

THE TRANSPORTATION OF CONVICTS TO AUSTRALIA

DR. L. L. ROBSON





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TO AUSTRALIA**

by
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Convicts numerically dominated the population of Australia during its years of foundation, and the system of transporting prisoners to the colonies continued until 1868, when the last British convict set foot on the soil of Western Australia.

During this period of eighty years from 1788, approximately 163,000 individuals were transported, of whom about 25,000 were women.

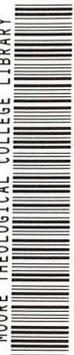
ORIGINS OF TRANSPORTATION

The idea behind transportation was two-fold: to get rid of undesirable elements and to use them in some way that would be of use to their country.

There were other motives also, such as reformation of the convict and deterrence of the potential wrong-doer, but it would be foolish too readily to attribute aims and motives with the idea

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The First Fleet at anchor in Botany Bay

that they formed a coherent pattern of thought and action on the part of legislators, penologists or gaol officials.

At different times different people in Great Britain held strong views on the whole system; sometimes the idea of punishment and hence (it was thought) deterrence was uppermost and at other times greater attention was paid to the prospect of rehabilitating the transported convict than to punishing him.

These different motives associated with punishment in general and transportation in particular were never resolved, and possibly never will be, and it would be a mistake to generalize too much about whether transportation was 'good' or 'bad', or whether it 'succeeded' or not. This all depended on the assumptions of the observer and the sort of person who had been convicted and sentenced to transportation.

In the eighteenth century and earlier, various methods were tried of transporting people who had been convicted of offences. For instance, along the lines of getting rid of them and at the same time helping the nation, prisoners were sometimes sent into the army to fight for their country, an idea which was revived in Australia during the war of 1914-18 when enlistments were thought to be too low, and was canvassed again as late as the 1960s in connection with the conflict in Vietnam.

As a rule, such eighteenth century experiments were not successful: the convict soldiers became mutinous and, indeed, in one bizarre case deserted to the enemy forces after wrecking headquarters and throwing their gunpowder down a well, and fought with great vigour against the British.

Again, convicts were thought to be useful for furthering trade in West Africa; strenuous efforts were made to use them in this way, but these enterprises were not crowned with success.

In England, convicts came to be housed on hulks (old ships anchored in river estuaries) and employed in dock labour and such like, but for most of the eighteenth century, prisoners were sent to British North America until the outbreak of the American Revolution in 1776 put a stop to that.

During the war with her American colonies, Britain was therefore compelled to keep her convicts home. When the campaign

ended, and even before that, it was decided to try various places in Africa as possible sites for convict employment in relation to trading posts, but ultimately, in 1787, the First Fleet set sail for New South Wales.

Why New South Wales and why 1787? The reasons seem to have been mixed: transportation of convicts was a common method of getting rid of them and therefore the settlement proposed for Botany Bay represented no change in principle (though it was a government expedition, and not a private venture as had usually been the case); there had been pressure on politicians by individuals alarmed at what they thought was an extraordinary growth of crime; there was the prospect that flax and timber might be useful for the British navy; and there was the prospect of establishing a British base on the edge of the Pacific Ocean where existing and future trading and whaling ships might find a refuge and a place for refitting.

THE COLONY OF VICTORIA AND TRANSPORTATION

Transportation continued to New South Wales until 1840 and to Van Diemen's Land till 1853. It should be noted, therefore, that no convicts were transported directly to the Port Phillip District or Victoria except for about 1400 'exiles' landed during the 1840s. (These were men who had been sent out from British prisons only after they had shown they were well-behaved.)

This means that the convict system, as it relates to prisoners convicted in Britain, must be seen in terms of New South Wales and Van Diemen's Land and, at a later date, Western Australia.

But two points should be noted here. First, until Victoria was created a separate colony in 1851, it was part of New South Wales and hence had convict labourers working on its soil anywhere a New South Wales or Van Diemen's Land settler chose to take them. Second, there is positive evidence that thousands of men and women sent to Van Diemen's Land as convicts left that island and came to Victoria, sometimes as escapees but usually as freed prisoners, able to travel where they wished.

This was the case with Ned Kelly's father who, it is fairly certain, was transported to Van Diemen's Land and then came to Victoria.



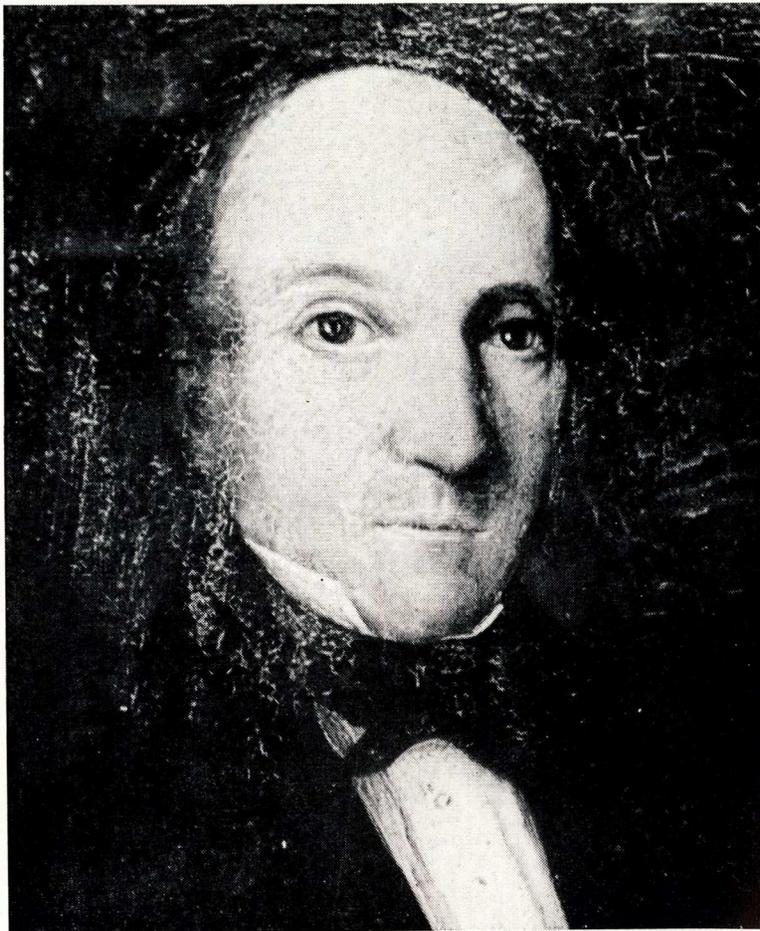
"Convicts Embarking for Botany Bay", Thomas Rowlandson

SHOCK TREATMENT

A vast amount of ink has been expended on describing the horrors of transportation and the dire necessity to end it, and probably as many inkpots were emptied by British clerks in transcribing the thousands of pages of evidence presented to parliamentary committees by people who outlined their own experiences with prisoners who had been sent overseas.

It should at once be stressed that the system of punishment by transportation was a realistic and defensible form of shock treat-

Governor Sir George Arthur



ment which was probably a better form of punishment for many criminals than any other in use at the time.

On the other hand, the system could and did get quite out of hand and led to refined and unrefined types of torture which makes the blood run cold with shock and horror and which came dangerously close to brutalizing society. When the clear existence of cruelty and suffering ceased to affect many people, then it may be held that the level of civilized conduct was lowered, probably insidiously and slowly, but lowered nevertheless.

There is, then, no 'true' account of the convict system of transportation to Australia, but it certainly may be described and illustrated in a general way.

ASSIGNMENT OF CONVICTS

From the day Australia was occupied by the British expedition of 1788, until 1840, the general method of dispersing and dealing with the transported convict may be called the assignment system.

In the early years this meant that prisoners could be lent out to free settlers or to other prisoners whose sentences had expired, though as a rule they were compelled to labour for the government at building roads and bridges and so on. As time went on, this system became regularized and reached its peak under Governor George Arthur in Van Diemen's Land during his term of office between 1824 and 1836.

During the years of assignment, what happened to convicts was something like this: having been apprehended, tried and convicted in England or Ireland, Scotland or Wales or a British overseas possession, almost invariably for some form of theft, they were then taken on to a hulk. Here they would be kept at work for weeks or months or even years, till their sentence of 'transportation' (usually seven years, but quite often fourteen years, twenty years or life) had expired, or they had expired, or they were pardoned.

When actually shipped out to Australia, prisoners were placed on board a specially equipped convict ship and, under guard, began the three-month voyage out to Sydney or Hobart Town.

Though a few voyages were made notorious by many deaths, during the whole period of transportation fewer than two per cent

of prisoners died on the voyage, so it would be misleading to suggest that inhumanity and overcrowding were general. Long sea trips in the nineteenth century, however, were always unpleasant and characterized to a certain extent by cramped and unhealthy quarters and food which was monotonous and often lacking in nourishment.

EXPERIENCES OF A CONVICT

When the convicts reached Australia, they were mustered on board and inspected by the Governor. There would be questions asked about the voyage and the treatment the prisoners had received; the surgeon-superintendent (the government officer placed in charge of the prisoners when they left Britain) would report to the Governor and hand over the official documents.

The convict system produced documents on a grand scale. Everything and everyone appears to have been documented in what were virtual police states. The main paper was the indenture or 'indent' as it was usually known.

For most of the transportation period this was hand-written, but in the 1830s copies were printed in book form. Essentially the indent listed all the prisoners on board by name and court, date and place of conviction, and a note of the offence and physical description, including distinguishing marks such as scars and tattoos.

Note was also taken of their comments about why they had been transported. It is interesting to observe that although records of such verbal comments may still be seen in the convict registers in the case of Van Diemen's Land, they may not in the case of New South Wales. Perhaps they were never taken systematically or perhaps they have been lost or destroyed.

After inspection, the prisoners were marched to barracks or placed in lodgings elsewhere to await assignment, and issued with rations and rough convict clothing called 'slops'. Some clothes were marked with the government broad arrow design, but it seems that very often prisoners were not distinguishable in dress from any other labourers.

With this constant increase of population and the injections of British money which paid for a good deal of the system and its ramifications, the Australian economy boomed for much of the

Description of the said

Trade _____
 Native place _____
 Height without Shoes _____
 Age _____
 Complexion _____
 Head _____
 Hair _____
 Whiskers _____
 Usage _____
 Forehead _____
 Eyebrows _____
 Eyes _____
 Nose _____
 Mouth _____
 Chin _____
 Remarks _____

for Ship



To all to whom these presents shall come, I *George Young* Governor in Chief of the Island of Tasmania, and its Dependences, send greeting

N^o _____ Whereas _____ was tried at _____ in the year 18____ and arrived in this Island in the year 18____ under sentence of Transportation for _____
 And whereas His Majesty hath been pleased to signify to me His approval, through one of Her principal Secretaries of State, of a pardon being granted to the said _____ upon condition that he shall not during the said period for which the said Sentence was pronounced return to or be found within _____ or the United Kingdom of Great Britain and Ireland
 Now therefore I the said _____ do in pursuance of the instructions to me in that behalf given and sent by the Secretary of State, and of the Act of Parliament entitled "An Act to amend the Law affecting Transported Convicts, with respect to pardons and Tickets of Leave," by this Instrument of writing under the Seal of the Colony of Tasmania grant to the said _____ a pardon upon condition that he shall not return to or be found within _____ or the United Kingdom of Great Britain and Ireland as aforesaid.

In Testimony whereof I have hereunto set my Hand and caused the Seal of the Colony of Tasmania to be hereunto affixed at the last Town in Tasmania this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Register C. 1110

George Young
 Governor

transportation period although there were some severe economic depressions. A demand for labour went hand in hand with this economic development especially in relation to the wool industry which absorbed many convicts as shepherds.

In these circumstances it was usually no trouble for the government to be rid of convicts to private colonists.

As the prisoners waited in their quarters for assignment, the government officers scanned applications from settlers. Here an applicant would be refused convict man-power because the administration considered the person applying to be dishonest or otherwise out of favour with the government; there an applicant would have his request for 'a reliable girl to assist in the house, three sturdy men from the agricultural areas at home, and a skilled stone-mason' met with a tick of the pencil.

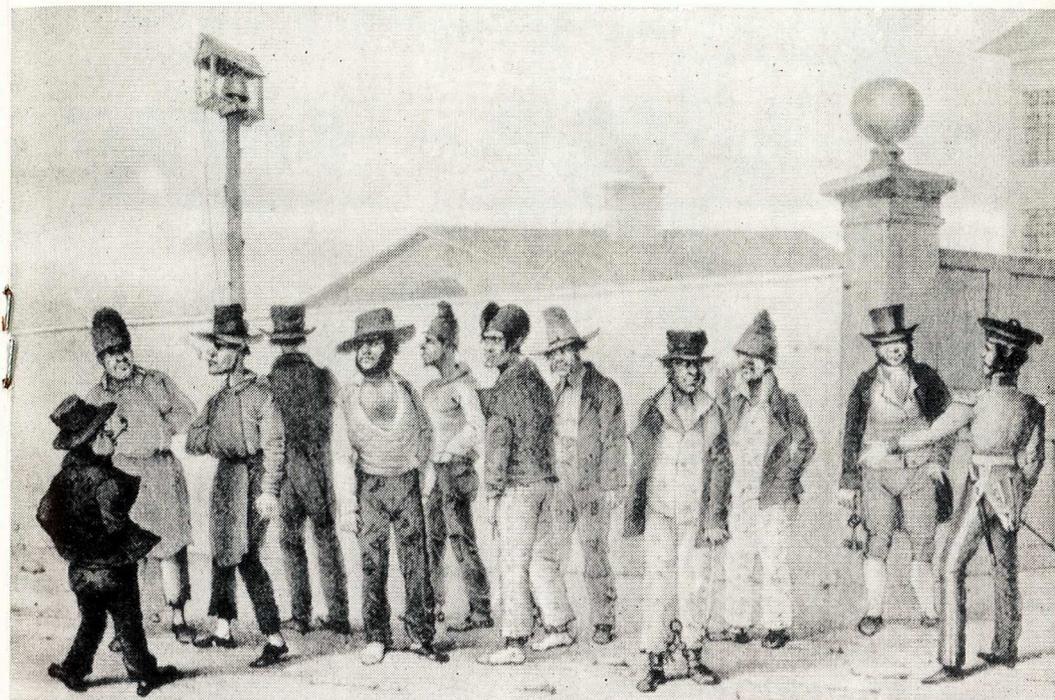
At this, the applicant might personally take delivery of his new servants or possibly, if he lived hundreds of miles away in the bush, have them brought to him or dropped off by an official party of soldiers acting as an escort to a group of prisoners assigned up country to various masters.

Once lodged in his quarters in a hut at a station homestead, the convict was very much at the mercy of his employer and, of course, of his own nature and impulses. Passes could be issued to a prisoner to travel from one district to another but the main point to notice is that the prisoner was virtually a slave, though not in the strictly technical sense of that term.

Other prisoners were assigned to the government, and this usually meant employment on the public works. During his sentence of transportation, a prisoner might stay with only one master or might be employed by dozens. This could easily lead to great variations in the degree of punishment.

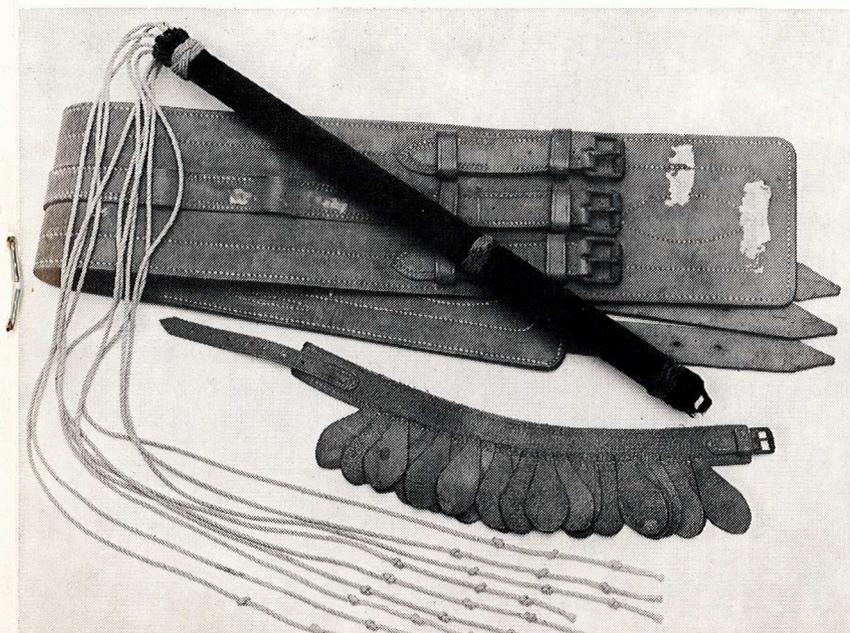
Some prisoners were quiet and docile by nature and had been transported for offences which did not reveal the character of a hopelessly vicious individual. Such men, if they were in the employment of a decent settler, found life no worse and perhaps quite a lot better than in Britain.

A depraved or violent man, on the other hand, one to whom theft had become a way of life from early youth, or indeed any prisoner at all who fell into the hands of a very harsh master, could have his life made quite hellish and indeed, might end his



A government gaol gang

Cat o' nine tails, leather kidney belt and neck protector



days on the gallows for armed robbery after absconding from a tyrannical master.

Between these two extremes are thousands of gradations, but it would be true to say that nearly every convict's life as a prisoner in Australia was marked by a few common sign-posts in the official records which suggest some sort of coherence about their treatment.

BEHAVIOUR OF CONVICTS

At the end of a certain number of years, depending on how long he had been sentenced to transportation, a convict might apply for a ticket of leave.

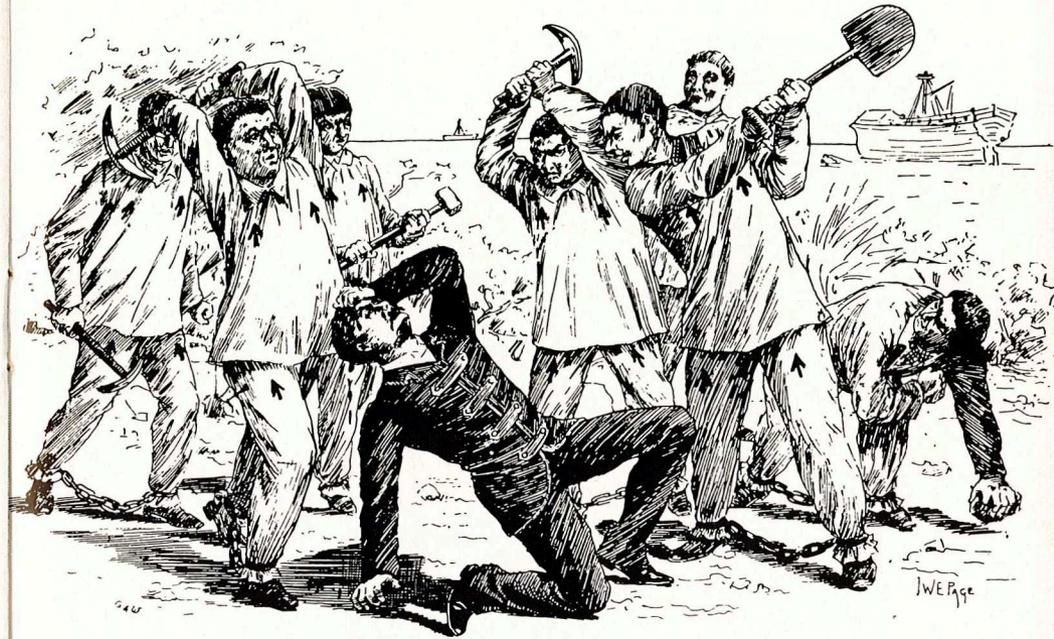
This was a request that he be released from government supervision; it might be granted at the discretion of the Governor who called for the convict's written record and weighed up whether the applicant were a worthy man who had been behaving well.

The ticket of leave, if granted, permitted its holder to work anywhere he wished, provided he reported to the police regularly. If such a man continued to conduct himself well and have no serious offences recorded against him, he could then apply for a Pardon.

Two types of pardons were available, a Free Pardon and a Conditional Pardon. The former restored its holder to all the rights and privileges of a free man; the second also did this but on condition that the holder never return to Great Britain, or some other specified place, such as India.

The number of the prisoner's ticket of leave or pardon was recorded and his dossier closed, to be re-opened only if he came once more under notice of the police and was convicted, or if news of his death came to the attention of the Convict Department in some way.

Convicts had their names and particulars entered in many documents, such as annual musters and the like. In addition, if a convict man or woman sought permission to get married, the official record was examined and the necessary character references scrutinized by the Governor. Permission was normally granted if the government concluded that marriage was a good thing for the applicant's future.



The murder of John Price at Williamstown 1857

Types of irons used for restraining convicts



Far from settling down into what was considered a respectable life, other convicts led careers which can only be described as spectacularly criminal. The 'average' convict was not often, if ever, lodged in gaol for any length of time, but certainly a great many were.

Such was the duration of the transportation era and such the bewildering variety of experiences undergone by the prisoners, that a mere recital of offences is quite inadequate if we wish to relate the various offences and punishments to each other and the general system of transportation in a realistic way.

On the other hand, the undoubted existence of viciousness and cruelty demand an explanation, if for no other reason than that it is the relics of the harshest aspects of transportation which tend to survive and, perhaps, lead to the belief that the exception was the rule.

PUNISHMENTS INFLICTED

The study of the treatment of criminals and the origin and nature of crime has always been a minor subject of attention because people as a rule do not care what happens to those who have been convicted of breaking the law. This was summed up in the comment of Dr Samuel Johnson who, when his attention was drawn to the appalling conditions in gaols in the eighteenth century, and the consequent bad effects on those people in them, replied that they should therefore take care to keep out of gaol.

This 'out of sight out of mind' attitude is usually only disturbed by the outbreak of rebellion in a prison or by some such dramatic event as the murder of a warder or other gaol officer.

The killing of John Price at Williamstown in 1857, for instance, and the subsequent sentences of execution passed by Judge Redmond Barry provide a case in point. It is not surprising, therefore, that conditions for prisoners have often been bad and marked by the public indifference epitomised in the remark of Dr Johnson.

But when a vast prison labour force laid the foundations of Australia, it became rather more pressing as well as economically sensible to get as much work as possible out of prisoners. In these circumstances, the frequency of flogging as a punishment becomes understandable for two reasons. First, it was cheap and quick and, second, it was readily imported to Australia along with the convict system because it had been customary to punish in this

way in the army and navy, the officers of which administered the penal colonies and brought the lash out to Australia as part of their equipment for punishing and keeping order.

Some of these cat-o'-nine-tails are exhibited at times, as well as the sets of triangles to which the prisoners were strapped for the administration of the 'cat'.

It has been stated that such flagellation did nothing except satisfy a primitive thirst for revenge and run the risk of brutalizing society. Whether this was so or not, there is evidence that flogging in fact hardened its victims. There is no evidence that it definitely deterred others. Such flogging was administered in gaol yards or near the court houses after magistrates had awarded the punishment.

Another punishment often administered was a spell in gaol. The gaols of the Australian colonies were among the most solid and imposing buildings in the main centres of population, and significantly reflected the character of the people. In rural areas, however, the lock-ups were usually much more modest buildings, but they still stand out because of their necessarily solid construction.

Prisons were fearsome places and those built at Port Arthur, Norfolk Island and elsewhere were designed for both punishment and deterrence; it was hoped that men would not commit an offence again after a sentence in gaol, and the conditions in the prisons were often made severe in order further to punish a man, over and above the punishment of simply being locked up.

Tread-mills were used both as a means of working machinery by man-power, and as a punishment. More primitive methods of punishment, such as the stocks, were also experienced by some convicts, but these do not appear to have been much employed.

These, then, were the main forms of punishment used, but there were others. Repeated offences or a very grave one could land a convict in the ironed-gang. Here he was kept chained, and forced to labour at road-building or some such task. Leg-irons were employed to prevent men running away, and may still be observed.

The worst punishments were usually undergone in the places of secondary punishment, such as Port Arthur, Macquarie Har-

POLICE No.

Police Office,



Permitted
~~_____~~

Fourth December 1844

THE BEARER,

Thomas Wells

a Prisoner

holding a Ticket-of-Leave, has permission to pass this day to

Campbell

from to the ~~_____~~ Police Office

and ~~_____~~ the *New Year* Day of ~~_____~~

To whom it may concern.

William G. Peters

N. B.—This Pass is to be taken on the day the Bearer arrives in the District to Mr. *C. D.* Constable of *Campbell* who will write his Name and Date on which it is exhibited to him heron, and enter the Pass in his Book. The Pass is to be returned to the Police Office at Hobart Town by the Bearer; and should he have occasion to return before this Pass is out, he must leave it at the Police Office on the day he arrives in Hobart Town; and should he be unable to leave Hobart Town the day this Pass is dated, he is immediately to return it to this Office.

Pass issued to a Ticket-of-leave holder

hour, Norfolk Island and Moreton Bay. Here conditions were as severe as the human frame could stand. Sometimes men gave way under the strain of a system of punishment carried too far. Cases of cannibalism among escapeses from Macquarie Harbour have been recorded.

Female convicts presented a particular problem because the range of punishments was limited. 'Hard labour' for them normally meant working at the wash-tubs in the Female Factory, the

POLICE No. *Memorandum*
 Police Office
South Hobart December 1844
 THE BEARER, *James Wells* a Prisoner
 holding a Ticket-of-Leave, has permission to pass this day to
London to the *Police Office*
 and *James Wells*
 To whom it may concern. *William J. Peters*

Pass issued to a Ticket-of-leave holder

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name given to the type of prison where errant women convicts were locked up.

In addition to this, sometimes women had their hair shorn as a lesson to them and to others of their sex not to misconduct themselves.

THE PROBATION SYSTEM

In the 1830s a spirit of reform emerged more and more strongly in Great Britain, and this, together with the increasing number of free settlers in Australia and, perhaps, the contemplated establishment of the free province of South Australia, led in 1840 to the abolition of transportation to New South Wales and the settled districts of Van Diemen's Land.

So the assignment system was swept away and replaced by a fresh method of treating transported offenders. This was the Probation System and it operated in Van Diemen's Land, where prisoners were concentrated in large camps or 'stations'. Here, subject to discipline, they were progressively given more freedom if they behaved well. At Hiring Depots they could ultimately be hired out by local settlers.

In principle, there was a good deal to be said in favour of the new system, but it collapsed because the supply of labour it made available was too great for the local market. This meant that prisoners were left idle and a drain on the British treasury. An economic depression in the early 1840s added to the trouble and the settlers, fearing that the many prisoners in the colony could cause a decline in the standard of morality, began a lengthy and very vigorous campaign for the ending of the system.

The Anti-Transportation League was formed and at a meeting of colonial representatives in Melbourne in January 1851, steps were taken to mobilise opinion against the landing of any more prisoners from Britain. The guiding spirit in this was the Rev. John West, a Launceston Congregational clergyman. The discovery of gold in Victoria would have spelt doom to transportation, but steps had already been taken to end the system in response to the colonial agitation.

WESTERN AUSTRALIA

Meanwhile in Western Australia, prisoners were actually being sought by the local government because the Swan River colony was stagnating. With the influx of prisoners and the imperial money they attracted for their administration, the western colony began to recover. Only male prisoners were sent to Western Australia, about 10,000 in all between 1850 and 1868.

It is interesting to note that if a man aged twenty had been transported to Western Australia in the final year of the system and had lived to be very old, he would have been alive in the late 1940s. The government of Tasmania calculated that the last British prisoner sent there might still have been living during the period of the 1914-18 war. So close to the present day is the convict system.

CONCLUSION

A sentence in the gaols of Port Arthur and Norfolk Island in particular has often been regarded as the normal punishment of convicts. This was not so. Such events as those related in *For the Term of His Natural Life*, by Marcus Clarke, or in the stories written by Price Warung must be considered the dramatic and often ghastly aberrations of the transportation system.

Much more typical was the prisoner who suffered a few punishments but who successfully survived and was released in his late 20s or early 30s.

It is difficult systematically to trace convicts after the nearly-comprehensive census of New South Wales in 1828, but in recent years many people have become interested in their formerly unrespectable forebears. This is partly because a person who has a convict ancestor has a family which is quite old-established in Australian terms. Societies based in New South Wales and Tasmania have been formed for people whose ancestors came out to Australia in chains.

Australia is the only country in the world founded by criminals, and it is fitting that the National Trust recall this extraordinary beginning by the preservation of relics, documents, monuments and buildings related to an explanation of how Australia came to be what it is.



Above: Gillray, James, "Black-eyed Sue and sweet Poll of Plymouth. Taking leave of their lovers, who are going to Botany Bay." Mitchell Library, Sydney.

Below: "Transported Tho' Not Pleased"—Australian Caricatures



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- (a) To develop an awareness of the need to preserve our National Heritage.
- (b) To assist with the preservation of this Heritage by educational activities, the production of publications, by co-operation with all other organizations having similar aims and, in appropriate circumstances, by the acquisition and maintenance of buildings, objects and sites.

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