

Extracts: 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

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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 its becoming a penal colony, for as historian 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

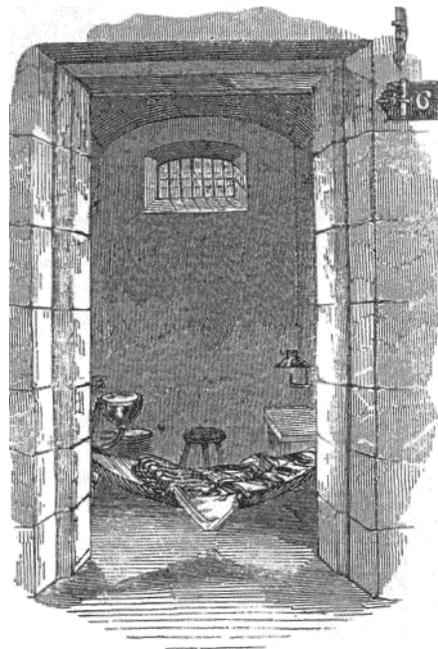
Background: Penal Plan

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 British 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 and until 1831 time-served convicts could potentially receive land grants.

Alternative views of convict history have stressed that trade and sea power were the vital selection factors involved not simply ridding Britain itself of an excess of convicts. K. M. 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 convict 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 (1): Punishment and Perception

Historically, humiliation for crime might mean a period in the stocks. In addition, mutilation as punishment for crime and oar-driven galleys, for example, were ancient forms of enforced labour for slaves and criminals before attitudes changed during the 16th Century. Thereafter, undertaking public works became a common form of punishment throughout Europe. Therefore, creating a penal colony in the Antipodes using labour as punishment was not novel, although by the time of the First Fleet attitudes towards criminals and imprisonment were still only slowly evolving away from mutilations. In VDL as late as 1826 a prisoner was sentenced to be ‘burnt on the hand’. There was also the use of the whip, the stocks and the treadwheel.⁶

Having mentioned treadwheels a short diversion seems appropriate. Port Arthur’s treadwheel, the ‘machinery for punishment’, as 1851 visitor to VDL, Colonel Godfrey Charles Mundy dubbed it, has an interesting tale to tell. It fell into disuse, ‘I was told’, Mundy wrote, and he added that ‘it had been discontinued because the wheel required too many hands (or, rather, too many feet) to make it pay’. Mundy also married his criticism of supposedly under worked convicts with use of the island’s alternative nomenclature-

I cannot help thinking, nevertheless, that it [the treadmill] might have been advantageously employed in reducing some of the too solid flesh on the ribs of the peninsular prisoners - product of the good beef and bread, oatmeal and potatoes, of Tasmania.⁷

Delano's Views

Alternative views that regarded justice as either punishment or reform, became a matter of worldwide debate. Yet to keep a long story short, we limit our brief discussion here to connections with VDL. From another contemporary pen we have the views of Amasa Delano, the American sailor who brought Bowen back to the Derwent in 1804.⁸ Also we do not analyse or criticize his comments, but simply record his 19th Century views as someone speaking without hindsight.

Delano believed that the English had 'two grand motives' in annexing NSW, of which VDL was a part until 1825.⁹ First, transportation was designed to 'rid society of a great nuisance' and simultaneously 'save the lives of convicts'. This was true because under the prevailing law of the land, known as the 'Bloody Code', between 200-400 relatively minor crimes carried the death penalty at various times during the 18th and 19th Centuries, although Prime Minister Peel reduced this to about 100 offences.¹⁰ Converting a convict's sentence to transportation was seen as compassionate, 'convicts made an agreement to go away: they might live but not in England'.¹¹ A popular poem circulating in London gaols declared that it was 'better to range free there [in NSW] than in prison perish'. A British judge while sentencing a convict to what he saw as the uncertain fate of transportation said something similar: 'perish or prosper, suffer or enjoy; I rid myself of the sight of you, the ship that bears you away saves me from witnessing your sufferings'.¹²

Delano also noted a second 'grand motive' for convict transportation. It aided the planting of a new colony in the farthest regions from England, and as a corollary it would, he claimed, 'civilise the natives'. This was admittedly ethnocentric, for convicts too could be uncivilised. Except that planting a new colony certainly required significant labour, and the transportation of convicts provided an army of farm labourers, servants, tradesmen, clerks, teachers, architects, lawyers and the like.

Cheap Policy

Taking a wider perspective transportation was an 'integral part of colonial policy. It had the great advantage of being merciful and cheap'. On another tack, Macintyre has it that NSW was colonised as a 'product of maritime exploration, trade and penology'.¹³ In short, turning NSW, Norfolk Island and subsequently VDL into open prisons was too expensive for any government. Therefore, private assignment of convict labour to freecomers commenced almost immediately under Governor Phillip in NSW because it saved the 'home' and colonial governments having to house, feed, clothe and guard the convicts. Likewise, Governor King commenced issuing Tickets-of-Leave in about 1801 for the same reasons.

Pitt's 'incorrigibles'

The legal basis of convict transportation is long and tangled. However, as background, the Magna Carta of 1215 prohibited someone being 'outlawed or exiled ... except by the lawful judgement of his equals or by the law of the land'. Legislation passed during the reign of Elizabeth I accordingly stated that 'rogues as were dangerous to the inferior people [were] to be banished from the realm' [39 Eliz c4]. By the Australian convict era it was the more respectable middle-class sector of society that felt itself in danger from the expansion of poverty and crime. Setting a precedent, under a 1717 law the sending of convicts to America started because of a 'want of servants' there [4 Geo I c11]. More broadly, from 20 January that year the British *Transportation Act* was intended to 'deter wicked and evil-disposed Persons' by sending those caught and tried to any of Britain's overseas possessions. Sending criminals overseas before the 1840s was partly used because prisons to permanently house them were few and they were decidedly unhealthy places for the inmates.¹⁴ Instead, prisoners would 'as soon as conveniently' be sent to America for the 'Space of Seven Years'.

At the same time this British law in part replaced capital and corporal penalties such as ‘Burning of Hands or Whipping’. Illustrating the intellectual reactions to inflicting the ultimate penalty then frequently occurring, Thomas Reid wrote in 1822, that capital punishment had ‘long excited feelings of abhorrence’. For contemporary politicians ‘making the labour of the able-bodied available to the new colonies was more important than punishing them revengefully for the vices they had displayed in the mother country’. Therefore, ‘banishment to remote lands was adopted’, and NSW or VDL were certainly remote from the UK.¹⁵

Summing this up, in 1791 British Prime Minister William Pitt, the Younger, justified convict transportation to NSW on two grounds. First, it reduced potential corruption of other prison inmates. Secondly, transportation sent ‘some of the most incorrigible criminals out of the Kingdom.’¹⁶ Also, establishing a distant penal and trading colony in NSW would enable ‘naval operations’ in the region wrote Pitt’s cabinet colleagues.¹⁷

Seat of Transportation

Concerning VDL in particular, without significant input from Collins, the newly occupied island of VDL became an enclave for Europeans. Writing to Governor King in February 1804 Collins requested that his relocated colony might *not* be used to receive convicts. He ‘conceived that consent of any state must first be obtained before it could be made the seat of transportation.’¹⁸ Collins did not want VDL immediately turned into a prison compound. Confirming this position Governor King told Lord Hobart on 14 March 1804 that:

The convicts [in VDL], who were sent to form that settlement before Col. Collins arrived, and those he may object to, shall be withdrawn by the first vessel I can send, nor will any person be sent from hence, but by his own application.¹⁹

However, Collins soon bemoaned that the NSW judges were sentencing offenders to serve jail terms in VDL. Transportation was a criminal sentence still possible while already *in* as well as coming *to* Australia. ‘Since my arrival here’, Collins complained to King, ‘several flagitious characters have been adjudged by sentence of the Criminal Court to serve for a certain number of years at Risdon Creek.’ Hoping to stop this practice he pleaded with King that ‘no one should come to the settlement which I have formed without my particular application’. On the other hand, Collins ‘did not wish to keep anyone against their will, over whose person I have no legal right.’²⁰

While these comments are often overlooked, obtaining Collins’ prior consent was a forlornly optimistic view. Conversely, his objections to keeping Bowen’s unruly convicts were readily implemented by King. Yet, his ‘particular application’ on accepting convicts was especially unlikely to be followed because the omnipotent English authorities already thought that Sydney was ‘saturated’ with criminals. Indeed, Governor King had listed amongst his five reasons for annexing VDL his wish to ‘divide the convicts’, and sent settlers there.²¹ Even so, by July 1804 Collins was ‘anxiously awaiting three or four hundred prisoners’ [who never arrived]. Later, in December 1807, Lord Castlereagh wrote to NSW Governor Bligh about VDL and expressly said ‘you will not send settlers’ there, but retain it for a place where convicts may be usefully employed until the utility of forming a more permanent establishment shall be more fully ascertained’.²² The island’s initial fate was now sealed.

Collins was soon faced with controlling more convicts from NSW and later Norfolk Island. Therefore, one of his first acts was to appoint Corporal John Sutton as a general Superintendent of Convicts on 27 February 1804.²³ In another largely futile attempt to redirect the character of his embryonic colony, Collins also issued *General Orders* in June 1804 that required his free settlers to pay convicts for the work that they managed to do after their government tasks, except that this payment system was not to last. Collins was forced to issue another *Order* in September 1804 stating that convicts were not to be paid in spirits alone. He wanted their access to liquor restricted because this ‘permission may be abused’, and besides, resulting drunkenness made the convicts ‘incapable of performing their labours.’²⁴

Claiming Convicts for VDL

Twenty-four convicts accompanied Bowen, and he gained twelve more who came with Lieutenant Moore. Collins' contingent of some 294 convicts was selected from the hulks at Portsmouth based on an order dated 12 February 1803. Another 20 went with Colonel William Paterson to establish Port Dalrymple in November 1804. Thereafter, and no doubt abandoning his hope to be asked for his prior consent, on 6 August 1804 Collins specifically claimed hundreds more convicts. He asked that he 'may be sent both male and female prisoners for this settlement', and added that even a 'small recruitment would be of very little benefit'.²⁵

Likewise, five years later on 25 March 1809 Collins mentioned to Colonel Paterson his continued need for additional convicts. Paterson was at the time Acting Governor of NSW in Sydney after William Bligh's overthrow, and he coincidentally wrote to Collins the next day. The letters must have crossed because Paterson had been considering sending 'as many convicts as can at present be spared' from Sydney to go to VDL.

Collins was asking for convicts, and felt that not being sent them was 'backwardness' on the part of those in NSW. At his explicit request the next incumbent NSW Governor Lachlan Macquarie sent an additional sixty convicts. Obviously Collins was now looking everywhere for further felons for his encampment. This batch of 60 additional convicts was selected from new arrivals in Sydney and they arrived in VDL in March 1810. Collins was, however, required to pay the master of their transport vessel the *Union* a delivery fee of £2 each of these convicts. Becoming a penal colony was never cost free in any sense of the term.

Despite this cost, Collins was no doubt pleased. He had recently been unable to allow some newly emancipated convicts [their sentences concluded] to 'go off the stores' and work for themselves 'until he was better able to part with them'.²⁶ It was also his aim to 'furnish the Settlers with servants and to carry on the public works, but [also] to do away with the expense of hiring free people.' VDL's initial *raison d'être* was here explicitly stated in writing. Some four decades later the issue of the access to and the cost of hiring convicts or free people would rear its head again in later political discussion as VDL sought to become convict free.

Collins later claimed for even more convicts. He wrote to Governor Macquarie in February 1810 hoping that Macquarie would forward 'from time to time mechanics and labourers to supply the vacancies occasioned by the death, desertion and expiration of sentences of transportation'.²⁷ Also, as noted, Collins could not stop NSW judges sending criminals to VDL. Therefore, VDL was to remain a place of secondary punishment for 'incurable' convicts expelled from NSW. This continued even after Macquarie, at the 'urging of William Sorell',²⁸ asked Lord Liverpool for 200 convicts to go *directly* to VDL to honour the promises made to the free settlers and other transferees from Norfolk Island for sufficient convict labour.

In 1812 199 male criminals became VDL inhabitants. They were on board the *Indefatigable*, which landed directly on VDL soil on 5th October 1812 rather than via NSW. Acting VDL Commandant Captain Geils immediately sent 80 of these new arrivals to Port Dalrymple, of which transfer Governor Macquarie approved, and two of the new arrivals were amongst VDL's first Jews, many of whom went on to become leading citizens and politicians.²⁹ Another famous pair amongst this first batch of directly arriving convicts were Michael Howe and James McCabe, who were soon to become 'bolters', as they were initially known, or more infamously they became 'bushrangers'.³⁰ These two became notorious men who contributed to VDL's burgeoning bad reputation. As an aside, Hamish Maxwell-Stewart's study has shown that bushrangers were often skilled, single and healthy younger convicts. No doubt this was requisite for living and surviving as outlaws.³¹

It has come down to us that bushrangers were always a problem, but sometimes they weren't. During George Arthur's tenure he supposedly eradicated them. Yet on 26 January 1836 a reward was offered for the capture of two bushrangers, and it offers an interesting interpretation. If a serving convict did the capturing, they would obtain a Ticket-of-Leave. If they already held a

Ticket, they would obtain a conditional pardon. Except that, should a 'free person apprehend them', a 'reward of Twenty pounds each' was on offer.³² Not only do we have here a case of the authorities setting convict against convict, we also have, by default perhaps, a momentary value placed on freedom. It also leads one to wonder how many convicts managed to gain their freedom in this way and perhaps earned enough money to either obtain counterfeit pardons (which were often being detected by authorities) or who managed to corrupt convict department staff and so obtain a seemingly legitimate document.

Criminals or Non-Criminals?

The statistical evidence of convicts sent to VDL must be qualified. Hidden in the raw numbers one must identify many who were in reality 'political' prisoners such as machine-breakers, cattle-maimers, early trade unionists, Tolpuddle martyrs, Luddites, and Irish or Canadian insurrectionists. For example, Joseph Mason, an agricultural labourer, albeit literate, was transported for 'machine breaking, yet he broke no machines; he was tried and convicted for robbery, yet he robbed no-one. His real offence, for which he could not be openly charged, was that he was a radical, a critic of the status quo.' He was also at the forefront of a supposed riot against loss of gainful employment, and hence food. Such rural riots in the 1800s were direct action aimed at obtaining a living wage, but the ruling authorities saw them as potential rebellions, a 'civil war' to be crushed.³³

One such 'rebel', George Loveless, a Tolpuddle Martyr, in 1837 wrote of his period in VDL and over 12000 copies of his story were sold, within which his international readers would find the *Tasmanian* newspaper repeatedly quoted. He also reported that on arrival in VDL as well as his personal 'dimensions' being documented, a shipboard interrogation on unionism took place, which was repeated when he met Governor Arthur.³⁴ Suffice it to say here that these 'treasonable' men, women and groups were transported for what authorities decided were their 'seditious crimes'.

These subversive rebels were mostly 'country dwellers', who revolted against the harsh rule of their English or colonial masters in Canada, Ireland, Wales and New Zealand, et cetera.³⁵ Also despite Port Arthur's reputation, many convicts sent there were not only less criminal in character, they were also often not the more numerous urbanite convicts. These city folk did not take well to hard labour and so suffered relatively more than rural labourers initially might. Another example of 'sedition' was Dennis Collins, who threw stones at King William IV. He had his death sentence commuted to transportation, but once in solitary confinement in VDL he refused to eat and died!

Convict Profile: paupers?

As Robert Hughes succinctly put it, 'Poverty begets theft'.³⁶ This is an international phenomenon, which also had its appearance in VDL. That is, dire social and economic circumstances lead to crime or imprisonment for debt. Not all of VDL convicts were criminals; many were merely paupers. During 1833-1838, for example, averages of 240 free persons were convicted for debt each year in VDL. Prison occupancy for local debtors ranged from only 10 males and 2 females in 1831 up to 204 men and 2 females in 1837.³⁷

Hughes' remark was certainly true in Great Britain, Ireland and other parts of the British Empire during Australia's colonial period. While many current writers, as noted below, have recast the image of convicts George Arthur was often far from impressed. Twice in February 1829 he complained about the 'number of abandoned profligate characters who cannot be assigned to any service'. Therefore, they became a financial burden for him, and he went on to say that

this is also most seriously aggravated by the numbers of useless characters who are annually transported, creatures who are a burden to any Settler, and whom none will retain in their service but from positive necessity; idiots, madmen, and cripples with boys, ignorant Clerks, and weakly idle pick pockets, constitute, in the mass, a considerable proportion in this Colony.³⁸

More modern interpretations on convicts will form part of what follows. Although whether all those tried and transported were ‘victims of the system’ or not, from the female angle at least, Oxley’s *Convict Maids* suggests that for women ‘stealing was the convicts unrivalled crime.’ For example, only five females were transported for embezzlement, and most of the female convicts were ‘not habitual and organised criminals’.³⁹ Nor were they hardened ‘whores’ as is so often suggested. In some cases those in power, with their ‘middle-class values’, considered cohabitation or de facto relationships as whoredom, even if the couple only avoided marriage because of the high cost of marriage licence fees.⁴⁰ Therefore, cohabitation without matrimony cannot be considered ‘sexually deviant behaviour’ amongst the working classes, nor did it diminish mutual affection. Also not a few of the female convicts were angling to be sent to VDL as a form of ‘family reunion’.⁴¹ More formal family reunions were provided for by the British Government through a 50 per cent subsidy of the travel costs, with charity groups often making up the balance so that spouses and families might be able to join their so-called criminal partners.⁴²

Lloyd Robson calculated that the average age of female convicts was 28 years or one year older than the average age for male convicts.⁴³ On board one particular convict ship from Ireland, the female convicts’ age ranged from 15 years of age up to 75. Even so, once in NSW or VDL it has been suggested that most women, during the period 1830-1850 at least, largely ‘served as mates, mothers and domestics’.⁴⁴ Confirming this, and on a wider timeframe, Alison Alexander’s close study of the female population of VDL from 1803-1914 concluded that the ‘limited scope’ of available colonial work opportunities meant that female paid employment was largely confined to ‘domestic or nurturing’ roles.⁴⁵ Higman too provides information on domestic service with its hierarchical ‘ranks’ from cook, down through lady’s maid to seamstress and then laundress, nursemaid, et cetera.⁴⁶

It has regularly been recognised that many, but not all, members of Australia’s convict cavalcade were ‘just crooks who had been caught’, as Robson remarked. They were indisputably found guilty of various crimes even if only minor larceny offences, such as stealing an umbrella, sheets and blankets or an apron, a nightgown, or even a few ducks.⁴⁷ Because of the prevailing negative attitudes towards all criminals the petty thief - perhaps more sinned against than sinning - was lumped in with hardened recidivist criminals.⁴⁸ Alternatively, detailed analysis of many of these transported criminals, especially those who were first time offenders, has concluded that only 1-in-5 of the 64655 convicts to reach Tasmania committed fresh crimes on the island. Besides, judicial outcome of criminal cases often depended upon when and where a felon stood in relation to labour requirements. Those who had hay-making skills might face a trip back to jail for insubordination, but this was unlikely during harvest season.⁴⁹

Robson, using a small sample of 100 convicts, some of whom were simply insubordinate soldiers, put this recidivist rate as high as 65 per cent. He also calculated that only one third of English convicts had good records while in VDL.⁵⁰ Conversely, confirming some Irish female convict data presented by John Williams, James Moore reports that amongst the ‘urban group’ of his statistical sample of VDL convicts from 1840-1853 only 20 per cent appear to have ‘poorly adjusted’ to the system. In other words, 80 per cent did not endure ‘reconvictions’ nor were they ‘notoriously’ badly behaved.⁵¹

Presenting individual crimes here, mostly petty larceny, would generate a monumental list. The crimes involved ranged from highway robbery to what is known today as ‘snowdropping’, stealing clothes from washing lines. Taking food was also widespread but attempting to make money from crime often meant getting caught. This was because much of the stolen booty was detected in the process of being ‘fenced’ for cash and, therefore, the so-called ‘social victims’ were caught.⁵² Williams, who admittedly focuses on Irish convicts, notes that 4/5th of English convicts were guilty of low level or ‘ordinary larceny’. Of the 14492 Irish convicts who arrived in VDL only 3/5th of them committed similar offences: instead they more frequently stole animals, principally for food.⁵³ Ireland’s potato famine meant few of the unemployed poor had access to sufficient food.

Convicts, By Gender

For fifty years until 1853, VDL received convicts, and later still, more came from Norfolk Island, although, as noted, the total number of convicts involved is still uncertain. The three forms of convict administration that applied during these 50 years are summarised shortly and here in a Table we divide the number of convicts who became enforced island inhabitants by gender. It shows as mentioned above that the number of females was one quarter that of male convicts. This disparity began in January 1805 when Governor King had sent 30 female convicts to VDL on the *Sophia*, and prior to their arrival Collins told King that any ‘women you destine for this settlement will be welcome.’⁵⁴

The first female felons to arrive directly on VDL soil came in 1820, when Lieutenant Governor William Sorell reported that the ‘demand exceed the number’ because the settlers wanted female servants. Sorell added that only those ‘sick and incapable’ of the 42 females were unassigned.⁵⁵

Extract: Becoming Tasmania		
Gender and Source of Calculation	C1 Ships	C2 Number
Men:		
C1 - Principal ships,	53153	-
C2 - By their convict numbers	-	57909
Women:		
C1 - Principal ships	12414	-
C2 - By their convict numbers	-	13392
‘Miscellaneous’ register to 1853	2964	2964
Men from NSW on ‘minor’ ships	1666	-
Women from NSW on ‘minor’ ships	519	-
Men from Norfolk Island, 1844-50	2607	-
Total	73323	74265

Source: Adapted from Eldershaw p.p62-63

Adapted from Peter Eldershaw’s work, this Table provides information of the number of male and female convict arrivals on ‘major’ and ‘minor’ ships. It does not include felons from Norfolk Island after cessation. Nor does it, indicate the background of these convicts, but H. S. Payne examined a sample of 7024 female convicts transported to VDL. Their minor crimes, or even burning houses or hayricks, were more often based on ‘real grievances’ such as poverty or unemployment. In short, the female felons were not ‘pyromaniacal’, but were seeking to escape the Irish famine.⁵⁶

Female convicts were, according to Coultman Smith, a ‘mixed case book’ of moral characters no matter what their crimes had been. However limited his view may be, at least Smith grasped the fact that ‘their transportation was more for the benefit of the new colony than for relief of the UK’. This is confirmed by Kirsty Reid who has recently written about the female convicts of the assignment era in VDL. From her viewpoint females were not merely for sex-reproduction purposes, but - as also argued here - female convicts performed countless services to settlers and industry. Records also show that the skills of female convicts were closely considered before they were assigned masters. Such skills as dressmakers, cooks and ‘gloveliner’ were snapped up, and even confectionary workers were quickly assigned to local manufacturers.⁵⁷ Such labour-oriented benefits of transportation for employers ceased or greatly diminished with the end of the assignment system, which became a source of complaint.

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' p.592; 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 See footnote in R. Jerries, 1826 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>
- ⁷ Mundy, G. C. 'Record of Observations in VDL' [Facsimile] Adelaide: Sullivan's Cove, 1986 p.63
- ⁸ Seagraves, E. R. [Ed] 'Delano's voyages of commerce and discovery: Amasa Delano in China, the Pacific Islands, Australia, and South America, 1789-1807' Massachusetts: Berkshire House, 1994
- ⁹ Delano, A 'Narrative of a voyage to New Holland and VDL' Hobart: Cat & Fiddle, 1973 p.22
- ¹⁰ See for example, Sweeney, C 'Transported: in place of death; convicts in Australia' Melbourne: Macmillan, 1981 Chapter 1 'The offences' passim. For historical references refer: Bennett, M & Petrow, S [Eds] 'Crime and the law in historical perspective; selected readings' Hobart: School of History and Classics, University of Tasmania, 1998 p.74
- ¹¹ Atkinson, A 'The Europeans in Australia: a history: volume one; the beginning' Melbourne: Oxford University Press, 1997 p.86
- ¹² Poem: 'Convict farewell to Old England' in Australia to 1788 p.401. Judge's remarks are for convenience cited by Kercher, B 'Prosper: The Law and Convict Transportation in the British Empire, 1700–1850' *Law and History Review* Vol 21 No.3 Fall 2003 and http://www.historycooperative.org/journals/lhr/21.3/forum_kercher.html
- ¹³ McIntyre, S 'A concise history of Australia' Cambridge University Press, 1999 p.31
- ¹⁴ Neal, D 'The rule of law in a penal colony: law and power in early NSW' Melbourne: Cambridge University Press, 1991 p.13
- ¹⁵ Refer Briggs, J [et al] 'Crime and punishment in England; and introductory history' London: University College Library, 1996 p.164 and Morris, N & Rothman, D.J. [Ed] 'The Oxford history of the prison' the practice of punishment in western society' New York: Oxford University Press, 1998 and Reid, Thomas 'Two voyages to NSW and VDL' London: Longman, 1822 pp.1-2
- ¹⁶ Evans, L, & Nichols, P 'Convicts and colonial society 1788-1858' 2nd Edition Melbourne: Macmillan, 1984 p.23
- ¹⁷ Frost, A 'The global reach of empire: Britain's maritime expansion in the Indian and Pacific oceans 1764-1815' Melbourne: Miegunyah Press, 2003 passim and see Chapter 6 'The search for bases and trade', eg p.155
- ¹⁸ HRA SIII Vol I p.226
- ¹⁹ HRA SI Vol IV p.580, and 'particular application' Collins, D 'Account of voyage to establish settlement in Bass's Straits' Melbourne: Colony, 1986 p.135
- ²⁰ HRA SIII Vol I p.359
- ²¹ HRA Vol V Appendix p.835.
- ²² Currey, J 'David Collins: a colonial life' Melbourne: Melbourne University Press, 2000 p.263
- ²³ HRA SIII Vol I p.220, for other early appointments see also p.248, p.252, pp.262-3
- ²⁴ HRA SIII Vol. 1 p.525
- ²⁵ '294' HRA SIII Vol I p.13, 'recruitment' HRA SIII Vol I p.275; 'backwardness' HRA SIII Vol I p.433
- ²⁶ HRA SIII Vol I p.352 and p.435, for explanations of such terms as expirée, 'off the stores' see Laugesen, A 'hiring free people' HRS SIII Vol I p.415
- ²⁷ Barrett, W. R. 'History of Tasmania to 1810' Hobart: Whiting, 1936 p.74
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