works in VDL. This reinforces the fact that constant work was the convicts' most gruelling punishment, although the various forms of convict administration always had additional forms of corporal or physiological punishment available, albeit with 'indulgences' to lessen the trauma.

When, in a lengthy dispatch to Earl Grey, dated 27 April 1848 William Denison balked at the continued implementation of this revised system, Grey was clearly annoyed. While he claimed that he was ‘happy to receive your [Denison’s] unreserved opinions’ they brought about ‘no change of mind’. For Grey, exiled British convicts would be ‘removed as Ticket-of-Leave holders to VDL’ to complete their sentence while remaining ‘liable to extension for serious misconduct and abridgement as a reward for industry’. Upon arrival most exiled convicts would, Grey believed, gain work for wages, and [often ignored] they must first repay the cost of their own transportation. This deduction, Grey argued, would avoid any ‘sudden increase in their means’, which might lead them astray!

This contradicted Denison’s freely expressed views that releasing mostly single male exiles onto the depressed local labour market would be at the expense of the ‘free married immigrant’. Denison even attempted to argue that this repayment deduction ought to be ‘expunged’ from the regulations. He needed this change because he was faced with the expense of retrieving the money from a myriad of ‘defaulters’, and he told Grey that only 48 of 448 new convicts had been able to repay their ‘fare’. Grey simply repeated that to return to the old assignment system would revert to the ‘inequality of punishment’ as previously outlined by the Molesworth and La Trobe reports: recall Earl Grey [then Lord Horwick] was on the Molesworth Committee]. Despite Grey’s refusal to change his mind Denison’s predictions proved correct: VDL’s fragile economy buckled with the influx of exiles.⁶⁸

In-Cell Incentive for ‘Exiles’

NSW Governor Gipps had earlier told Earl Grey that well paying jobs were once again becoming available in Australian colonies. Therefore, Gipps argued, more convicts were required in NSW and VDL and after being so advised Grey, in his July 1844 reply to Gipps, expressed his own optimistic view of the likely attractiveness of his new convict ‘exile’ scheme. Because of Gipps’ positive remarks Grey explained to him what had been arranged. ‘On the opening of Pentonville prison, assurances of such employment and such wages were given to each of the Convicts placed there, and, as a motive for their good conduct, this promise was printed on a placard which was hung in each separate cell’. Similar information was displayed at Millbank Penitentiary, where some inmates [like those at Pentonville] suffered in ‘dark cells’ and apparently became ‘insane’ even before their transportation.⁶⁹

This Pentonville poster also said, in part, that well-behaved prisoners would be taught a trade, after which they would automatically obtain a ‘Ticket-of-Leave, which ‘would confer most of the advantages of freedom’. While this was an overstatement, it also claimed that ‘labour being in great demand, and wages being therefore high, the Prisoner’s knowledge of trade ... will enable him, with industry and continued good conduct, to secure a comfortable and respectable position in society’.⁷⁰ So, by this notice alone Grey had turned transportation on its head, ‘it had turned from being a dreaded punishment sufficiently terrifying to deter crime, to being held out as a reward for prisoners in Britain who behaved well’.⁷¹

Transportation was no longer ‘worse than death’ it was a potential for obtaining work and consequently potential social advancement in a land far from UK prisons. Yet, as hinted, silence regimes using ‘dark cells’ operated in these UK prisons and inmates performed hard labour in Pentonville only to look forward to more of the same in VDL because toil was still an integral part of the ‘exile’ transportation system. Therefore, was Grey’s placard false in-cell advertising? False or not, a load of convict ‘exiles’ arrived in VDL on 12 November 1848. The *Ratcliffe* arrived with 248 convicts on board, and consequently as far as anti-transportationists were concerned ‘faith’ in Earl Grey was entirely undone.⁷²

Protesting against 'Neptune'

The last convict ship carrying 'exiles' landed in NSW in November 1840, although some NSW 'squatters' continued to hire convict exiles beyond the so-called cessation.⁷³ However, convict 'exiles' kept coming to Tasmania, and at a time when their employment was problematic. That is, after serving their time in a British prison now armed with a Ticket of Leave the convict exiles could seek personal employment. In addition, general pressure for comprehensive prison reform was increasing in the UK, but many people there genuinely 'believed this attempt to control British crime by severity in Australia had irredeemably failed'.⁷⁴ More specifically, the iniquitous and unsatisfactory situation was perceived as even worse in Tasmania.

Closer to home, at a 'densely crowded' rally held in Launceston, while three cheers went up for the Queen, they demanded the 'total cessation of transportation and legislation by representation, without which free immigration [to VDL] would be useless'. In their own words, they 'evinced a fixed determination to labour for the cessation of transportation and to obtain a free representative assembly'. Uppermost too was the notion of 'no taxation without representation' which effectively meant a desire to elect their own local MLC's.⁷⁵

Such rhetorical protest became physical. In one case, mass public agitation against exiled convict transportees on board the ship *Neptune* were unsuccessfully blocked from landing in Hobart Town.⁷⁶ This occurred after they had earlier been refused permission to disembark at the Cape of Good Hope, where the locals held joyous celebrations when the ship was forced to sail away. Earl Grey in negotiations with the Governor of the Cape explained that VDL could not accept any more convicts and therefore to accomplish public works in South Africa he would send some exiles there, if the public would tolerate them. Yet he did not wait to learn of the local opposition before he gained a new Order in Council in May 1848 declaring the Cape of Good Hope, with NSW, VDL and Norfolk Island, as penal colonies.

Protest on the Cape was similar to the Australian colonies in that it brought together disparate groups in a common cause. The English and the Dutch settlers came together apparently for the first time and there too local Legislative Councillors resigned.⁷⁷ An Anti-Convict Association was formed and a Pledge was implemented, although on the Cape the pledge was to support the isolation of the *Neptune* in the harbour by refusing to provide provisions to it. This boycott lasted three months, except for a few pledge-breakers, and was in fact the reason that Earl Grey decided to issue conditional pardons to 239 convicts [38 misbehaving exiles missed out, as did John Michel, the Irish Rebel convict. Grey also promised to match the number of exiles with government subsidised immigration of free persons, just as he argued for VDL, which place was mentioned in the London *Times*' reports on the *Neptune* affair.

The burden of the Colonial grievance is that the Colonial Office is trying to make the Cape a Penal Settlement, the same as Tasmania and New South Wales. [But] the moral sense of the Country [Britain] will hardly permit us to found fresh communities in crime and sin.

When the *Neptune* landed in Tasmania on 6th April 1850 the local newspapers were scathing. 'The rejected of the whole universe is poured in', wrote the *Courier*, and the pardoned exiles were described by the *Irish Exile* as

including mean filching pickpockets, petty larceny men, grovelling thieves, reckless burglars, assassins, cut-throats, and licentious scoundrels of every name, but all worthy of the kind and merciful considerations of Earl Grey's colonial administration ... [these] dregs – the wretches, who poison society, and disgrace humanity are let loose in too many instances, to revel in their former degrading pollutions.

'Pollutions' here, as expressed by the *Colonial Times* on 19 April, meant of VDL's society and prosperity via the island's children. The island was 'oppressed and overburdened' by convictism, and sending the *Neptune* to VDL 'is to declare to the world the deliberate intention of the British Ministry to insult, degrade, and destroy the free inhabitants of VDL'.

Such exaggerated remarks were common in the anti-transportation cause. Yet VDL's main complaint was that without its own elected Parliament, it did not find itself able to refuse the *Neptune* men. In addition, after this 'scornful rejection' of local opinion, as Shaw said, even more overseas convicts were sent to VDL.⁷⁸

To help ease Denison's immediate dilemma, as hinted, he was, via a dispatch dated 17 December 1849, instructed by Earl Grey to issue the majority of *Neptune*'s human cargo with Conditional Pardons. Yet the same negative outcome for VDL's population and depressed labour market followed similar convict ship protests in NSW and Port Phillip [Victoria]. Grey also continued to support Denison and wrote that 'you will acquaint the memorialists' [who had complained about Denison in writing] that her Majesty was 'not pleased to issue any directions' to or about him.⁷⁹

Refusals and Radicals

Another convict ship incident involved the *Hashemy* with 212 convict 'exiles' destined for NSW. It was rejected on 11 June 1849 after a near riot on Circular Quay in Sydney, where the residents declared that they would 'strain every nerve to effect the immediate cessation of transportation'.⁸⁰ As reported in the *Sydney Morning Herald*, the NSW folk, led by Robert Lowe, an ardent anti-transportationist, whom we shall meet again shortly, refused to be 'polluted with the presence of that living hell - a convict ship'. Similar 'wild commotions' occurred in Melbourne, where Lieutenant Governor La Trobe refused the *Randolph* permission to land 295 convicts, so it initially sailed on to Sydney.⁸¹ VDL was literally becoming a port of last resort for criminals, although contemporaneously Earl Grey privately agreed with Denison that 'convicts ought not to be collected in a single colony', and hinted that transportation was attracting the 'anxious attention of Her Majesty's Government'. Perhaps if convictism had gained more attention anti-transportationists would not have become so 'anxious' and turned against transportation 'in every shape', as the *Examiner* reported.⁸²

Back in VDL, an anti-transportation public meeting in February 1849, chaired by Richard Dry MLC, who had been one of the Patriotic Six, decided to raise money for their cause by posting up subscription lists in the local banks.⁸³ Banks, usually such conservative institutions, were often headed by VDL's local landed gentry and therefore became radical, or at least went along with the radicals. These radical-respectable activists also formed what they called the London Agency Association with these contributions so as to lobby on their behalf at 'home'. This because they felt that the official colonial agent in London did not lobby for sufficient change and merely maintained or was 'prevented' from altering the existing system. Increasingly bureaucratic forms had been developing in Whitehall after the mid-1820s and meant that 'departmental routines displaced private lobbying' in favour of change. Such routines effectively put a halt to the powerful personal patronage such as Sir Joseph Banks had wielded. Settlers could no longer gain private access to government so easily and needed a substitute channel of influence.⁸⁴

Helping to fund the inaugural anti-transportation agent – namely, John Alexander Jackson - were countless local citizens who had earlier sought to *retain* the assignment system, as had many others now committed to the anti-transportation cause. Prominent amongst these side-changers shown in a list of over 600 names supporting transportation was John Ward Gleadow, Launceston's inaugural solicitor, who later became an 'ardent advocate' against convictism. Later still Gleadow after he was elected to the local Parliament helped draft VDL's post-cessation Constitution in 1853-54.⁸⁵ Fundamentally, those who had once benefited from transportation were becoming advocates of its termination. Female convict assignment benefited many who took advantage of compulsory skilled and unskilled convict labour. They lost this ability to benefit, when probation shifted the system to favour official tasks in factories.⁸⁶

Finally the perspective on convict 'exiles' taken by the colonial administrations varied, of course. On the other hand, at the outset Sir John Franklin wrote to NSW and asked Sir George Gipps if it was possible to hold a 'conference' of colonial leaders to discuss what to do with these new convicts. In reply Gipps simply noted that such a meeting was 'unnecessary' and he explained this position to Lord Stanley in London.⁸⁷ According to Gipps rather than invent a new system of administration for this new form of convict, he proposed that each colonial administration treat them as immigrants.

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' p.298, and 'dust heap' Giblin 'History' p592; dust may also be interpreted as a polite 19th century term for excrement. Blainey, G 'Tyranny of distance' Melbourne: Sun books, 1966 p.24 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 P&P* Vol 16 No.2 September 1968 p.63

⁶ HRA SIII Vol I p.529, December 1804 p.528. Collins also repeated this Order on 7 January 1805

⁷ Brand, I Probation system p.115

⁸ Refer Rocher, C.A.W. 'Analysis of the criminal law of VDL' Launceston: Dowling, 1848 pp.230-1

⁹ Ullathorne, W 'The Horrors of transportation briefly unfolded for the people' Dublin: Coyne, 1838 [Facsimile: Canberra: National Library of Australia, 1988] p.7. To compare convicts and slaves; see also Neal, D 'The rule of law in a penal colony: law and power in early NSW' Melbourne: Cambridge University Press, 1991 pp.34-41

¹⁰ See for, example, Lennox, G 'A visitor's guide to Part Arthur and the convict systems' Rosetta: Dormaslen, 1994 pp.83-4

¹¹ For more details and examples refer Hood, S 'Transcribing Tasmanian convict records' Port Arthur: Port Arthur Historic Site Management Authority, 2003 pp.42-3

¹² Eldershaw, P. R. 'Guide' pp.2-6; 'Indents' explained p.21; 'number, name, when and where convicted, sentence, trade, native place [hometown], some details of personal appearance (always age and height) and some information on crime and relatives... After approximately 1828 information is usually given on literacy, religion, number of children'

¹³ Eldershaw, P. R. Guide to Convict Records, pp.29-30, 'Captions' are detailed p.42

¹⁴ For more on these matters see Susan Hood's 'Transcribing Tasmanian Convict Records' passim. An example of this interrogation method appears in Frost, L & Maxwell-Stewart, H, [Eds] 'Chain Letters: narrating convict lives' Melbourne: Melbourne University Press, 2001 p.19

¹⁵ For an excellent presentation of this state of affairs see Pybus, C and Maxwell-Stewart, H, *ibid*, passim, and 'horseback' p.78-9 and p.133. For Sorell see Mickleborough, L *William Sorell in VDL, Lieutenant-Governor, 1817-24; a golden age?* Hobart: Blubber Head Press, 2004 pp.59-60

¹⁶ HRA SIII Vol I paraphrased from some Remarks by John Oxley, 1810 p.578.

¹⁷ Collenette, P 'Tasmania: the history' D & L Book Distributors, 1990 p.30

¹⁸ West, J 'History of Tasmania' [2 vols] Launceston: Henry Dowling, 1852. [Facsimile Shaw, A.G.L.[Ed] Sydney: Angus & Robertson, 1971] p.222

¹⁹ See Davison, G 'Punctuality and progress; the foundations of Australian standard time' *AHS* Vol 25 p.176.

²⁰ For Hirst's questioning of this 'theory' see Hirst, J 'Convict society and its enemies; a history of early NSW' Sydney: Allen & Unwin, 1983 p.70

²¹ 'Caprice' Ullathorne, W 'The Horrors of transportation briefly unfolded for the people' Dublin: Coyne, 1838 [Facsimile: Canberra: National Library of Australia, 1988] p.18 and McKay, A, 'Assignment System of Convict Labour in VDL, 1824-1842'. MA Thesis: University of Tasmania, 1958. p.328

²² Dixon, J 'Narrative of a voyage to NSW and VDL' Edinburgh: Anderson, 1822 [Facsimile Hobart: Melanie, 1984] p.89

²³ Backhouse, J 'A narrative of a visit to the Australian colonies' London: Hamilton, Adams and Co, 1843 Appendix F footnote p lii, and refer footnote p liv, where convicts were 'ungrateful' if given kangaroo meat to eat.

²⁴ Robson, L 'Tasmania' Vol. I p.154

²⁵ Reynolds, H 'Men of substance and deservedly good repute; the Tasmanian Gentry 1856-1875' *AJPH* Vol XV, No.3 Dec 1969 pp.64-5

²⁶ Speech to the LC published in *Hobart Town Gazette* 19/6/1841 p498. 'labour as guilt' appears in Standing orders of probation System of Convict Labour in VDL, 1841 p.6

²⁷ Brand, I 'Convict probation system in VDL, 1839-1854' Hobart: Blubber head Press, 1990 pp.14-19

²⁸ Franklin' Speech *Hobart Town Gazette* 21/8/1840 p.772 and see McKay, A, 'Assignment System of Convict Labour in VDL, 1824-1842' MA Thesis: University of Tasmania, 1958 p.382

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- ²⁹ *Rules and Regulations for the First stage of Convict probation in VDL* Hobart: Pratt, 1847
- ³⁰ Lloyd Robson 'History of Tasmania' Vol. I p.264
- ³¹ Fenton, J 'Bush life in Tasmania fifty years ago' Devonport: Richmond & Sons, 1964 pp.45-6
- ³² Richmond B. W. 'Some aspects of the history of transportation and immigration to VDL 1824- 1855' MA Thesis University of Tasmania 1956 p.187
- ³³ Levy, M.C. I. Governor George Arthur p.146
- ³⁴ Brand, I Probation system pp.97-105
- ³⁵ Franklin, Sir John 'Some private correspondence of Sir John and Lady Jane Franklin [Tasmania 1837-1845]' Sydney: Ford, 1947 p.53
- ³⁶ Examiner 4 Jan.1845 p.11
- ³⁷ Nixon, N 'The pioneer Bishop in VDL' Hobart: Nixon, 1953 pp.32-3
- ³⁸ See 'Historical Atlas of Australia', which has several graphic presentations of convict data pp.200-5
- ³⁹ Brand, I Probation system, pp.120-2
- ⁴⁰ Damousi, J 'Depraved and disorderly: female convicts, sexuality and gender in colonial Australia' Cambridge: Cambridge University Press, 1997 p.49
- ⁴¹ Brand, I, Probation system, pp.132-146
- ⁴² Brand, I Probation system, p115 and Evans, L & Nichols, P, p.98
- ⁴³ Payne, H. S. 'A statistical study of female convicts to Tasmania 1843-53' THRA P&P Vol 9 No.2 June 1961 p.60
- ⁴⁴ Refer Parrot, J 'Elizabeth Fry and female transportation' THRA P&P Vol 43 No.4 December 1966 pp.169-86 ['docile' p.172]
- ⁴⁵ Clark, M 'History of Australia' Vol 1 Melbourne: Melbourne University Press, 1978 p.202 and Frost, L & Maxwell-Stewart, H, [Eds, p128 and Daniels, K 'Convict women' NSW: Allen and Unwin, 1998 p.103
- ⁴⁶ HRA S III Vol III p.71
- ⁴⁷ Mundy, G. C. 'Record of Observations in VDL' [Facsimile] Adelaide: Sullivan's Cove, 1986 p.48
- ⁴⁸ Prinsep, A 'Journal of a voyage from Calcutta to Van Diemen's Land: comprising a description of that colony during a six month's residence' London: Smith, Elder, 1833.p112
- ⁴⁹ Burn, D 'An excursion to Port Arthur in 1842' Hobart: Mercury, 1892 [Facsimile] Melbourne: Evans & Son, 1972 p.12
- ⁵⁰ Damousi, J, Depraved and disorderly p.31
- ⁵¹ Daniels, K 'Convict women' NSW: Allen & Unwin, 1998 p.113 and Rigg, V 'Convict life' in Nobbs, R [Ed] 'Norfolk Island and its second settlement, 1825-1855' Sydney: Library of Australian History, 1991 p.17, and 'brittle' in 'Irish women in colonial Australia' [Ed] McClaughlin NSW: Allen and Unwin, 1998 p.143
- ⁵² Brown, J. C. Poverty is not a crime Hobart: THRA, 1972 p.38 and p.71
- ⁵³ Lennox, G 'A visitor's guide to Port Arthur and the convict systems' Rosetta: Dormaslen, 1994 p.20 and p.77
- ⁵⁴ Rayner, T 'Historical survey of the female factory historic site Cascades Hobart' Occasional Paper No 3 National Parks and Wildlife Service' Hobart: NPWS, 1981 p.12 and Terry, Evans & K, I 'Hobart's history; the first 200 years' Hobart: PHAT, 1998 p.3, nutrition' and worn out shoes p20. Lady Franklin to E Fry 3/8/1841 Franklin, Sir John 'Some private correspondence of Sir John and Lady Jane Franklin (Tasmania, 1837-1845) [Ed] Mackaness, G Sydney: Ford, 1947 pp.22-9
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- ⁵⁶ HRA SIII Vol VIII p.746.
- ⁵⁷ Frost, L 'Eliza Churchill tells' in 'Chain Letters' p.81
- ⁵⁸ Crooke, R 'The Convict; a fragment of history' Hobart: University of Tasmania Library, 1958 pp.22-3 and Searle, C 'Valley of the shadow; the story of the cascades female factory' 40⁰ South No 10 Spring 1988 pp.42-45. Story also told in Fitzpatrick, K 'Sir John Franklin in Tasmania, 1837-1843' Melbourne: Melbourne University Press, 1949 pp.80-1
- ⁵⁹ Hutchinson, R. C. 'Mrs Hutchinson and female factories of early Australia' THRA P&P Vol.11 No.2 December 1963 pp.50-67. See also Bartlett, A 'Launceston female factory' THRA P&P Vol 41 No.2 June 1994 p.123
- ⁶⁰ Brown, J. C. 'Poverty is not a crime' Hobart: THRA, 1972 p.65 and Daniels, K, pp.188-120
- ⁶¹ Shaw, A. G. L. 'Sir John Eardley-Wilmot and the probation system in Tasmania' THRA P&P Vol 11 No.1 September 1963 p.11
- ⁶² See Bartlett, A 'Launceston female factory' THRA P&P Vol 41 No.2 June 1994 pp.115-124 and Daniels, K 'Convict women' NSW: Allen and Unwin, 1998 p.190
- ⁶³ Ryan, L 'Convict women reconsidered' Australian History of Teaching No.19 1992 p.22 and Hobart Town Gazette 12/1/1847 p.89. Brown, J. C. 'Poverty is not a crime' Hobart: THRA, 1972 p.64
- ⁶⁴ Kerr, J. S. 'Design for convicts: an account of design for convicts establishments in the Australian Colonies during the transportation era' Sydney: Library of Australian History, 1984 p.147
- ⁶⁵ Brand, I Probation system, p.24 and Shaw, A Convicts p. 26
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- ⁷⁰ A convenient version of this notice appears in Graeme-Evans, A & Ross, 'Short history guide to Port Arthur' Launceston: Regal Press, 1993 p.35
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- ⁷² Coghlan, T. A. Labour and Industry in Aust. p.320
- ⁷³ Refer Ratcliff, P. F. [Ed] John West's 'Union of the colonies; essays on federation' Launceston: Queen Victoria & Albert Museum, 2000 p.5
- ⁷⁴ Clarke, F. G. 'Land of contrarities: British attitudes to the Australian colonies 1826-1855' Melbourne: Melbourne University Press, 1977 p.23
- ⁷⁵ Resolutions of meeting against transportation in Launceston Infant School Room Examiner 28/10/1848 pp.707-8, and refer West, J 'History of Tasmania' [2 vols] Launceston: Henry Dowling, 1852. [Facsimile Shaw, A.G.L.[Ed] Sydney: Angus & Robertson, 1971] passim and pp.183-8
- ⁷⁶ For Cape and VDL affairs see Posthumus, L. H. 'The remarkable voyage of the Neptune; February 1849 - April 1850' South Australia: Seaview Press, 1999 passim
- ⁷⁷ English and Dutch mentioned by Cape Governor; refer Posthumus ibid p167, 'outcry' below pp.254-6, December 'dispatch' pp.262-3, 'universe' p.314, 'filching ...pollutions' pp.324-5
- ⁷⁸ A. J. Shaw, 'Convicts' p.335
- ⁷⁹ British Parliamentary papers: correspondence and papers relating to the government and affairs of the Australian colonies Shannon: Irish University Press, 1970 Vol 11 p.109
- ⁸⁰ 'Declaration of Rights' 1849 [Pamphlet, possibly John Dunmore Lang, held at Tasmaniana Library]
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- ⁸³ Phillips, Y 'Bartley of Kerry Lodge: portrait of a pioneer in VDL' Latrobe: Geneva Press, 1987 pp.60-61
- ⁸⁴ Ratcliff, P. F. 'The usefulness of John West: dissent and difference in the Australian colonies' Launceston: Albemarle Press, 2003 pp.379-389, and Atkins, B. R. 'The problem of the representation of Australia in England: the origins and development of the Australian Agencies-General during the nineteenth century' Department of History, University of Melbourne, 1959 passim; 'departmental routine' p20, 'prevented' refer footnote p36
- ⁸⁵ ADB Vol 1 pp.454-5, refer also Ratcliff's 'Usefulness of John West' p.304 and p.380 for these 600 names.
- ⁸⁶ Reid, K 'Setting women to work: the assignment system and female convict labour in VDL 1820-1839' *Australian Historical Studies* Vol 34 No 121 April 2003 pp.1-25
- ⁸⁷ HRA S3 Vol XXIV p.256.