

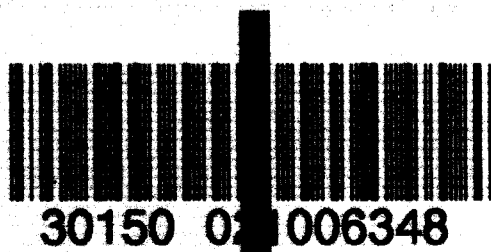


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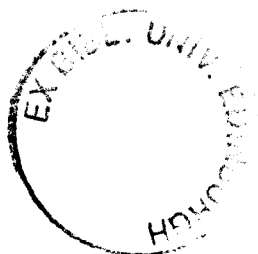


**Convicts, Communication and Authority:  
Britain and New South Wales, 1810-1830.**

**Christina J. V. Picton Phillipps**

**A Thesis Submitted for the  
Degree of Doctor of Philosophy (Ph.D.)**

**University of Edinburgh  
January, 2002.**



I confirm that this thesis is entirely my own work  
and has been composed by me.

A handwritten signature in black ink, written in a cursive style. The signature reads "C. J. V. Picton Phillipps." and is written over a horizontal dotted line. The signature is positioned to the left of a larger, more stylized cursive flourish that extends to the right.

Christina J. V. Picton Phillipps

## ABSTRACT

Knowledge of the convict period in New South Wales has been substantially expanded and enriched through a number of revisionist scholarly studies in the last quarter of the twentieth century. The cumulative result has been the establishment of a number of new orthodoxies. These studies have drawn on a number of analytic frameworks including feminism and cliometrics, successfully challenging the previous historiography. The rich archival sources in New South Wales have been utilised to reformulate the convict period by a number of scholars, demonstrating the complexity of life in the penal colony.

Academic divisions between what are regarded as “Australian” history and “British” history have imposed their own agendas on writing about transportation. This study challenges this imposition through an examination of petitioners’ approaches to the home and colonial administrations. A *lacuna* in the scholarly studies has been a lack of attention to transportation’s consequences for married couples and their children. This study seeks to narrow that gap through these petitions. The findings of the study demonstrate the continuation of links between those who were transported and those who remained in Britain. It is argued that these findings have important implications for future research within Britain, and that what is disclosed by these petitions and the individuals who were involved in on-going communications cannot be restricted either to Australian or convict histories. Our knowledge of what transportation meant to individuals in the periphery as well as those in the metropole is diminished if the focus remains firmly on the settler community. Supplementary material from contemporary sources as well as the official records passing between the two administrations has been utilised and these supplementary sources suggest that there was a broad division between official publicly stated policy and practice in respect of transportees’ family circumstances.

Chapter One establishes the architecture of the thesis and explains the methodology adopted. Chapter Two offers a reinterpretation of the colony’s formation in 1788 and inserts the “convict audience” of that day into the historiography. Chapter Three examines two petitioners writing from different gaols in Britain prior to their expected transportation. A resolution of the division between cliometrics and this more qualitative humanist approach is proposed. Chapter Four is a study of petitioners in Britain and a study of the process required for a reunion and reconstitution of family units in New South Wales. Chapter Five seeks to a re-siting of male convicts as family members through an examination of a number of contemporary sources. Chapter Six examines the petitions raised by husbands and fathers for their wives and families to be given free passages to the colony. Chapter Seven provides case studies of three transportees and their experiences of the petitioning process. In Chapter Eight the focus broadens out from married men to examine and provide a revision of convicts’ correspondence with their relatives and friends in Britain. Such correspondence has previously provided the basis for nationalist interpretations; the revision here suggests that such interpretations are anachronistic. Chapter Nine is an extended metaphor drawing the material together to the conclusions of the study.

## ACKNOWLEDGEMENTS

Through generous financial assistance from the Carnegie Fund for Scotland as well as the Richard Stapley Educational Fund and the Arthritis Research Council and the Robert Menzies Centre for Australian Studies, my life has been enriched with a global network of academics who, in many cases, have become personal friends. The thesis has undoubtedly benefited from lively discussions and debates with fellow post-graduates at the University of Edinburgh, Bruce Hindmarsh and Tamsin O'Connor. Despite our different areas of research interests in "convict history", each has provided insights which might otherwise have eluded me. Their willingness to share ideas and knowledge as well as providing thoughtful and personal encouragement has been invaluable. Friends whose work is also related to convict history and who also graduated from Edinburgh, Clare Anderson, James Bradley, Hamish Maxwell-Stewart and Kirsty Reid, have always demonstrated an equal willingness to engage in fruitful discussions and have also contributed in an unofficial capacity. Each has given generous amounts of time as well as many useful references. Particular thanks are, however, due to Hamish Maxwell-Stewart.

During my research trip to Sydney I was most fortunate to have as my mentor Barrie Dyster. His suggestions were always pertinent and accompanied by welcome cups of coffee. His departmental colleagues at the University of New South Wales, David Meredith, Deborah Oxley and John Perkins, were unfailingly generous with their time and advice. Additionally, the Department provided a range of facilities that far exceeded my expectations. In Sydney I was indebted to the friendship and hospitality of fellow student, and genealogist, Perry McIntyre, with whom an etheric, albeit erratic, correspondence is maintained. Both she and the professional indexer, Joan Reese, were welcome faces at the Archives office. Lunch hours were frequently spent sharing what we had 'come across' during the morning sessions. I was warmly welcomed as a guest at Grace Karsken's house where she and her partner, Richard Waterhouse, proved stimulating company.

Amongst those who supported the general approach adopted in this thesis were Carl Bridges from the Sir Robert Menzies Centre in London; Susan Ballyn from Barcelona; Toni Johnson Woods from the University of Queensland; Lucy Frost and Cassandra Pybus, both from the University of Tasmania. Norma Townsend from the University of New England at Armidale has become a valued resource through the ether. The post-graduate seminars at Stirling University were always a source of stimulating papers and intellectual friendships. The warmth and hospitality of Angela Smith at the Colonial Studies Department were regular features at the close of these seminars. These social forums were a means of continuing discussions from the seminars or leading to new topics of debate.

From these many conversations, in a variety of locations, there have been a considerable number of adjustments based on knowledge that was sometimes informally, but always generously, shared. Alannah Tompkins from Keele University and Nigel Worden from the University of Cape Town both extended friendship; the former in providing helpful references and the latter, a photocopied article. To all of these, the lines of communication can be traced back to my

supervisor, Ian Duffield of Edinburgh University. He and Stana Nenadic of the Department of Economic and Social History were unfailing in their support and intellectual promptings. This cursory list of acknowledgements does not do justice to the personal warmth shown by each individual. However, I take full responsibility for the finished product.

During the course of study I was twice indebted to the surgical intervention of Charles Howie, as well as nursing staff at the Princess Margaret Rose Hospital in Edinburgh whose collective professionalism was responsible for replacing defective hip joints. Staff, at a number of libraries in both Sydney and Britain, were unfailing in their courtesy and patience in tracing relevant material. Frequently, friendly interest in the project went far beyond the basic transfer of books from their hands to mine.

Family and friends beyond an academic environment have provided support in the form of encouragement coupled with essential maintenance of food, drink and convivial company. A particular debt is due to George Allen, who first introduced me to the joys of academia: little did we know during study for my Scottish 'Highers' where the paths would lead. My nephew Hugh undertook the task of proof-reading some of the final drafts. To my daughter Victoria, who provided a number of well-directed spurs at moments of despair, a debt of gratitude for her never-failing confidence and support has reached monumental proportions.

The formality and conventions governing acknowledgements can in no way indicate my personal weighting given to the structure of formal categories. These categories have been divided into broad headings of financial assistance, academic and personal. During the course of the study these lines of demarcation have become fuzzy with the academic and personal merging into each other. All these named or unnamed individuals from my past and my present have contributed to my understandings of an abacus of affection.

However, it is my cousin Alan McInroy who generously provided financial assistance, intellectual and grammatical advice combined with a valuable personal friendship from the outset to whom this thesis is dedicated. His generosity is such that he will not take offence at sharing this with

Joan Picton Phillipps,	1904 – 1954.
Robin Picton Phillipps,	1942 – 1991.

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**CHAPTER ONE:**

**A REFLEXIVE GENEALOGY**



Ostensibly this thesis is “about” transportation to Australia - that was, after all, its genesis and the macro-historical context. However, it is possible to access a hidden history: a world of affectionate and caring domestic relationships. These hidden histories belong to many people, whose marital, familial and other close relationships were hugely disrupted by transportation to Australia, although it is never claimed that their specific experiences were universal among the transported. Nor, indeed were these relationships simply matters concerning Australian or convict history and they demanded an approach that is conscious of this point. Whilst not a novel dressed up as history, these hidden histories provide the foundation stones of the narrative approach adopted throughout the following chapters.<sup>1</sup> Alan Atkinson’s statement, “Nothing can beat the telling of stories”, concerns what convicts “felt, thought and said over a period of time”.<sup>2</sup> There are limits to the extent that that has been possible in what follows, but then those limits are also inherent in any similar exercise in producing history. Those who feel that because everything cannot be said, nothing can be said, are free to cramp themselves into such a ‘safe’ corner, but I will neither join them nor particularly respect them. Despite this bold assertion I am unwilling to engage in sheer “faction” and wary of producing anachronistic interpretations.<sup>3</sup> I am, however, aware that my work inevitably is anchored in my own ‘now’, rather than the past

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<sup>1</sup> Peter Linebaugh and Marcus Rediker, *The Many-headed Hydra: The Hidden History of the Revolutionary Atlantic*, (London, Verso, 2000), offers comparative support for the approach adopted in this study.

<sup>2</sup> Alan Atkinson, ‘Writing about Convicts: Our escape from the One Big Gaol’, in P. Chapman *et al.* (eds), *Exiles of Empire: Convict Experience and Penal Policy 1788-1852*, special convict issue, *Tasmanian Historical Studies*, 6, (1999), pp. 17-28, p. 26.

<sup>3</sup> See Donna Lee Brien, “‘The Most Hated Woman in Sydney’: Mary Dean and the Challenges of Writing Fictionalised Biography’, in *Writing Australia: New Talents 21 c*, special issue, *Journal of Australian Studies*, 63 (2000), pp. 80-86.

‘now’ of my human subjects, and hence my resort to reflexivity in this chapter. <sup>4</sup>

History, in the sense of the writings of historians, is about the past but cannot be an artefact of the past.

The primary source documents were particularly concerned with husbands, wives and their children. It was primarily husbands who, having received transportation sentences were transported to New South Wales,<sup>5</sup> for only about 15 per cent of convicts transported there were women. The data collected in Britain originated in petitions by wives for free passages, to enable them and their children (if any) to join their transported husbands.<sup>6</sup> In Sydney these data were substantially added to by means of the colonial petitions from convict husbands, applying for their wives to be given free passages to join them in the colony.<sup>7</sup> So far, the study appears a deceptively straightforward exercise. How many children did each couple have? What criteria did home or colonial administrations apply when reaching decisions about applications? How old were the husbands and wives? How long had the separation been? Where did the couples come from? These questions have, to some extent, been answered in chapters 4 (“These are but items in the sad ledger of despair”) and 7 (“Family Men”). Cliometrics would certainly provide answers to most of these questions, however, that method has not been adopted. Calculating the mean average age of those who petitioned for a free passage to effect their reunion, for example, can say nothing useful about what this study is concerned with. Above all, it is concerned with the language of such

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<sup>4</sup> Raymond Evans, *Fighting Back: Writing about Race*, (St Lucia, University of Queensland Press, 1999) whose approach provided the inspiration for this introductory chapter.

<sup>5</sup> Had this thesis extended to Van Diemen’s Land convicts and their families, it would still be incomplete. It is hoped that it will, at least, encourage future research on similar matters relating to Van Diemen’s Land convicts and their separated families.

<sup>6</sup> Public Record Office Privy Council 1/67-Privy Council 1/73, ‘Convicts’, 1819-1824.

unquantifiable matters as emotional and material loss, nostalgia, abiding affection (or fear of its waning), familial duty and aspiration to future reunited happiness.

The individuals whose lives appear in this study have, for the most part, left only modest and fragmentary traces of themselves. Mostly, their own words appear only in their petitions and even then some petitions were certainly penned by more literate amanuenses, rather than the petitioners themselves. Nevertheless, these petitions amount to a substantial body of hitherto largely overlooked texts, all in some sense produced 'by' convicts or their spouses. It can be assumed that even those petitions written down by amanuenses, were produced after hearing the petitioners' oral instructions and had usually been read back to them before despatch. There is now a rising scholarly interest in convict texts, providing an encouraging environment for a project such as this one.<sup>8</sup> This interest has been

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<sup>7</sup> State Records of New South Wales, 4/111.1A, 'Petitions from husbands for their wives and family members to join them 1824-25'.

<sup>8</sup> On one level this 'new wave' is indicated by recent studies, which have adapted and incorporated epistemologies and hermeneutics from such flourishing scholarly fields as: slave narrative studies; travel narrative studies; biographical/autobiographical studies. In 'new wave' convict studies, convict texts are analysed as discourses with deeply meaningful studies of representing convict experience, rather than merely winnowed to separate empirically verifiable from fictive elements, with only the former deemed useful. This is evident in 'Convict Texts' - the first four chapters of Ian Duffield & James Bradley, (eds.), *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, (London, Leicester University Press, 1997), and occurs throughout Lucy Frost & Hamish Maxwell-Stewart (eds.) *Chain letters: Narrating convict lives* (Melbourne, Melbourne University Press, 2001). See also Hamish Maxwell-Stewart & Ian Duffield, 'Skin Deep Devotions: Religious Tattoos and Convict Transportation to Australia' in Jane Caplan (ed.) *Written on the Body: The Tattoo in European and American History*, (London, Reaktion, 1999), which also analyses convict tattoos as semiotically complex discourses, pp. 118-135. At the same time, more convict texts are becoming available to readers. Several hitherto unpublished or long out of print convict narratives have recently been cited on the International Centre for Convict Studies website, <http://www.lib.latrobe.edu.au/AHR/convict/index.html/>: Among the titles are 'Convict Davis' (ed. & intro. by Hamish Maxwell-Stewart), 'Memoranda Written by Convict Davis Servant to Mr Foster, Superintendent of Convicts, Norfolk Island - 1843 - Relating Principally to Macquarie Harbour', (original mss. Sydney, Mitchell Library, State Library of New South Wales DLMS Q168); Daniel A. Heustnis, *Narrative and Surprising Adventures of Captain Daniel A. Heustnis and his Companions in Canada and Van Diemen's Land During Long Captivity with Travels in California and Voyages at Sea*, (Boston, Mass., pub. For Redding & Co. by Silas W. Wilder & Co., 1847), Samuel Snow, *The Exile's Return or Narrative of Samuel Snow who was Banished to Van Diemen's Land for Participating in the Patriot War in Upper Canada in 1838*, (Cleveland, Ohio, printed by Smead & Cowles, 1846). Also see two recently printed publications, David Kent and Norma Townsend (eds & intro.) *Joseph Mason: Assigned Convict 1831-1837*, (Melbourne, /continued on next page

supplemented by museologists who began to address the material culture of transported convicts. This chimed with the enthusiasm and expertise of some numismatists: notably an Englishman, Timothy Millett, a collector of and dealer and expert in convict love tokens. These, typically, were manufactured hammering George III cartwheel pennies in order to smooth them, and then pricking them with texts and graphics. Convicts made such tokens while aboard the hulks and, before embarking for Sydney or Hobart, bestowed them on their loved ones. It is significant that a similar ritual was observed by seamen.<sup>9</sup> This suggests that the tokens were not part of a *criminal* subculture (if such existed) but were embedded in a wider British popular culture of moral sentiments expressed *via* material mementoes. These convict love tokens express sentiments that were apparently customary in that culture but not, on that account, insincere. Grief at parting from loved ones, vows of abiding loving remembrance, and hope (against the odds) for eventual reunion are recurrent features. The “Leaden Hearts” exhibition at the British Museum in London in 1999 (and the previous year in Sydney) brought convict love tokens to wider public attention. Prior to the exhibition itself, Millett’s project had aroused the enthusiastic interest of James Bradley and Hamish Maxwell-Stewart.<sup>10</sup> They had recently pioneered the study of another aspect of transported convict culture: the study of the tattoos inscribed on many convicts’ bodies, which were officially recorded when convict ships arrived in Sydney or

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Melbourne University Press, 1996), and David Dunstan (ed. & intro.) *Owen Suffolk, Days of Crime and Years of Suffering*, (Kew, Victoria, Australian Scholarly Publishing 2000: originally serialized in *The Australasian*, Melbourne, January – October 1867).

<sup>9</sup> Michele Field and Timothy Millett (eds.), *Convict Love Tokens: the leaden hearts the convicts left behind* (Kent Town, South Australia, Wakefield Press, 1998), p. 13. This publication was closely linked to the exhibition itself.

<sup>10</sup> *Ibid.* Bradley and Maxwell-Stewart, ‘Convict Tattoos: Tales of freedom and coercion’, pp. 47-52.

Hobart. From the start, their work stressed the strong connections between convict tattoos and many other common artefacts of popular culture in Britain, which indicated affectionate relations between men, women and their families.<sup>11</sup> In that sense, the fruition of this project has come at a propitious time, which was not so evident when it commenced.

However, there are serious limitations on how much the documents disclosed about individual convicts and their spouses and on what can reasonably be deduced about these individuals from such sources. The documents were from a self-selecting element of petitioners to the British or New South Wales Governments, a feature which might be judged adversely. However since the study rejects a 'one size fits all' categorisation of the entire body of convicts transported to New South Wales, or even of those it has selected that does not cause serious anxiety. It would, after all, be absurd to speculate that somewhere an archive contains a cache of petitions for continued separation from spouses, though no doubt some married convicts and some of their spouses found advantages in their *de facto* divorces. Although the dates of each set of these petitioning documents followed a chronologically linear progression between 1819 and 1826, the individuals themselves could not be pinned down so easily. Even in early New South Wales there were limits to state monitoring and recording of the everyday

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<sup>11</sup> The very scant prior literature on these tattoos treated them as further evidence for the deviancy of their bearers. Bradley & Maxwell-Stewart's work was thus a very novel departure. The first publication on this subject was their jointly-authored chapter in Duffield & Bradley (eds), *op. cit.*, pp.183-203. As so often happens, unknown to them or himself, another scholar was working along similar lines and published almost simultaneously, see David Kent, 'Decorative Bodies: The Significance of Convicts' Tattoos', in *Fatal Shores*, special issue of *Journal of Australian Studies*, 53, (1997), pp. 78-88, states the tattoos, "show affectionate attachment", p. 79. For an elegant short study of the interactive connections between transported convict tattoos, love tokens and other aspects of popular material culture, see Maxwell-Stewart, 'Collecting by Numbers', *Siglo*, 10 (1998), pp. 44-49.

lives of the sub-set of convicts and their spouses under study here.<sup>12</sup> For example, the absence of systematic documentation concerning these marriages, once couples were reunited in the colony, precluded detailed discussion of such matters in most cases.

An underpinning theme of this study, and indeed its foundation, has had a lengthy gestation and undoubtedly owes an intellectual debt to the teaching staff of a course I took, as an undergraduate in my second year at the University of Edinburgh. The course, “Rise and Demise of Imperialism”, was provocative and stimulating. Its geographical and chronological sweep was wide: East Asia, South Asia, South-East Asia, Africa, the Indian Ocean Islands, Australasia and the South-West Pacific, from the eighteenth century to the late twentieth.<sup>13</sup> As its title suggests, this course was no triumphalist hymn of praise for the processes of European (or Japanese) colonialism and it ventured into the disturbed post-colonial era too. Students were introduced to a broad range of historians, social scientists and theoreticians, some of whose work has surely informed my general approach to “history”. These latter included Edward Said, the contributors to the *Subaltern*

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<sup>12</sup> Grace Karskens, *The Rocks: Life in Early Sydney*, (Canton, Melbourne University Press, 1997), and Paula Jane Byrne, *Criminal Law and Colonial Subject 1810-1830*, (Cambridge, Cambridge University Press, 1993), both show that surviving records of the New South Wales lower courts are a rich source on convicts’ marital disputes: but also on their marital solidarity in disputes with others. However, identifying my petitioners in these lower court records would be like looking for small needles in a large series of haystacks - and with some of the original haystacks no longer extant. Even if one chanced, in surviving lower court records, on a name familiar from the petitions, it would still be necessary to establish that this was the same individual as the person of that name in the petitions. All serious researchers are struck by how commonly the same forename and surname combinations recur among the convict population: many convicts had such names as John Brown or Mary Brown. Originally, ‘same name’ convicts could be distinguished, through reference to New South Wales’s Chief Superintendent of Convicts’ records. Today, that distinction could be made, if at all, with great difficulty, because of the official decision in the early 1940s to destroy those records - an act probably motivated by a desire to obliterate a past considered best forgotten.

<sup>13</sup> Drs Paul Bailey, Crispin Bates, Paul Nugent and Ian Duffield, whose respective regional expertise is on: East and South-East Asia; South Asia; Africa; and Australasia and Africa. All  
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*Studies* series edited by Ranajit Guha, Michel Foucault; Peter Linebaugh, James C. Scott, and Benedict Anderson.<sup>14</sup> Teaching staff in the course shared their enthusiasms and expertise through their lectures. Entirely by chance, I was allocated to one of Ian Duffield's tutorial groups in that year: "an accident in history"?<sup>15</sup>

In addition to lectures on Australia, the Mascarene Islands, New Zealand and some broadly theoretical topics, such as the problematics of migrant 'unfree' labour, Duffield tutored (in the usual practice of the course), across all its topics. Through some of his lectures and tutorials I was introduced to the nature of debates about convict transportation. Suggested reading on this topic was, unsurprisingly, mainly focused on New South Wales and Van Diemen's Land in the late-eighteenth to mid-nineteenth centuries. When, in my final year, I took Duffield's, 'Convicts, Transportation and Issues in Australian Society' course, students were given the opportunity of studying major texts in historical criminology.<sup>16</sup> This

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have expertise about the unfree labour systems and associated migrations connected with the histories of the regions they teach about.

<sup>14</sup> Edward W. Said, *Orientalism: Western Conceptions of the Orient* (Harmondsworth, Penguin Books, 1991); Ranajit Guha & Gayatri Chakravorty (eds) foreword by Edward Said, *Selected Subaltern Studies*, (Oxford, Oxford University Press, 1988); Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London, Penguin, 1977); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, Penguin, 1991); James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven and London, Yale University Press, 1990); Benedict Anderson, *Imagined Communities: Reflections on the Origin and spread of Nationalism* (London, Verso, 1983).

<sup>15</sup> David Landes, 'What Room for Accident in History?' *Economic History Review*, Vol. XLVII, (1994), pp. 637-656. Landes' article offers a conservative understanding of the rise of Europe in the 18<sup>th</sup> and 19<sup>th</sup> centuries. It is a riposte to Crafts's thesis regarding the rise of the first industrialised economy occurring in Britain rather than France. As an economic historian Landes stated his support for empirical evidence rather than what he regards as cliometric counter-factual history. Good cliometric practice, nevertheless, is in fact carefully empiricist about its data quality, even if mathematical modelling of series data is clearly not an empirical method. However, absolute empiricism in the production of historical writing is in practice unattainable, since language is inescapably symbolic and shiftingly so. In any language terms have the capacity to develop a whole raft of new meanings or even to contradict their recent prior meanings. That said, the odds were against my placement in one of Ian Duffield's tutorials.

<sup>16</sup> Whilst not an impossible task to identify those works read initially in the academic session of 1991-2 from those studied (for the first time) in the session of 1993-4, reliance is on a single  
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broadened my knowledge base, through its extensive use of primary sources and a massive extension of the secondary literature, beyond what I had earlier read. In addition to the historiography of convict transportation to and settlement in Australia, in their various aspects and effects, the course encouraged comparative attention to the broad themes of forced labour migration and unfree labour systems elsewhere. Considering the then quite recent appearance of *Convict Workers* (1988) and the ensuing acrid controversies, attention to the vexed question of assessing convicts as “human capital” was perhaps inevitable.<sup>17</sup> Such approaches, however, neglected individual transported convict’s experiences of and responses to their bondage: and even more the lived experiences of their forsaken spouses, lovers and kinsfolk. Much of the historiography - including *Convict Workers*, if in its case in a novel style - addressed and sought to define “the convict”: that is, a collective abstraction, rather than the convicts themselves as individuated historical agents.

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bibliographic note. I remember clearly being excited and provocatively challenged in my second year, particularly by Said's *Orientalism*, *op. cit.*, Anderson, *op. cit.* and Linebaugh, *op. cit.* Richard White's pathbreaking book *Inventing Australia: Images and Identity 1680-1980*, (Sydney, Allen & Unwin, 1981) was similarly inspirational with a thesis which, although specific to Australia, offered an analytic framework which could be ‘borrowed’ in general terms for essays not necessarily related to Australia. Byrne, *op. cit.*, offered a valuable alternative to David Neal’s legal positivism in *The Rule of Law in a Penal Colony: Law and Power in Early New South Wales*, (Cambridge, Cambridge University Press, 1991). Among the criminologists studied were J. M Beattie, *Crime and the Courts in England, 1600-1800* (Oxford, Clarendon Press, 1986); Clive Emslie, *Crime and Society 1750-1900* (London, Longmans, 1987) and D. Hay *et. al.*, (eds) *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, Allen Lane, 1977).

<sup>17</sup> S. Nicholas, (ed.), *Convict Workers: A Reinterpretation of Australia's Past* (Cambridge, Cambridge University Press, 1988). Hostility to the book was expressed by Ralph Shlomowitz, ‘*Convict Workers*: a review article’, *Australian Economic History Review*, XXX, 2, (1990), pp. 67-80, and ‘Convict transportees: casual or professional criminals’, *Australian Economic History Review*, XXXI, 2, (1991), pp. 106-7. Shlomowitz attacked the basic arguments of convicts as workers. See also Alastair Davidson’s review, *Australian Historical Studies*, Vol. 23, (1989), pp. 480-81. See also Raymond Evans and Bill Thorpe, ‘Power, Punishment and Penal Labour: *Convict Workers* and Moreton Bay’, *Australian Historical Studies*, 25, 98, 1992, pp. 90-111. Their concerns lay with the cliometric analysis of the use of corporal punishment in the colony as a means of extracting labour.



It seemed to me that all those transported people could not just have disappeared without trace from their specific social milieux in Britain but that their loss, at least in many instances, surely had emotional and material loss effects on separated loved ones. The historiography did not significantly address anything of this. If I was right in this supposition then transportation directly affected a considerably larger section of Britain's population than those who were transported. The experience of resultant personal loss and hardship among those who were left behind, and also beyond that, knowledge of transportation itself, *via* communications from transported spouses, parents, etc., seemed to promise a mysterious hidden history. The impression I received was that, for many historians, when transportees embarked on a convict ship, they were deemed to vanish from the minds of those in their familiar circle: "out of sight, out of mind", however, seemed very dubious to me. The consequences of the loss of a husband, a wife, a father, a mother, a son, a daughter, or a friend, to a far place overseas were also absent from the statistical records of transportation kept by the state in both hemispheres. Such sources, perhaps, had blinded later historians' eyes. For me, nevertheless, these consequences of transportation increasingly became eminently worthy of study. Thus, one of the themes underpinning this thesis concerns the legitimacy of an implicit notion that transported convicts disappeared from the memory of those who had been close to them in Britain, and *vice versa*. It was in fact Portia Robinson's work which initiated this line of thought.<sup>18</sup> Although for a long time a quiescent curiosity during the post-graduate research

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<sup>18</sup> Portia Robinson, *The Women of Botany Bay: A Reinterpretation of the Role of Women in the Origins of Australian Society* (North Ryde, Macquarie Library, 1988).

period, my concern in this area was provoked during my second year as an undergraduate.

Prior to that undergraduate year, I was vaguely aware of convict transportation: through several fictional representations of convicts as well as through the common silly jibes about modern Australia's convict origins. Beyond that, my knowledge of Australia was limited largely of a place to which disreputable relatives (but not mine) were sent to live on remittances. Such a reputation was lifted from novels, of which I can now remember nothing substantial - apart from the remittances. Alternatively, Australia was the land of opportunity, with a migrant's passage costing only £10. I hated the boarding schools I was sent away to (and sometimes expelled from), experienced them as incarceration and periodically, though always unsuccessfully, ran away. This, I suppose, gave me an in-built empathy with anyone compelled to reside somewhere they would much rather not be, and who was tempted to try and escape. With hindsight, my school holidays were like all too brief tickets-of-leave such as transported convicts might obtain in Australia, in my case always cancelled when a new school term began. My periodic escapes were perhaps like those of some convicts in early New South Wales, who though heading resolutely westwards and so inland, believed there lay an imagined land of freedom for the likes of themselves.<sup>19</sup> My own adolescent running away dreams and schemes in the early 1960s included accumulating National Savings stamps to pay for my £10 emigrant's passage. Such savings were never adequate, frequently lesser sums

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<sup>19</sup> See Paul Carter *The Road to Botany Bay: An Essay in Spatial History*, (London, Faber & Faber, 1987). Carter also recorded the incident when "twenty-one convicts ... were seen by settlers making their way northward" with the hope of reaching China. In terms of compass direction the convicts were, in a general sense correct, pp. 298-99.

were saved and subsequently blown on less exalted but more tangible objects of desire. At a very personal level, nevertheless, Australia then seemed to offer, at any rate, imagined freedom - unlike my schools. This dream assumed, of course, the regular appearance of a remittance once in that land of relative freedom, as well as the effective escape route that always in practice eluded me. Beyond such delusions, however, Australia remained (for me) a myth; its early population, in my imagination, was (like myself at various schools), vaguely notorious but not without charm for its romantically gothic appeal. Had not those transported convicts, too, been 'sent away', to somewhere they had much rather not been sent? Much later in life, I visited Australia for six months, for the sober but also satisfying purpose of archive research for this thesis. That was by then, however, in accord with my life in Britain, rather than, as I had formerly yearned, fleeing from it.

Before that research trip I had had an opportunity in March 1995 to present a paper at the British Australian Studies Association's conference on the theme, "Representing Convicts". Collectively the papers demonstrated the reductive inanity of using the term convict as a hold-all definition for those who were transported. The usage is on a par with regarding all car owners as having no significant identity beyond that of motorist. Drawing on both broad theoretical frameworks and detailed research, those presenting papers (including myself) set about demolishing various essentialised stereotypes of "the convict" and had much to say about individual convict lives. Selected conference papers were subsequently published in 1997.<sup>20</sup>

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<sup>20</sup> Duffield and Bradley (eds), *op. cit.*

Amongst these studies, deconstructing the mythic ‘typical’ convict, male or female, was a recurrent feature. The grotesque fictional representations from nineteenth-century novels were nowhere to be found. The conference papers were more concerned with showing diverse ‘ordinary’ people caught up in extraordinary situations, negotiating survival or even self-promotion in some instances, resistance in others at individual and collective levels. The subject of my final year honours dissertation, the Rev Richard Cobbold’s biography of the convict Margaret Catchpole, was turned into my paper at that conference and contribution to the subsequent book.<sup>21</sup> Cobbold’s narrative included many un-admitted liberties, such as his uncorroborated and ideologically convenient account of Catchpole’s remorse and reformation. It concluded with her fictitious marriage in New South Wales, as if this were the necessary final sign of her transformation back into a ‘decent’ if humble member of society. First published in 1845, Cobbold’s text has remained powerfully hegemonic over the many subsequent literary representations of its subject, right up to present times. Something much more than mere idleness or ignorance has operated here. Indeed, the narrative itself bears out Ian Reid’s argument regarding the “extratextual framing” by readers: these are “not capriciously personal [but] stem from institutionalised reading practices”.<sup>22</sup> That this particular sample of early Victorian moral entrepreneurship in print has remained so influential, tells us that numerous authors and readers, up to today, find it entirely ‘authentic’, because they share its ideological foundations. The book would deserve dismissive derision were it not

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<sup>21</sup> For consideration of the post - Cobbold works, see Tina Picton Phillipps, ‘Margaret Catchpole’s First Ride?’, in *ibid.* pp. 62-77.

<sup>22</sup> Ian Reid, *Narrative Exchanges*. (London, Routledge, 1992), pp. 44-60, esp. p. 46.

so very informative about itself (and by extension its many admirers) as a powerful discourse.

That 1995 conference and the ensuing 1997 book provoked a further line of thought which has become central to this thesis. This concerned variations in official policy and practice in New South Wales (the same also occurred in Van Diemen's Land, although that colony is outside the bounds of this study). Such variations highlight the very different experiences that the single word 'transportation' perhaps conceals. A transportation sentence, as handed down by the British courts, never specified to which of the two eastern Australian penal colonies a prisoner might be sent. Such a distinction may have meant little to the authorities but it could result in a considerable variation of experience for the transported, as it could where within a colony an individual's sentence was served. Life in Sydney was not the same as life in, say, the Hunter Valley or around Bathurst. Working as a convict clerk for the colonial government was different from the life performing heavy labour in a government land clearing gang. Both were different from being a prisoner assigned to a small farmer, a large grazier or to domestic service in an élite colonial household and these were quite distinct experiences from each other. It was not impossible for an individual convict to obtain a knowledge of several of these variables whilst under sentence. Indeed, the studies published in *Representing Convicts* demonstrated that transportation *as a process* contained significant discontinuities for those undergoing it. The conclusion here is that just as essentialised understanding of "the convict" will not wash, neither will any essentialised understandings of "transportation".

Carrying out research in the New South Wales State Archives, I encountered a considerable number of convicts' descendants, who were seeking

their forebears' records. The *caveat* "Please Note, The information contained ... is made available on condition that it must not be used in any manner likely to cause pain or embarrassment to any person", introducing every microform of the Convict Department records, seemed to belong to a bygone era. These Australians, mainly ordinary people, evidently did not regard their convict ancestry as a shameful secret, best concealed.<sup>23</sup> Such archive sources as the modern printed editions of recurrent colony-wide convict musters, the indents that accompanied each transport ship and were expanded into new compilations for the colonial Convict Department records; and the modern printed edition of the *Census of New South Wales, November 1828* were thus given an alternative, and indeed highly personal dimension. There was more to data-linkage for these archive users than the apparently limited exercise of tracing names of hitherto unknown forebears.

Friendships made in Sydney with other historians, led to discussions of this phenomenon. Whilst not smug about our academic disinterest, we certainly regarded such passionate involvement with personal heritage as divorced from our own research projects. There was a consensus that to have acquired the broad brush-strokes of the lives of forebears through these sources did not give rise to serious 'knowledge' of the individuals concerned. We agreed that supposed 'knowledge' of ancestors derived from such activities came from an imagined common identity through descent. The arrogance of our conclusions was, however, destabilised by the evident great satisfaction displayed by modern descendants of convicts when they had been successful in their search.

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<sup>23</sup> Kevin Myers has asserted of present-day Australians, "every man-jack and woman hill boasts of convict ancestry", *Sunday Telegraph*, 10 January 1999, p. 29, col. 4. While this is something of an exaggeration, the trend is certainly in that direction. While in the 1970s proclamation of one's

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Research through the same sets of printed records as those used by ordinary convict-descended Australians in tracing their family histories, also involved tracing individuals and often their spouses and kin. Their appearance from the state's records gave rise to fluctuating feelings of achievement when their names appeared, and frustration when my search drew a blank. My data-linkage efforts promoted a somewhat similar sense of engagement to that demonstrated by ordinary people unearthing convict ancestors in Sydney. This, in turn, resulted in the development of an intense if very one-sided relationship to the individuals I located, without (as far as I know) being descended from any of them. Whilst intellectually I understood that I did not "know" the people for whom I searched, there was nonetheless an elusive sense of familiarity. It was as if, could I only find the key, I could access the personalities behind the names and the circumstances leading to their crimes and punishments. Thus, there was an on-going tension between the bureaucratically desensitising effects of individual entries in the *Bound Indents of Convict Ships*, and the ghostly human beings whose recorded physical characteristics - height, colour of complexion, hair and eyes, tattoos, scars, pockmarks and other bodily marks - gave the illusion of virtual corporeal reality. This study is imbued with this *sense* of knowledge of many individual men and women. While researching and writing it, its emotional foundation was often felt to be totally insecure and its intellectual rationale non-existent and so, experientially, I became a Foucauldian.<sup>24</sup>

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convict ancestry was most unusual in Tasmania and largely an urban radical chic fashion in New South Wales, today it is increasingly commonplace in both states.

<sup>24</sup> In the sense that Michel Foucault's *The Archaeology of Knowledge*, (London, Tavistock, 1972) became personally relevant!

Ancestral searches by Australian descendants of convicts were not restricted to the official records held at the New South Wales State Archives in Sydney. In 1999, Australian descendants of the transported convict Valentine Marshall visited the Galleries of Justice in Nottingham and were taken to see his signature that he had carved on the wall of the exercise yard of the County Gaol. Valentine was transported in 1832 for his part in a riot<sup>25</sup> but, had he been transported for burglary, it is unlikely his descendants would have been deterred. The Galleries of Justice in Nottingham attract home and overseas visitors.<sup>26</sup> Similar attractions exist in Australia. Writing about the popularity of the Port Arthur Historic Site, David Young<sup>27</sup> noted that in 1996 it receives “the most visitors” of any visitor attraction in Tasmania. Young’s subsequent remark about “a tamed and commodified convict past, which offends no one and means nothing”,<sup>28</sup> could also, it might be thought, be applied to the Galleries of Justice in Nottingham. That visitor attraction, however, has on at least one occasion been found worth visiting by an international party of convict history scholars, with highly critical minds about all concerning their field.<sup>29</sup> Whilst there may be a useful warning in Young’s remark, perhaps we should hesitate before condemning all such historical sites in those terms.

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<sup>25</sup> *Times*, 3 February 2001, ‘Travel’, p. 7, c. 5.

<sup>26</sup> *Times*, 3 February 2001, ‘Travel’, p. 7, c.5.

<sup>27</sup> David Young, *Making Crime Pay: the Evolution of Convict Tourism in Tasmania*, (Hobart, Tasmanian Historical Research Association, 1996), p. 149.

<sup>28</sup> *Ibid*, p. 152. See also the two reviews in *Australian Historical Studies*, No. 115, (2000), under ‘Exhibitions’, pp. 351-4. Suzeen Rickard & Julia Carter were unimpressed with the *Convict Exhibition* in Hyde Park Barracks, in Sydney, pp. 351-3. By contrast, Margaret Lindley was unstinting in her praise for the “quite uncommon sensitivity and passion” at the Port Arthur Visitors’ Centre, *ibid.*, pp. 353-4.

<sup>29</sup> After the International Conference, *Colonial Places: Convict Spaces*, held at the University of Leicester in December 1999, a number of participants enjoyed an arranged visit to the Galleries.



These diversions are not at all irrelevant to the study and its final form. It was during a re-reading of Victor Gatrell's 1994 work *The Hanging Tree: Execution and the English People 1770-1868*, that the lights flashed, the bells rang and the earth moved. The title of the final chapter, "So Sarah Wharmby Disappeared"?, is a truncated quotation from this work.<sup>30</sup> Sarah Wharmby was convicted, given a transportation sentence, and arrived in the penal colony of Van Diemen's Land.<sup>31</sup> The question mark absent from Gatrell's original text, has been a deliberate addition. To say that this was, for me, a moment of monumental importance is no overstatement. Suddenly the long-dormant 'quest' came to the forefront - the transportees whose names appear throughout this thesis may indeed have disappeared, but they did not vanish from the minds of those who knew them in Britain. The disappearance of Sarah Wharmby and her fellow transportees is a feature of much of the historical literature on crime in Britain in the transportation era but was not a fact of their own times.<sup>32</sup>

Underpinning each chapter therefore is the attempt to demonstrate that although Sarah Wharmby and other transportees have disappeared from Britannocentric grand narrative histories, this is largely due to the neglect, in Britain, of the scholarly research carried out by Australianist historians. The argument put forward in this thesis is that the continued links, whether through

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<sup>30</sup> V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868*, (Oxford, Oxford University Press, 1994), p. 429.

<sup>31</sup> *Ibid.*, pp. 428-29.

<sup>32</sup> The use of the word "British" is, of course, problematic and, in this instance certainly excludes the extensive "Irish" historiography of Irish transportees. In this instance I am particularly concerned not to become involved in a lengthy debate of 'nationalism' and 'nationality'. A recent example of this approach can be found in P.J. Cain and A.G. Hopkins, *British Imperialism: Innovation and Expansion 1688-1914*, (London, Longman, 1993), p. 243, who state, "... New South Wales was formed in 1788 as a penal settlement...". See also, Joanna Trollope, *Britannia's Daughters: Women Of the British Empire*, (London, Pimlico, 1983), pp. 173-179.

correspondence or by verbal messages, between those who were transported and those who remained in Britain, constitute a valuable addition to the overall understanding of transportation itself. Without this, the Australianist literature on transportation to Australia would remain, in some respects, an impoverished mirror image of Britannocentric studies of crime and society in the same period. Fortunately for myself, the kind of “connectedness” I espouse, is now being proclaimed as desirable by such eminent historians of Britain as David Cannadine. “Disconnectedness”, in the form of conventionally separated fields of British and Australian History, implicitly lends verisimilitude to the stereotyped convict who was friendless, lacked any strong affections, was bereft of social responsibility and, indeed, bereft of family ties. “Connectedness” attacks the stereotype of the ‘real’ convict. My personal quest had found its map. The web of connections between Britain and New South Wales that this thesis reveals, and the archives from which the evidence has been taken aim to be of value to social historians of Britain as well as of early New South Wales, concerning plebeian domestic and family relationships in the early nineteenth century.<sup>33</sup>

A recent consequence of ‘Disconnectedness’ was recently demonstrated in the journalistic instance appeared in a late 2000 headline in the *Sunday Times*: “The Bawdy Women of Oz: How a Convict Ship Became a Floating Brothel”.<sup>34</sup> This, and an accompanying illustration, the ‘sexploitation’ cover of a new book,<sup>35</sup>

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<sup>33</sup> A lengthy trawl through the *Journal of Family History* revealed no article drawing on Australia in this early period.

<sup>34</sup> *Sunday Times*, 31 December 2000, p. 1.

<sup>35</sup> The titles of the anonymous pictures, *Men of War Bound for the Port of Pleasure* and *Lady Juliana* 1782 both belonging to the Maritime Museum, in London. The former is a reproduction of an eighteenth-century print, which depicts a dockside group of leering seamen, in suggestive association with sleazy women whose breasts are exposed, this has been superimposed on the latter representation of the transport ship. Its placement on the cover of the book and in the *Sunday*  
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puffed an abridged serialisation of that work, Sian Rees's *The Floating Brothel*, which travesties the convict women shipped on the transport *Lady Juliana* in 1791.<sup>36</sup> Evidently, the responsible *Sunday Times* sub-editor either assumed these women were as Rees represented them, or anyway that crass titillation would seduce readers. Since then, the author has been interviewed several times on radio, always most favourably.<sup>37</sup>

To anyone with the slightest knowledge of her subject, however, the author's sheer ignorance of the rich historiography on Australia's transported women published since the mid-1970s, is blindingly apparent. Like his radio colleagues, the reviewer Iain Finlayson repeated the myth that prostitution was a transportable offence, each demonstrated their ignorance of the rich historiography of eighteenth-century English crime and punishment as that on convict women.<sup>38</sup> The dismal implication is that in Britain, to produce a book on convict transportation that will be received glowingly and sells like hot cakes, the essential ingredients are salaciousness and gross ignorance. Prostitutes, in the sense of women who sold their own sexual services directly, or did so through a pimp or brothel keeper, were indeed a significant minority among the women who were transported. In all probability, there were some aboard the *Lady Juliana*. Every

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*Times*, invites the modern viewer to assume that this is what the women transported on the *Lady Juliana* actually looked like and, in turn what kind of women they really were. This is much like assuming that black people in England of the same period looked just like the fantastical grinning 'niggers' of many late eighteenth- and early nineteenth-century British cartoon prints of London low life and that these prints correctly identify their subjects as of the lowest racial type.

<sup>36</sup> Sian Rees, *The Floating Brothel*, (Headline Books, 2001). Following an error in her major source, John Nicol, *The Life and Adventures of John Nicol, Mariner*, (Edinburgh, Blackwood, 1822), Rees always calls the *Lady Juliana*, the *Lady Julian*, "Review", *Sunday Times*, 31 December 2001, pp. 12.

<sup>37</sup> BBC Radio 4, "Woman's Hour", 9 January 2001; Radio Scotland, 12 January 2001, BBC Radio 4, 6 February 2001.

<sup>38</sup> Iain Finlayson's review appeared in "Times 2", *Times*, January 17, 2001, p. 15, col. 4.

single one of the women who were transported to Australia, nevertheless, was transported for some entirely different offence against the criminal code.<sup>39</sup>

Throughout this study a serious attempt has been made to go beyond the emotive word “convict” and to discover individuals beyond and behind their status imposed by judicial and penal processes. At no point, however, is there a denial of the fact that the transported were, in a positivist sense, convicts.<sup>40</sup> Joy Damousi has urged the necessity for historians to “go beyond the convict origins”, specifically beyond the immorality attributed by the dominant class to the female convicts.<sup>41</sup> Damousi’s agenda is posited on some cultural studies approaches, such as ‘queer theory’. In distinction to her position, this study sets out to explore, in a very fundamental sense, some of the original social moorings of those who were transported and of their forgotten loved ones. Each story to be found here begins with a petition from an individual convict or spouse. Information on where each individual dwelt, or had dwelt before transportation, and the names of their family members and their friends, has been given whenever such information was available. Collectively these petitioner narratives create a patchwork quilt of transportation *mentalités*. The petitioner narratives, and the interwoven meta-narrative, are chronologically arranged around transportation *as a process*.

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<sup>39</sup> Though Lloyd Robson assumed that whorishness in the sense of gross sexual immorality was a prevailing characteristic of transported women: a proposition since demolished by the last twenty or so years of feminist scholarship. His more sober evidence - based calculation was, however, that around 20% of transported women had been prostitutes back in Britain or Ireland (in addition, that is, to having been convicted of a transportable offence. In other words, even this scholar with his abysmally low opinion of the character of transported convict women, effectively conceded that 80% of them were *not* former prostitutes. See Lloyd Robson, *The Convict Settlers of Australia*, (Melbourne, Melbourne University Press, 1976), chapter 4, pp. 74-85 and Appendix 4, Table 4 (o), p. 187.

<sup>40</sup> The same point is made in Duffield & Bradley, (eds) *op. cit.* ‘Introduction’, p. 9.

<sup>41</sup> Joy Damousi, “Beyond the “Origins Debate”: Theorising Sexuality and Gender Disorder in Convict Women’s History’, *Australian Historical Studies*, 106, (1996), pp. 59-71.

The following chapter, Chapter 2, “‘Setting the Scene’: New South Wales, Britain and the Crowd’, examines in a new way the origins of the colony of New South Wales. It includes contemporary material from Britain relating to crime and punishment and attitudes towards ‘the crowd’ by members of the dominant class, as well as introducing ordinary people as petitioners, in a very general sense.

Chapter 3, “‘Frozen Identities’: The Individual in a Crowd, Britain and New South Wales - An exploration of the data’ is an extended essay on identity, as revealed in the space between the pronouncement of a transportation sentence and its execution. It is introduced by a contemporary newspaper report of ‘the crowd’ before discussing two individuals, John Clark and John Sanderson. Their petitions were written whilst they awaited embarkation on a transport ship. Clark petitioned from Newgate Gaol, Sanderson from detention in Portman Square Barracks. The major locations in this chapter are in Britain, but evidence has also been taken from the Australian archives.

Chapter 4, “‘These are but items in the sad ledger of despair’: Petitioning Wives in Britain’, draws mainly on the documents addressed to the Secretary of State in London by several wives, whose husbands had been transported and had already arrived in New South Wales. Both the Home and Colonial administrations appear through their exchange of official despatches on the subject of “free passages for wives”. The links between the husbands in New South Wales and the wives in Britain are clearly exposed in this chapter.

Chapter 5, ‘Family Matters: Bastards, Baptisms, Orphans, Marriages and Colonial Authority, 1810-1828’ draws on a number of contemporary sources to rebut an influential feminist strand of current Australianist scholarship. This has largely excluded colonial men, convict and free, from serious consideration in the

domestic or family environment. Instead, such scholarship has been content to dismiss the convict men as *essentially*, and so beyond further enquiry, as brutal, affectionless monsters. During the period addressed in this chapter, the colonial administration upheld an unchanging public rhetoric promoting marriage. Despite that, the process undergone by couples seeking to marry was substantially restrictive. Formal and informal mechanisms of social control achieved this effect. Chapter 5 also provides necessary background for the next chapter.

Chapter 6, 'Family Men: Petitioning Husbands in New South Wales, 1824-1827', draws on petitions from male transportees who sought the reconstitution of their family unit in the colony. Via a number of case studies, the chapter illustrates flaws in some of the scholarly assumptions relating to this group of petitioners as well as showing how colonial policies of social control affected the married male transportee.

Chapter 7, "You can't alter facts by filming them over with dead romances" offers case studies of three couples affected by transportation. These case studies spring from archive sources; it has been possible to expand from these initial documents thereby demonstrating the different circumstances of these three couples. The geographic spread in this chapter moves between an industrial town in South Wales and rural locations in New South Wales for Thomas and Susanna Francis; between a rural parish in England and Windsor, outside Sydney on the Hawkesbury River, for Richard and Prudence Bankin. For the third couple, Lawrence and Lydia Ann Halloran, the geographic locations range even more widely, between Ireland, England, the Cape of Good Hope and New South Wales.

Chapter 8, 'Neglected Cargo - Correspondence and Communications between New South Wales and Britain' addresses more directly the issue of

‘disappeared’ transportees. The correspondents here have not been restricted to married couples but includes the extended families and friends of transported convicts. The geographic locations for this chapter are New South Wales and Britain. Simultaneously the chapter offers a new perspective on such correspondence, and rebuts some of the interpretations of convict correspondence in what I characterise as Australian Nationalist historiography.

Chapter 9, ““So Sarah Wharmby disappeared from English history too”?” concludes the study. This chapter returns to the northern hemisphere, where the study began. It has drawn on a contemporary newspaper report to provide a metaphor for the entire study, whilst offering an extended rebuttal to Victor Gattrell’s assertion that Sarah Wharmby (and by implication all her like), disappeared from English History. The thesis thus concludes with what amounts to a plea for greater connectedness in the study of history: specifically, in the study of the histories of (mainly) lower class people in late eighteenth - and early nineteenth-century Britain, and of those among them who were discharged as noxious human sewage to Australia. This particular connected history has been hidden because so many historians have only been able to envisage the possibility of largely disconnected national histories.

Overall, this study offers new and alternative perspectives on and understandings of convict transportation. Behind what academics would call its primary sources, there were human beings, without whose resort to petitions and other forms of correspondence the study could not have been begun, let alone completed. Their appeals are the heart of the matter and, in a very different sense to that meant by Marx, ‘the heart of a heartless world’. These people’s words were

not mere opiates to conceal the pain of existence but were, rather, action statements seeking to improve existence.



## **CHAPTER TWO:**

### **SETTING THE SCENE: New South Wales, Britain and the Crowd**

**The confusion that ensued will not be wondered at, when it is considered that every man stepped from the boat literally into a wood.** <sup>1</sup>

The formal colonisation of New South Wales took place on 7 February 1788, one week after the arrival of the “First Fleet”. Theatre initially provides an adequate model for this scene.<sup>2</sup> Preparations entailed the major work of clearing the ground to provide a suitable stage. Such preparations involved some of the newly arrived male convicts in the first of essential labour services for the establishment of the colony.<sup>3</sup> The official stage was on the cleared land. The ground was brought into play as makeshift seating for the audience, which had been assembled prior to the actual ceremony. Not all of the 548 male and 188 female convicts<sup>4</sup> who had arrived on the ships of the “First Fleet” attended the ceremony.<sup>5</sup>

Stage props were minimal: a folding table and two leather cases; one of which held King George III’s seal, and the other the official documentation for the commissioning of the colony.<sup>6</sup> The improvised stage enabled the leading

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<sup>1</sup> David Collins, *An Account of the English Colony in New South Wales: with Remarks on the Dispositions, Customs, Manners &c of The Native Inhabitants of that Country To which are added some particulars of New Zealand, compiled, by permission, from the MSS. Of Lieut. -Governor King*, (London, T. Cadell Jun. And W. Davies, 1798), p. 6.

<sup>2</sup> W.J.T. Mitchell, ‘Representation’ in Frank Lentricchia and Thomas McLaughlin (eds) *Critical Terms for Literary Study*, (London, University of Chicago Press, 1990). Mitchell’s discussion refers to the “relationship between aesthetic or semiotic representation (things that “stand for” other things) and political representation (persons who “act for” other persons)”, pp. 11-22, esp. p. 11.

<sup>3</sup> Lack of evidence necessitates vagueness in this use of “some”; see n. 5 below.

<sup>4</sup> Mollie Gillen, *The Founders of Australia: A Biographical Dictionary of The First Fleet with Appendices* by Yvonne Browning, Michael Flynn, Mollie Gillen, (Sydney, Library of Australian History, 1989), is the most comprehensive reference of those who arrived in January 1788. The 3<sup>rd</sup> Appendix lists non-English ‘first fleters’, pp. 421-424.

<sup>5</sup> Collins, *op. cit.* The number of the sick was “fast increasing ... and several died” explained their absence from this event, p.7.

<sup>6</sup> C. Manning Clark, *A History of Australia, Vol. I: From the earliest times to the Age of Macquarie*, (Melbourne, Melbourne University Press, 1962), Clark’s description of these “props” was drawn from several of the First Fleet journals, p.88. Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia 1787-1868*, (London, Pan Books, 1988), p. 89. Hughes

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members from the cast of “First Fleeters” to stand centre-stage: <sup>7</sup> Arthur Phillip the first governor, Robert Ross the lieutenant-governor, David Collins the judge-advocate, Richard Johnson the clergyman and John White the surgeon were placed in a semicircle around the table. The only two to have formal speaking parts were Arthur Phillip and the judge-advocate David Collins. <sup>8</sup> The ceremonial rituals included “music playing and colours flying” as well as a volley of gunshot to mark a closure to the scene. <sup>9</sup>

The scholarly literature has drawn on Arthur Phillip’s speech in 1788 exploring the constitutional antecedents of the foundation of New South Wales. Its interpretations have focussed on the power over territories as well as over the population, and the nature of colonisation. <sup>10</sup> The art critic, Robert Hughes, exploited the theatrical and visual elements of the proceedings. He concluded, “This simple choreography summed up the main transactions of power”. <sup>11</sup> The

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cites Arthur Bowes Smyth, ‘Journal of a Voyage to New South Wales in the *Lady Penrhyn* 1786-89’, as his source. This ‘Journal’ does not appear to have been printed. Bowes Smyth was the surgeon on board the *Lady Penrhyn*. Neither Collins, *op. cit.*, nor Watkin Tench, *Sydney’s First Four Years being a reprint of ‘A Narrative of the Expedition to Botany Bay and a Complete Account of the Settlement at Port Jackson with an Introduction and notes by L. F. Fitzhardinge*, (Sydney, Angus & Robertson, 1961), mention these props.

<sup>7</sup> Hughes, *op. cit.*, p. 89.

<sup>8</sup> Collins, *op. cit.*, pp. 7-8, esp. p. 8; Tench, *op. cit.*, p. 41.

<sup>9</sup> Tench, *op. cit.*, p. 41.

<sup>10</sup> See, for example, R.H. Connell and T.H. Irving, *Class Structure in Australian History*, (Melbourne, Longman, Cheshire, 1980), chapter 2; Alan Atkinson, ‘The First Plans for Governing New South Wales, 1786-87’, *Australian Historical Studies*, 24, (1990), pp. 22-40; Alastair Davidson, *The Invisible State: The Formation of the Australian State 1788-1980*, (Cambridge, Cambridge University Press, 1991), pp. 19-23, esp. p. 20; Marian Aveling, ‘Imagining New South Wales as a gendered society, 1783-1821’, *Australian Historical Studies*, 25, (1992), pp. 1-12. See also David Day, *Claiming a Continent: A new history of Australia*, (Sydney, Angus & Robertson, 1996, 1997 edn.), Day draws attention to the flag being raised as the significant event of the proceedings, pp. 36-41, esp. 38.

<sup>11</sup> Hughes, *op. cit.*, p. 89. It is possible that Hughes relied overmuch on his source of Bowes Smyth. See Ian Duffield ‘Blockbusting Transportation: Hughes’ *The Fatal Shore*’, *Australian Studies*, 1, (1988) pp. 84-94; also Atkinson, ‘Writing about Convicts: Our Escape from the One Big Gaol’, in P. Chapman *et. al.* (eds) *Exiles of Empire: Convict Experience and Penal Policy 1788-1852*, special convict issue, *Tasmanian Historical Studies*, 6, (1999), pp. 17-28, esp. pp. 22-23.

dramatic impact was designed to impress and intimidate the audience, collectively referred to as “the convicts”. The exhibition of power in any theatrical sense was not sufficient in itself; power was manifested in the compulsory attendance at the formal ceremony; power was upheld by force in the presence of the loaded guns. Power, authority and force were explicit in the governor’s official capacity. The authority vested in the governor was remarked upon at the time. Watkin Tench wrote,

Nor have Government been more backward in arming Mr Phillip with plenitude of power than extent of dominion. No mention is made of a Council to be appointed, so that he is left to act entirely from his own judgement.<sup>12</sup>

These contemporary accounts share and convey an implicit expression regarding those who, as members of the audience, attended the formal ceremony and heard the address of Governor Arthur Phillip. There was no indication given in the accounts of any physical movement by any one of that audience;<sup>13</sup> they were depicted as being contained within one homogenous mass; they heard, it would seem, with one collective ear and, by default, were collectively neutral to the words they heard. Dramatic affect, however, depends upon an audience. From the improvisation of the Renaissance *commedia dell’arte* to a modern pantomime, and from the classical Greek tragedies to the carefully scripted sardonic exchanges in a twentieth-century drawing room comedy, an essential element of all drama is

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<sup>12</sup> Tench, *op. cit.*, p. 41. L. H. Fitzhardinge’s gloss suggested that the possibility of publication may have tempered Tench’s lack of criticism. To support this opinion Fitzhardinge quoted from Ralph Clark’s ‘Journal’, “I never heard of any one single person having so great power vested in him as the governor”, p. 100, n. 7.

<sup>13</sup> In view of the climate, the disturbance to the terrain as well as the rain it seems highly unlikely that no-one in the audience was affected by mosquitoes or other bodily disturbances. Clark, *op. cit.*, vol. I, quoting from Ralph Clark’s “Journal” makes this point, p. 8.

the response of the audience.<sup>14</sup> Every public or private scene carries an overt or covert message to its particular audience. Unless such a message is understood, it has no meaning: the scripted words or improvised speech, the tone of voice, the facial expressions, the body posture of individual actors takes place in a void. There must be a relationship and an interaction between actors and audience. The overt or covert message is nullified without a corresponding comprehension and appreciation of its nuances.<sup>15</sup>

The crowd in Britain and New South Wales was “an aggregate of men and women of flesh and blood”.<sup>16</sup> This “crowd” also carried the term “convict”. Those who witnessed the events on 7<sup>th</sup> February 1788 comprised a “convict audience”. But how accurate a representation was the passivity and immobility in respect of their personal lives in New South Wales? Through this study it is intended to move beyond the limits conveyed by the juxtaposition of the concepts “convict” and “audience”. The words carry meanings beyond their literal truths.<sup>17</sup> Both terms are equivocal in respect of society in early nineteenth-century New

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<sup>14</sup> See Ruth Brown, ‘From Keneally to Wertenbaker: Sanitizing the System’, Ian Duffield & James Bradley (eds.) *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, (London, Leicester University Press, 1997), pp.78-86. Brown’s subject was Thomas Keneally’s novel *The Playmaker* (London, Hodder and Stoughton, 1987) which was itself related to the production of George Farquhar’s *The Recruiting Officer* (1706) performed in 1789 with its cast of “free” and “unfree” in New South Wales. The play *Our Country’s Good* by Timberlake Wertenberger (1991) (based on Keneally’s novel) was subsequently commissioned by Max Stafford-Clark. Brown’s work draws attention to the flawed concept: “historical knowledge is a given fact to be esteemed, not a process to be questioned”, p.78.

<sup>15</sup> Pierre Bourdieu, Translated Richard Nice, *Distinction: A Social Critique of the Judgement of Taste* (London, Routledge & Kegan Paul, 1984) comments, ‘...drama, which even in its most refined forms still bears a social message and can only be “put over” on the basis of an immediate and profound affinity with the values and expectations of its audience’, p. 19.

<sup>16</sup> George Rudé, *The Crowd in History* (London, Lawrence & Wishart, 1981, revised edn. used), p.9.

<sup>17</sup> C. Janaway in Ted Honderich (ed) *The Oxford Companion to Philosophy* (Oxford, Oxford University Press, 1995) discusses the ‘aesthetics, problems of’ and ‘value, aesthetics’ respectively, pp.13-16 and p. 895. This deliberate juxtaposition contains traces of the ‘aesthetic’ and ‘semiotic’ approaches to philosophical and literary analysis debates.

South Wales. The word 'convict' has a limited taxonomy relating solely to having been found guilty and sentenced. It is without doubt true that "the men and women penally 'transported' to Australia (or anywhere else) *were* convicts".<sup>18</sup> However, the subsequent use of qualifying adjectives in the current scholarly literature demonstrates limitations to this taxonomy as a defining term within historical discourses.<sup>19</sup>

Sections of the unfree population are gathered under titles including the word "convicts".<sup>20</sup> Scholars, with their own agendas, have drawn "female convicts" under another umbrella.<sup>21</sup> "Political convicts" have provided a further subject for historians.<sup>22</sup> Nationalist historiography describes "Irish convicts";<sup>23</sup>

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<sup>18</sup> Duffield and Bradley (eds) *op. cit.*, 'Introduction', emphasis in the text, p. 9.

<sup>19</sup> See for example, Paul Edward Le Roy, "The Emancipists from Prison to Freedom: The Story of the Australian Convicts and their Descendants", Ph.D. Thesis Ohio University, 1960. Throughout this thesis Le Roy only names governors and administrators. See Lloyd Robson, *Convict Settlers of Australia* (Melbourne, Melbourne University Press, 1976) and John Hirst, *Convict Society and its Enemies: A History of Early New South Wales* (Sydney, Allen & Unwin, 1983). However, since publication the debate has moved beyond the limitations imposed by such general titles.

<sup>20</sup> Alan Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the Empire*, (London, Faber, 1966); Alan Frost, *Convicts and Empire: A Naval Question, 1776-1811*, (Melbourne, Oxford University Press, 1981); Stephen Nicholas, (ed.) *Convict Workers: Reinterpreting Australia's Past*, (Cambridge, Cambridge University Press, 1988).

<sup>21</sup> However, not all those who share an interest in the female convicts can be defined as 'feminists'. Nor indeed would they wish to be portrayed as such. However, their work has undoubtedly focused on the female convict population of both New South Wales and Van Diemen's Land. See for example, Katrina Alford, *Production or Reproduction: An Economic History of Women in Australia, 1788-1850*, (Melbourne, Melbourne University Press, 1984); Portia Robinson, *The Women of Botany Bay: A Reinterpretation of the Role of Women in the Origins of Australian Society*, (North Ryde, Macquarie Library, 1988); Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia*, (Cambridge, Cambridge University Press, 1996); Joy Damousi, *Depraved and Disorderly: Female Convicts Sexuality and Gender in Colonial Australia*; (Cambridge, Cambridge University Press, 1997); Kay Daniels, *Convict Women*; (St Leonards, New South Wales, Allen & Unwin, 1998); Kirsty Reid, 'Work, Sexuality and Resistance: The Convict Women of Van Diemen's Land 1820-1839', Ph.D. thesis, University of Edinburgh (1995).

<sup>22</sup> The word 'political' is also problematic in its diverse applications. Thus rural discontent and 'national' uprisings could be and are incorporated under this division. See Jill Chambers, *Rebels of the Field: Robert Mason and the Convicts of the 'Eleanor'* (Letchworth, J. Chambers, c. 1995). For the 'Scottish Martyrs' see Alan Shaw & C. Manning Clark, (eds.), *Australian Dictionary of Biography*, in 2 vols, 1788-1850, (Melbourne, Melbourne University Press, 1966), [hereafter *ADB*] Thomas Fyssh Palmer, *ADB*, Vol. II, pp. 312-3; George Mealmaker, *ADB*, Vol. II, p. 218; Joseph Gerrald, *ADB*, Vol. I, pp. 438-9; Maurice Margarot, *ADB*, Vol. II, pp. 206-7; Thomas Muir, *ADB*,  
/continued on next page

“Welsh convicts”<sup>24</sup> and “Scottish convicts”.<sup>25</sup> There has also been scholarly interest in inter-colonial transportation.<sup>26</sup>

The value of the individual works lie in the collective evidence of the limitations of postulating an all-inclusive class or group, “convicts”. Additionally, the literature has promoted further questions relating to convicts, as well as demonstrating a rich diversity of experiences and cultural practices,<sup>27</sup> which were

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Vol. II, pp. 266-7, and William Skirving, *ADB, Vol. II*, p. 449-50. Each entry lists a series of articles devoted to the individual member of this group. Margaret and Alastair Macfarlane, *The Scottish Radicals: Tried and Transported to Australia for Treason in 1820*, (Stevenage, SPA Books, 1981 edn.); Kieran Sheedy, *The Tellicherry Five: Transportation of Michael Dwyer and the Wicklow Rebels*, (Dublin, Woodfield Press in association with Radio Telefis Eireann and Wicklow County Council, 1997). The narratives written by Linus Miller, *Notes of an Exile to Van Diemen's Land* (1846), (Johnson Imprints, New York, 1962) and William Gates, *Recollections of a Life in Van Diemen's Land*, (D.S. Ford, Sydney, 1961) both demonstrated their horror at being thought of as ordinary convicts. For a recent study of Linus Miller see Cassandra Pybus, ‘the d- Yankee quill-driver’, Lucy Frost & Hamish Maxwell-Stewart (eds) *Chain Letters: Narrating Convict Lives*, (Melbourne, Melbourne University Press, 2001), pp. 15-32, esp. p. 18.

<sup>23</sup> There is a rich literature relating to the Irish transportees. See, for example, Bob Reece, ‘Irish Convicts and Australian Historians’, in Bob Reece (ed.) *Irish Convicts: The Origins of Convicts Transported to Australia*, (Dublin, Department of Modern History, University College, Dublin, 1989), pp. 1-24 who addresses not only the romanticism of the Irish convict period, but also gives a useful overview of historical approaches to the Irish dimension. See also Patrick O’Farrell, *Letters from Irish Australians, 1825-1929*, (Sydney, New South Wales University Press, 1984).

<sup>24</sup> Deirdre Beddoes *Welsh Convict Women*; this book is not in the National Library despite its UK publication. Lewis Lloyd, *Australians from Wales*, (Gwynedd, Gwynedd Archives and Museum Service, 1988) whose reference to the female convicts is drawn exclusively from Beddoes’ work. Lloyd’s work is, however, less related to the early period in Australia and is more concerned with free emigration. Despite the fact that Lloyd refers to 2,200 convicts being transported to Australia his focus is concentrated mainly on those involved with the Chartists, particularly John Frost and Zephaniah Williams, p. 27.

<sup>25</sup> Iain Donnachie, ‘Scottish Criminals and Transportation to Australia, 1786-1852’, *Scottish Economic & Social History Society*, No. 4, 1984, pp. 21-38 and ‘Utterly Irreclaimable: Scottish Convict Women and Australia 1787-1852’, *Journal of Regional and Local Studies*, 8, (1988), pp. 116; Malcolm Prentis, *Scots in Australia* (Sydney, Sydney University Press, 1983) devotes a short chapter to convicts transported from Scotland.

<sup>26</sup> Duffield, ‘From Slave Colonies to Penal Colonies: The West Indian Convict Transportees to Australia’, *Slavery and Abolition*, 7, (1986), pp. 25-45; see also Duffield, ‘Daylight on Convict Lived Experience: The History of a Pious Negro Servant’ in P. Chapman *et. al.*, *op. cit.*, pp. 29-62. Duffield’s elegant essay in Frost & Maxwell-Stewart (eds), *op. cit.*, “‘Stated this Offence’: high-density convict micro-narratives”, is concerned with three individual convicts whose life experiences included enslavement and slavery, pp. 119-135. See also L. C. Duly, ‘Hottentots to Hobart and Sydney: The Cape Supreme Court’s Use of Transportation 1828-1838’, *Australian Journal of Political History*, 25, (1979), pp. 25-50.

<sup>27</sup> Hamish Maxwell-Stewart & Ian Duffield, ‘Skin Deep Devotions: Religious Tattoos and Convict Transportation to Australia’ in Jane Caplan (ed.) *Written on the Body: The Tattoo in European and American History* (London, Reaktion, 1999), pp. 118-135.

not necessarily adopted by an essentialised 'convict' collectivity. As Norma Townsend recently stated, "No stereotype is accurate".<sup>28</sup> This statement is currently supported by the 'new wave' of interest in the demolition of the stereotypical "convict/s".

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<sup>28</sup> Norma Townsend, 'Penelope Bourke Revisited', *Labour History*, 77, (1999) pp. 207-218, p. 212.



**The cruel custom, to the sufferer cruel,  
Useless and baneful to the gaping crowd!** <sup>29</sup>

None in that convict audience on 7 February 1788 was a stranger to the trappings of a theatrical performance in which power and authority were apparent in human form. The commissioning of the colony, along with its accoutrements of power, introduced a new chapter in colonial history whilst replicating the theatres of courts of justice throughout mainland Britain. Each member of the audience had witnessed and played a part at his or her trial, which led to his or her embarkation to the unknown destination. In Britain, the commutation of a capital sentence was frequently announced with the additional flourish of mercy, apparently from the king himself. In addition to the ruling monarch, local Justices of the Peace were given the same discretionary powers of distributing pardons to individuals who had recently received death sentences. In such a case, Douglas Hay suggests that a successful appeal for mercy was linked to a variety of different causes in which a fabric of “obedience, gratitude and deference” were joined in such a way as to

allow the rulers of England to make the courts a selective instrument of class justice, yet simultaneously to proclaim the law’s incorruptible impartiality, and absolute determinacy. <sup>30</sup>

Under such circumstances, the transportation sentence imposed was for life.

The three official variables of transportation sentences were for seven years,

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<sup>29</sup> William Dodd LL.D., *Thoughts in Prison, viz The Imprisonment - The Retrospect - Public Punishment - The Trial - Futurity; To which are added, His Last Prayer, Written in the Night before his Death; The Convict’s Address to His Unhappy Brethren; and Other Miscellaneous Pieces*: (London, C. Dilly, 1793). The anonymous ‘Introduction’ to the 4<sup>th</sup> edition contains a brief biography of William Dodd with a description of his journey from prison to the scaffold, p. 26. Dodd was executed on 27<sup>th</sup> June 1777. The quotation is from his lengthy poem, ‘Thoughts in Prison’, written between the date of sentence and execution. This short extract is from ‘Week The Third Public Punishment’, dated March 18<sup>th</sup> 1777, p. 83.

<sup>30</sup> Douglas Hay, ‘Property, Authority and the Criminal Law’, in Douglas Hay, *et. al.*, (eds) *Albion’s Fatal Tree: Crime and Society in Eighteenth Century England*, (London, Allen Lane, 1975), p. 48.

fourteen years, or life. These were the temporal elements of the sentencing process. This power over life and death exercised by the criminal court, coupled with the ability to reverse an imposition of condemnation to the gallows through the exercise of mercy and clemency was, however, a manipulative tool in contemporary social relations.<sup>31</sup> Transportation was the only alternative to the death sentence. Initially a condemned individual could choose transportation rather than death. Exile remained within the formal prerogative of the crown until the Transportation Act of 1717 formalised the system.<sup>32</sup> As the establishment of the penal stations proved, transportation never obviated the possibility of further punishments.<sup>33</sup>

Of those who heard the public commissions of colonisation, some may have witnessed the theatre of the public procession to Tyburn Tree in London. The

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<sup>31</sup> *Ibid.*, p. 63. See also the elegantly-written and insightful exposition by Carolyn Strange who describes Hay's thesis as a "ground-breaking work on terror, mercy and the majesty of criminal law" with its analytic influence on subsequent works in this area in 'Introduction', *Qualities of Mercy: Justice, Punishment and Discretion*, (Vancouver, University of British Columbia Press, 1996), 'Introduction', pp. 3-20, esp. pp. 6-7.

<sup>32</sup> 4 George, 1, c. 11 (1717) *An Act for the further preventing of robbery, burglary and other felonies, and for the more effectual transportation of felons, etc.*

<sup>33</sup> For valuable studies exposing the complexities of social relations at secondary punishment penal stations see Tamsin O'Connor, 'A Zone of Silence: Queensland's convicts and the historiography of Moreton Bay', in Ian Duffield & James Bradley, (eds.), *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, (London, Leicester University Press, 1997), pp. 124-151; see also O'Connor, 'Buckley's Chance: Freedom and Hope at the Penal Stations of Newcastle and Moreton Bay', in P. Chapman, *et. al.* (eds) *op. cit.* pp. 115-128; Hamish Maxwell-Stewart, 'Convict Workers, Penal labour and Sarah Island: Life at Macquarie Harbour, 1822-1834', in Duffield & Bradley, (eds.), *op. cit.* pp. 142-162, also 'The Rise and Fall of John Longworth: Work and Punishment in Early Port Arthur', in P. Chapman, *et. al.*, (eds), *op. cit.*, pp. 96-114, and Maxwell-Stewart, 'The search for the invisible man', in Frost & Maxwell-Stewart (eds), *op. cit.*, pp. 49-64. See also Raymond Evans & Bill Thorpe 'Power, Punishment and Penal Labour' *Australian Historical Studies*, 25, (1992), pp. 90-111. This article rejected the cliometric approach to corporal punishment in Stephen Nicholas, (ed) *Convict Workers: Reinterpreting Australia's Past* (Cambridge, Cambridge University Press, 1988) through the use of evidence of 'Jack Bushman' whose narrative had appeared in the *Moreton Bay Courier* in 1859. See also Duffield, 'Problematic Passages: "Jack Bushman's Convict Narrative"' in Duffield & Bradley (eds) *op. cit.*, pp. 20 - 42. A recent essay by Evans & Thorpe, 'In search of "Jack Bushman"', can be found in Frost & Maxwell-Stewart, (eds.), *op. cit.*, pp. 32-48; see also Evans & Thorpe, 'The Last Days of Moreton Bay: Power, Sexuality and the Misrule of Law', in *Fatal Shores*, Special Issue of *Journal of Australian Studies*, 53, (1997), pp. 59-77.

public nature of the journey to the scaffold had commenced within the prison yard itself.<sup>34</sup> This public procession had been abolished in Britain five years previously (in 1783).<sup>35</sup> In part the decision to abolish the public procession to the place of execution was one aspect of attempts to exert social control within the metropolitan centre.<sup>36</sup> Such a step (the abolition of the public procession) clearly demonstrated the ever-broadening gap between the rulers and the ruled. This gap was discernible in the attitudes towards crime and criminals. The previous tacit social contract between public punishment imposed through, and by, authority and public sanctions of disapproval for the wrong-doer had disintegrated during the course of the eighteenth century.<sup>37</sup> In 1777 William Dodd anticipated his future journey to Tyburn and prophetically described the efficacy of the crowd's condemnation.

Although the public procession in Britain had been abolished in 1783, executions remained public until 1868.<sup>38</sup> The public courts and public executions evoked a combination of hostility and "gallows" humour from spectators.<sup>39</sup> Dodd, in his lengthy poetic outpourings, conveyed the power of the public sanction, his disgrace and the contempt of the crowd,

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<sup>34</sup> Dodd, *op. cit.* The anonymous 'Introduction' to the 4<sup>th</sup> edition contains a brief biography of William Dodd with a description of his journey from prison to the scaffold, p. 26.

<sup>35</sup> Peter Linebaugh, *The London Hanged: Crime and Society in the Eighteenth Century*, (London, Penguin, 1993), 'Introduction', p. xxv.

<sup>36</sup> Linebaugh, 'The Tyburn Riot Against the Surgeons', in Hay, *et. al., op. cit.*, p.67.

<sup>37</sup> Hay, in Hay, *et. al., op. cit.*, p. 48.

<sup>38</sup> Tom Gretton, 'Last Dying Speech and Confession', in Michele Field and Timothy Millett (eds) *Convict Love Tokens: the leaden hearts the convicts left behind*, (Kent Town, South Australia, Wakefield Press, 1998), pp. 39-46, p. 42.

<sup>39</sup> See Linebaugh, *op. cit.*, Chapter 3, 'Tyburnography: The Sociology of the Condemned', pp. 74-91.

I am sunk at once into poverty and scorn; my name and  
crime fill the ballads in the street, the sport of the  
thoughtless and the triumph of the wicked <sup>40</sup>

Dodd's opinion of those whose derision caused him 'shame' is instructive in demonstrating one aspect of the contemporary moral economy. In part his 'shame' was compounded by the public nature of his 'fall' from the elevated social position he had enjoyed prior to the events resulting in his trial. His exposure as a disgraced man of the cloth en route for Tyburn was one aspect, but when coupled to the public cynosure from those he considered his social inferiors his 'shame' held a particularly bitter flavour.

Victor Gatrell charts the changing sensibilities of the "English" crowd. <sup>41</sup> However, in 1840 Robert Peddie, a prisoner in England, made a very similar observation on the efficacy of the crowd to touch an exposed nerve. His journey to Beverley Gaol, where he was incarcerated for three years, was undertaken in an open carriage and chained to "common felons". In his lengthy petition he complained of this treatment since he was "exposed to the gaze, and often to the rude jest of the crowd". <sup>42</sup> Separated by seventy years William Dodd and Robert Peddie were keenly aware of their social status; a status which both felt was an entitlement to protection from a crowd of social inferiors.

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<sup>40</sup> Anonymous, in Dodd, *op. cit.*, 'Introduction', p.18.

<sup>41</sup> Victor A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868*, (Oxford, Oxford University Press, 1994), charts the changing sensibilities towards capital punishment across the whole period and across social classes. See also Greg T. Smith, 'Civilized People Don't Want to See that Kind of Thing: The Decline of Public Physical Punishment in London, 1760-1840', in Carolyn Strange (ed.), *op. cit.*, pp. 21 - 51.

<sup>42</sup> Robert Peddie, *The Dungeon Harp Being a Number of Poetical Pieces Written during A Cruel Imprisonment of Three Years In the Dungeons of Beverley; Also, A Full Proof of The Perjury Perpetrated, Against the Author, By Some of the Authorities* (Edinburgh, Printed H. Armour, 1844) p. 16.

The sensibilities of the crowd may have changed in the century between Dodd's execution and the appearance of Marcus Clarke's convict novel *His Natural Life* which first appeared in book form in 1874.<sup>43</sup> However, Clarke's opinion of the crowd is at odds with Gatrell's assessment. Clarke described the collective state of the observing population as having "that morbid love of the horrible which is the portion of ignorant or ill-balanced minds, [and] renders a great criminal a great hero in the minds of the people."<sup>44</sup> When this opinion was stated, Clarke was referring to a period prior to his own experience and the success of his novel. Clarke linked his denial of the power of public sanction to the emergence of 'commodity capitalism'. The spectacle of a public hanging was only one entertainment amongst many public events occurring on the same day and in public spaces. As Philip Rawlings points out, however, it was not only the physical spectacle of an execution to attract a broad social spectrum of interest, as the sales and readership of criminal biographies in the eighteenth century showed.<sup>45</sup>

In New South Wales the drama of both the procession and the execution itself remained public until 1855.<sup>46</sup> During the 1830s the average number of public executions per year was twenty-eight.<sup>47</sup> At that time the gallows in

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<sup>43</sup> Wilde et. al., (eds) *The Oxford Companion to Australian Literature*, (Oxford, Oxford University Press, 1991), pp. 160-162.

<sup>44</sup> Andrew McCann, 'Marcus Clarke and the Society of the Spectacle: Reflections on Writing and Commodity Capitalism in Nineteenth Century Melbourne', *Australian Literary Studies*, Vol. 17, (1996), pp. 222-234, esp. 223.

<sup>45</sup> Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the 18<sup>th</sup> Century* (London, Routledge, 1992), 'General Introduction', pp. 1-35, esp. p.4, and n. 16, p.34.

<sup>46</sup> Michael Sturma, 'Public Executions and the Ritual of Death 1838', in *Push from the Bush*, 15, (1983), pp. 3-11, esp. p. 4. See also Sturma, *Vice in a vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales*, (St Lucia, University of Queensland Press, 1983).

<sup>47</sup> Sturma, 'Public...', *op. cit.*, p. 3.

Sydney, which were the scene of execution, were located in Lower George Street. Exceptions to this rule mainly occurred when the act of execution occurred in a rural district where, it was felt, the example would carry most weight in the local community.<sup>48</sup>

This public spectacle of the procession to the place of execution was played out in Sydney in 1803. The events described exhibit the twin faces of the authority, in its power to condemn and to reprieve. Robert Jillet, who had arrived on the ill-fated *Hillsborough*<sup>49</sup> in 1797 was convicted of stealing food from the Provision Store. He was publicly conveyed through Sydney and past the street where he lived (Pitts Row) en route to his execution. In the event Jillet was given a reprieve, but not before he had been “delivered to the executioner”.<sup>50</sup> The editorial comment in the *Sydney Gazette* was explicit that this public display was intended to act as a deterrent to the audience, despite the absence of any record of words having been said by Robert Jillett on receiving his reprieve.<sup>51</sup> Since the *Sydney Gazette* was an organ of the government such a comment is hardly surprising. The chain of events certainly illustrates that the colonial government, then under Philip Gidley King,<sup>52</sup> was aware of the power of such a theatrical display. An early example of such power had been enacted in the colony within a

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<sup>48</sup> *Ibid* p. 4.

<sup>49</sup> The *Hillsborough* convict ship was notorious for its high mortality rate. Of the 300 male convicts who had embarked in England only 205 survived the typhoid fever to arrive. After disembarking at Sydney a further six died, bringing the ship’s fatality rate to one-third. See William Noah, *Voyage to Sydney in the Ship Hillsborough 1798-1799 and A Description of the Colony* (Sydney Library of Australian History, 1978) an unedited facsimile edition.

<sup>50</sup> *Sydney Gazette*, [hereafter SG], 17 April 1803, p. 3, c.1 .

<sup>51</sup> Gretton, *op. cit.*, p. 40. See also J. A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology and Public Execution in 17<sup>th</sup> Century England”, *Past & Present*, No. 107 (1985) pp. 144-67. See also the brilliant exposition by Tamsin O’Connor, ‘Raising Lazarus’, Frost & Maxwell-Stewart, (eds) *op. cit.*, pp. 148-161, esp. 149-50.

<sup>52</sup> *ADB*, Vol. II, pp. 55-61.

month of the First Fleet's arrival. James Barrett (aged 17) with three companions, was found guilty of stealing from "the stores" and was executed.<sup>53</sup> Governor Phillip spared his three companions "the power of pardoning being vested in him by his Majesty's commission".<sup>54</sup> This mechanism of condemnation of one, followed by the reprieve for three, demonstrated the Janus aspect of power, authority and patronage.

Robert Jillett was subsequently described by Captain Piper<sup>55</sup> as a "Convict for Life, [and] a bad character".<sup>56</sup> This may have been on account of his earlier escape from the gallows. As a commutation of his execution sentence Robert was exiled to Norfolk Island, where he formed a relationship with Elizabeth Bradshaw. The couple had two children who were both born on Norfolk Island. Subsequently Jillett was moved to Hobart.<sup>57</sup> Captain Piper's motives for his description of Robert Jillett cannot be known. Jillett's earlier crime and his subsequent relationship with Elizabeth Bradshaw were two components which Piper may have thought sufficient. However, Barrie Dyster gives a lucid and perceptive comment

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<sup>53</sup> See Duffield, 'Constructing and Reconstructing "Black Caesar"', in Paul Hullah (ed.), *Romanticism and wild places: essays in memory of Paul Edwards*, (Edinburgh, Quadriga, 1998) pp. 57-93, esp. p.67 and n.64 for discussion on inadequate provisions in the early years of the colony. See also an early article by Lois Davey, Margaret Macpherson & F.W. Clements, 'The Hungry Years 1788-1792: A Chapter in the History of the Australian and His Diet', *Australian Historical Studies*, 3, (1947), pp. 187-208.

<sup>54</sup> Collins, *op. cit.*, p. 9-10, esp. p. 10.

<sup>55</sup> *ADB*, vol. II, pp. 334-35.

<sup>56</sup> Atkinson, *Europeans, op. cit.*, p. 313.

<sup>57</sup> Robert Jillett was convicted at Middlesex and given a life sentence. See Carol J. Baxter, (ed.), *Musters of New South Wales and Norfolk Island 1805-1806*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, Sydney, 1989), entry no. D 0410 shows him living 'off the stores' as a labourer on Norfolk Island, p. 193. See also Carol J. Baxter, (ed.), *General Musters of New South Wales, Norfolk Island and Van Diemen's Land 1811*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, Sydney, 1989), entry no. 3106, p.68. This records Robert Jillett as having arrived per the *Hillsborough* in 1797. He was, at that time, living in Hobart. There is no trace of Elizabeth Bradshaw (under this name) or her children in subsequent *Musters* for New South Wales.

on Piper's attitude towards his personal servants, suggesting that Piper may have been swayed by class prejudice.<sup>58</sup> What Piper's words do disclose, however, is the perceptible tension that pervaded social relationships in the colony at the time. Jillett's secondary conviction in the colony, combined with his irregular sexual relationship were a powerful base for prejudice; when these two were present in a social inferior such as Robert Jillett, then it is impossible to assess which, if any, of these aspects inspired Piper's epitaph.<sup>59</sup>

The word "audience", as implied by the contemporary descriptions of the commissioning of the colony, represents the convicts as passive and unresponsive. It is as though they were merely observers of a drama that had no real meaning or significance in their lives. Throughout the period of transportation individual convicts sought ways and means of moving from the imposed position of a passive observer to that of an active participant promoting his or her own personal cause. Convicts sought an "audience" through their petitions addressed to the Governor. They actively requested a "hearing" and an engagement with the colonial administration. Convicts, at an individual level, brought themselves out of anonymity to the attention of the Governor of the day. Through the individual petitions addressed to the Governor, or the head of an administrative department of government, a remote and tenuous but nonetheless tangible relationship was formed. Communications (written and verbal) took place. Each petitioner appears

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<sup>58</sup> Barrie Dyster, *Servant and Master: Building and Running the Grand House of Sydney 1788-1850* (Sydney, New South Wales University Press, 1989) pp. 162-3, esp. p. 163. Dyster's interpretation of Captain Piper's attempted suicide demonstrates that the manner in which this act was to be carried out endangered the lives of his servants. See also Sturma, "'The Eye of the Beholder': The Stereotype of Women Convicts, 1788-1850", *Labour History*, 34, (1978) pp. 48-56. Although Sturma's concern was with the women convicts his framework of class prejudice is appropriate here.

<sup>59</sup> Gordon W. Allport, *The Nature of Prejudice*, (Boston, The Beacon Press, 1954), referring to "Is Prejudice a Value Concept?", pp. 9-12.



to have received a response from the Governor's office through the Colonial Secretary. These interactions were not initiated through the immediate exercise of authority, but rather through the proactive behaviour of individuals. Each petitioner thereby promoted him/herself to the attention of the administration. Such a petition can be regarded as constituting in itself a request for an audience in which the petitioner was the active agent. It would be clearly a "world upside down" to suggest that the role of the governor or Secretary of State was confined to a passive response during such an audience. On the contrary, he maintained the authority and power to confer or withhold the favour requested. The essential point is that petitioners were active campaigners in the pursuit of their own advantage through this process.

There have been two distinct approaches in the scholarly literature towards both petitioners and their petitions. The first was the location of specific petitioners. One example is provided by Smith's study of the female convicts who arrived at Sydney in 1829 on board the *Princess Royal*.<sup>60</sup> In this book Smith used the official documents to trace the subsequent careers of those female convicts who had accompanied her ancestor, Susannah Watson, to New South Wales. This search disclosed individual petitions. Additionally some of her pre-selected population appeared in the applications to call the banns for a proposed marriage.<sup>61</sup> Karskens has also used petitions in her extensive study about the early inhabitants,

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<sup>60</sup> Babette Smith, *A Cargo of Women: Susannah Watson and the women of the Princess Royal* (Sydney, Sydney University Press, 1988). Smith made extensive use of petitions throughout the study.

<sup>61</sup> *Ibid.* Smith refers specifically to a letter from the Colonial Secretary to Superintendent of Convicts, dated 28 May 1831, SRNSW SR4/3671 Reel 2650 in which the Colonial Secretary indicated that women from the second class of the Female Factory were to be given permission to marry "in order to encourage the extension of that rite amongst them".

male and female, of an area of Sydney known as “The Rocks”.<sup>62</sup> Both authors made use of petitions to the governor from some of the individuals who made up their respective pre-selected populations. These petitions were reflective of the boundaries of each study. Tamsin O’Connor’s recent study gives a beautifully nuanced analysis of both the limits imposed by the conventions of petitioning “set by form and tradition” whilst simultaneously demonstrating the “rare opportunity not only to tell but all to record their version of their life.”<sup>63</sup>

In the second approach, by contrast to the two works cited above, petitioners and their petitions have been used to make general points about the authoritarian and (theoretically) draconian powers of the colonial administration. The word-picture used by William Nicol to describe petitioners and the paternalistic role of the Governor is indicative of this general trend: “In their helpless state, the people of New South Wales were like children”.<sup>64</sup> Hirst remarked that “hundreds of petitions were received each year from convicts”. Amongst the subjects listed as a cause for the petitions Hirst gives “tickets-of-leave, pardons and other indulgences”.<sup>65</sup> The emphasis on the power relationship in the above descriptions, with its focus on the extensive powers of the Governor of New South Wales, is fundamentally conservative in its approach to petitioners. It is a denial of both autonomy and agency on the part of the individual within the

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<sup>62</sup> Grace Karskens, *The Rock: Life in Early Sydney* (Canton, Melbourne University Press, 1997). As with Smith's *A Cargo of Women*, Karskens made use of specific petitions raised by her pre-selected individuals who were seeking particular indulgences.

<sup>63</sup> Tamsin O’Connor, ‘Raising Lazarus’, Frost & Maxwell-Stewart, *op. cit.*, pp. 148-161, esp. 160-61.

<sup>64</sup> W. Nicol, ‘Ideology and the Convict System in New South Wales, 1788-1820’, *Australian Historical Studies*, 22, (1986) pp. 1-20, esp. p. 4.

<sup>65</sup> Hirst, *op. cit.*, p. 81.

convict population. There is also a repeat here of a collectivity of convicts, as though a group identity could suffice.

It is not suggested that those who did not choose to make such representations were, in some inexplicable way, a separate group within the population of convicts. The system of administration in New South Wales allowed a process whereby individuals could possibly, through petitions, gain some material or emotional advantages. The fact that some convicts made use of this process and others did not has perhaps more to do with individual personalities.

A petition was itself a public document, and as such required a certain skill in self-representation. There was indeed a formulaic and mechanical appearance to the petition itself. Despite these “formulations appealing to the values and policies of men in authority”<sup>66</sup> these petitions give access to an alternative perspective of transportation. Whilst on the one hand much of the convict existence was very much in the public domain, the content of petitions studied here reflected more personal and domestic concerns.

Petitioners themselves have been the recipients of a collective or group description. In some instances such a group description contains elements of an ideological assumption; this has resulted in an over-arching denial of petitioners' individuality. As a consequence, ideology has informed some of the statements and conclusions about the petitioners, without a firm empirical foundation. One assumption underpinning this concept of a “group identity” appears to have been drawn from one of the intrinsic features of petition writing itself. The right of petitioning, in instances of appeals for clemency or mercy from the ruling

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<sup>66</sup> Bradley and Maxwell-Stewart, ‘Convict Tattoos and the Transportation System’, in Duffield and Bradley, (eds) *op. cit.*, pp. 183-203, esp. p. 198.

monarch, was a feature of pre-democratic political life.<sup>67</sup> There is a notable absence of an extensive literature addressing the subject of personal petitions.<sup>68</sup> Marina Carter<sup>69</sup> utilised petitions as a source in her study of Indian indentured labourers in Mauritius. As she demonstrated, petitions in Mauritius were not always or solely related to their indentured labour contracts.<sup>70</sup> One of the major distinctions between this study and Carter's is the use of interpreters and translators who acted on behalf of petitioners from Mauritius.<sup>71</sup> The power-relationship, inherent in the nature of seeking a particular favour, promotes at least one model of analysis. Such a model is, by its framework, one of a vertical hierarchical social relationship. That model may be appropriate for studying petitioners in Britain, but in New South Wales there was an important distinction. One of the aspects of society in New South Wales was the degree to which the convict population was placed in a situation in which it was not always the vertical hierarchy which was influential. Rather, networks along a horizontal line were established.<sup>72</sup> Thus petitions from New South Wales reflect patronage networks from amongst the time-served or emancipist convicts.

Marilyn Lake and Deborah Oxley have commented on a binary opposition of agency and victim within the scholarly literature. Both agree that this is a false

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<sup>67</sup> Peter Fraser, 'Public petitioning and Parliament before 1832', *History* No. 46, (1961), pp. 195-211. See *Times*, 3<sup>rd</sup> October 1998, for an article by Matthew Parris on a contemporary opinion of petitioners, p. 22.

<sup>68</sup> Gatrell, *op. cit.*, is a notable exception to this general statement.

<sup>69</sup> Marina Carter, *Voices from Indenture Experiences of Indian Migrants in the British Empire* (London, Leicester University Press, 1996), esp. p. 25.

<sup>70</sup> *Ibid.*, p. 25.

<sup>71</sup> However, as will be seen, it was not unknown for petitioners in both Britain and New South Wales to engage an amanuensis for their representations to both administrations.

<sup>72</sup> See Karskens, *op. cit.*, whose study demonstrates that these horizontal networks within the community were clearly delineated.

dichotomy.<sup>73</sup> Oxley takes the argument further. She argues against the further association of coupling agency with success and, by analogy, victim with failure. This study supports a similar framework, in that the act of petitioning can be most definitely regarded as an act of agency, since individual convicts initiated the process. However, an act of agency in itself cannot dictate the subsequent course of events. Such an act may have influenced the ways in which the future unfolded for individuals, since the act of petitioning illustrated their ambitions at the point of presenting the petition. There were then hiatuses between the presentation of a petition, the reception of such a petition by the administration, the response to the petition, and an even greater lapse of time before its implementation. Thus from the conception and expression of a personal ambition through the material petition and outcome, different events or circumstances could have changed for the petitioner.

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<sup>73</sup> Deborah Oxley 'Exercising Agency', *Labour History*, 65, (1993), pp. 192-197, esp. p. 196-7. In this article Oxley cites Marilyn Lake in her 'Convict women as objects of male vision: An historiographical review', *Tasmanian Historical Studies*, 2, (1988) pp. 40-48.

**Nothing puzzles me more than time and space; and yet  
nothing troubles me less, as I never think about them** <sup>74</sup>

Charles Lamb wrote these words to his friend, Thomas Manning who was, at that time, living in Canton. His words of 1810 have a particular relevance for this study. The context of Lamb's statement referred to the length of time the letter would take to reach his friend. When Thomas received and read the letter, Charles' script would be part of the "present" for Thomas, but as he wrote the words Charles' was envisaging a "future" occasion. The current events described by Charles would be in the "past" for him, but in the "present" for his reader, Thomas. In this, if in no other respect, Charles Lamb shared an awareness of these dimensions with the petitioners of this study. Time, as a finite quantity, entered and changed their lifescrpts in the public arena. Time played a major role and anchored each life's narrative. Time invaded public places when charges were formally brought against the accused and guilty verdicts pronounced. If such a verdict imposed a capital punishment then time, for that individual life, became distinctly finite. <sup>75</sup> One for whom such finality became a reality was William Dodd.

Time has always been a part of history's process. <sup>76</sup> History is "what was"; it is the past. Time has featured in a series of scholarly works, coupled with the

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<sup>74</sup> Charles Lamb, in E.W. Marris (ed) *Letters of Charles and Mary Lamb, Vol. 3*, (London, Cornell University Press, 1978), in his letter to Thomas Manning dated 2 January 1810, p. 36. Another of Lamb's overseas correspondents included Barron Field, Judge of the Supreme Court in New South Wales; see letter dated 31 August, 1817, *ibid.*, p. 251.

<sup>75</sup> Linebaugh, *London, op. cit.* and Gatrell, *op. cit.* Both works were concerned with the finality of the death sentence.

<sup>76</sup> Graeme Davison, *The Unforgiving Minute: Now Australia learnt to tell the time* (Melbourne, Oxford University Press, 1993) states "Time is the very stuff of history, as fundamental to its character as land to geography or matter to physics", p. 2.

changes brought about in the wake of transformations to the economy,<sup>77</sup> and the introduction of mechanical devices for “telling the time”.<sup>78</sup> Time became a part of a colonial agenda, and this was particularly relevant for settlers in New South Wales and Van Diemen’s Land.<sup>79</sup> Post-colonial discourses have, unsurprisingly, included time.<sup>80</sup> The scholarly literature from cultural studies, anthropology and history draws on the intrinsic relationship of time and money. Such a relationship was, and is, inherently one of tension. Time became a contested site when western ideologies concerning this relationship clashed with alternative understandings. Time and money, money and time: the medieval French scholastics hotly debated the issue of interest charged by the banking system. How, it was argued, could interest be charged for time

since they sell nothing but the expectation of money, which is time, they sell the day and night. But the day is the time of light and the night of rest, and so consequently they sell light and rest<sup>81</sup>

Time is money; time is a sentence imposed by a court of law and subsequently executed by the government, and that sentence of time was forever attached to the individual’s name, imprinted in the colonial record and in the

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<sup>77</sup> Linbaugh, *London*, Chapter 2, ‘Old Mr Gory and the Thanatocracy’, pp. 42-73.

<sup>78</sup> E.P. Thompson, ‘Time, Work Discipline and Industrial Capitalism’, *Past & Present*, 38, (1967) pp. 56-97; Linebaugh, *London, op- cit.*, esp. pp. 225-30; M. Adas, *Machines as the Measure of Men* (London, 1989) esp. pp. 60-62; Ian Blanchard, ‘Introduction’, *Labour and Leisure in Historical Perspective: Thirteenth to Twentieth Century* (Stuttgart, 1994) pp. 9-38.

<sup>79</sup> Eve Fesl *Conned!* (St Lucia, 1993); Noel Butlin *Economics and the Dreamtime: A Hypothetical History* (Cambridge, Cambridge University Press, 1993).

<sup>80</sup> The following all provide examples demonstrating the impact of metropolitan time keeping for indigenous societies. Keletso Atkins, *The Moon is Dead! Give Us our Money!* (London, Currey, 1993) chp. 4; Sumit Sarkar, ‘Resistance and Kaliyuga: Time Myth and History in Colonial Bengal’, in S. Sarkar, *Writing Social History* (Delhi, Oxford University Press, 1998) pp. 186-215. Clifford Geertz, ‘Person, time and conduct in Bali’ in *The Interpretation of Cultures* (New York, NY, 1973) pp. 389 ff See also, Alfred Gell, *The Anthropology of Time: Cultural Constructions of Temporal Maps and Images* (Oxford, Berg Press, 1992).

<sup>81</sup> John T. Noonan, Jr. *The Scholastic Analysis of Usury* (Cambridge, Mass., Harvard University Press, 1957) p.58. The quotation here is from the Dominican preacher, Stephen of Bourbon (d. 1261). See Chp. III, ‘A Natural-Law Case Against Usury’, pp. 38-81 for an extended discussion.

printed record of the annual Musters. Time's appearance throughout this study refers to an alternative perspective. Time was factored into the time between arrival and any application for an indulgence; time elapsed between correspondence being written "home" and any date for an anticipated response. Convicts, working for the government with the indulgence of "sleeping out" of barracks were given specific times of the day when they could work to support their household - after 3.30 p.m. and on Saturdays. Timetables were imposed in respect of regular Church attendance and weekly musters. Officially, time was a means of regulating aspects of the day with a curfew in the evenings.

"Over the seas and beyond the seas" was formally written into a transportation sentence. This description enabled the state to remain unspecific as to the individual's ultimate destination. The words themselves were and are daunting. It meant the distance and the space separating Britain and Australia. It was the space between what was familiar and what was initially strange for each individual arrival. The arrival of the "First Fleet" in January 1788 was a prelude to the appropriation of a new space - New South Wales. Both David Collins and Watkins Tench were precise in their measurements of longitude and latitude, delineating the space appropriated by the British crown.<sup>82</sup> Between 1788 and 1863 approximately 160,000 convicts were transported from Britain, Ireland and other parts of the British Empire to the three British Australian penal colonies of New South Wales, Van Diemen's Land and Western Australia. The collective name (the "First Fleet") was subsequently given to the eleven ships which assembled at Spithead on March 17 1787 and arrived at Port Jackson (Sydney) at

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<sup>82</sup> Collins, *op. cit.*, p. 7 and Tench, *op. cit.*, p. 41.



the end of January 1788.<sup>83</sup> Atkinson points to time's influence in this appellation. It was one consequence of the continued flow of transportees to New South Wales, rather than a "certain vision of a Second Fleet, a Third Fleet and so on".<sup>84</sup> This argument is indeed supported by a communication from Lord Stanley, dated 31<sup>st</sup> October 1788.<sup>85</sup>

Historians are privileged in respect of both time and space. They know the future in ways unknown to their historic actors. It is ironic that a search for an individual in the records begins with the final formality of a death certificate.<sup>86</sup> They know some of the locations, or spaces, and how those appearances changed through time's process.<sup>87</sup> They are also in the privileged position of being able to trace certain aspects of an individual life through the available sources. To use a cinematic metaphor, the source material is more in the nature of frozen still life images; the sources do not represent a "connected film sequence".<sup>88</sup> Atkinson suggests that although historians can treat documents or source material as a continuous narrative, such a treatment, in the ultimate analysis, is flawed. Such narratives are misleading in their totality and are limited in their capacity to reveal

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<sup>83</sup> The ships were HMS *Sirius*, *Alexander*, *Lady Penryhn*, *Charlotte*, *Scarborough*, *Friendship*, *Prince of Wales*, *Fishburn*, *Golden Grove* and *Borrowdale*. Tench, *Sydney's First Four Years* [National Library of Scotland Imprint] with an "Introduction" by Geoffrey C. Ingleton, p. xiv.

<sup>84</sup> Atkinson, *The Europeans*, *op. cit.*, p. 59.

<sup>85</sup> PRO, T1/668-671 [ML, Reel No. PRO 3551] p. 232. In his letter to 'The Lords Commissioners of the Treasury', Sydney expressed the hope that settlement in New South Wales would prove a viable proposition, but was waiting for news from the newly-established colony before making a firm commitment to further transportation.

<sup>86</sup> This was made clear to me at the Archive Office in Sydney during my research period.

<sup>87</sup> Karskens, *op. cit.* Karskens drew on her experience as an archaeologist throughout her study. See also, Randall H. McGuire and Robert Paynter, (eds) *The Archaeology of Inequality*, (Oxford, Blackwell, 1991).

<sup>88</sup> Atkinson, 'Master and Servant at Camden Park 1838 from the Estate Papers', *Push from the Bush*, 6, (1980), pp. 42-60, esp. p. 53; Atkinson, 'Writing about Convicts', in P. Chapman, *et. al.*, *op. cit.*, p. 25. Maxwell-Stewart and Duffield, 'Skin Deep Devotions', in Caplan, *op. cit.*, pp. 118-135, esp. p.127 and n. 45, p. 284.

the ebbs and flows of the human psyche within its own individual experience.<sup>89</sup> However, despite the “technologies of penal power”<sup>90</sup> recent studies have clearly demonstrated complex and vibrant ‘still lives’ from those bureaucratic records where names were squeezed between the narrow spaces in the administrative ledgers. Names were indeed squashed and squeezed, restricted and constrained but it is from those official records that lives have been reconstructed which convey the alternative and parallel meanings of transportation for the individuals concerned.

John Nicol,<sup>91</sup> whose narrative included maritime service on the female convict ship the *Lady Juliana*, is more frequently cited for his comments on the relationships formed between the sailors and the female convicts on the journey to New South Wales. As a casual aside he remarked that “When we were fairly out at sea, every man on board took a wife from among the convicts, they nothing loath”. He was himself included in “every man”.<sup>92</sup> Before the ship docked at Sydney, John and his ‘wife’ Sarah discovered that they were expecting a child. Nicol described his attempts to remain with Sarah in New South Wales but his contract with the master of the *Lady Juliana* did not permit this.<sup>93</sup> Whilst allowing for possible authorial interventions and possible discrepancies in the text, Nicol’s narrative describes the process of regrets about Sarah and his unknown child throughout his subsequent ‘adventures’. The sharpness of his regrets diminishes

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<sup>89</sup> Atkinson, ‘Master and Servant’, *op. cit.*, p. 53.

<sup>90</sup> Lucy Frost & Hamish Maxwell-Stewart, (eds) *Chain Letters*, *op. cit.*, ‘Introduction’, p. 3.

<sup>91</sup> John Nicol, *The Life and Adventures of John Nicol* (Edinburgh, William Blackwood, 1822). The *Lady Juliana* arrived at Sydney in June 1790, carrying 221 female convicts and 11 children.

<sup>92</sup> *Ibid* p. 119 See Daniels, *op. cit.*, pp. 58, 105, 205, 225; Hughes, *op. cit.*, p. 142; pp. 251-2.

<sup>93</sup> Linebaugh and Rediker, *The Many-headed Hydra* describes the labour contracts entered into by mariners. See chapter 5 below, the case of Barth Houlson and Rose Kenny.



through the passage of years until he subsequently admits, in his middle age, that his wish to meet Sarah again was based on curiosity.<sup>94</sup> The most profound human experience of a long life is surely contained in Nicol's philosophy here. Time itself wrought such a change.

This study is concerned with those for whom time and distance were central features. Those who petitioned for their transportation sentences to be commuted envisaged that distance and its consequence on their domestic circumstances. Petitioners in Britain and New South Wales applied to be reunited and thereby to diminish the separation of both time and space. Those who wrote letters "home" were separated by the space of the oceans and landmasses between Australia and Britain. The letters were to those who had not been seen for a considerable period of time. The focus of time in respect of the men and women who appear throughout this study should not be regarded as anachronistic. Time was not necessarily counted in minutes or hours, but its presence in the *mentalités* of those who were separated was an implicit feature.

Raymond Evans and William Thorpe argue, "convicts, as symbolic of their systematic disempowerment, were not in possession of time".<sup>95</sup> Such a statement is not altogether false, but neither does it take account of an individual's sense of time when confronted with the prospect of an absence, the reality of separation and the ambition of reunion. Time was factored into these dimensions by those who had direct experience of transportation.

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<sup>94</sup> Nicol, *op. cit.*, p. 97.

<sup>95</sup> Evans and Thorpe, 'In search of "Jack Bushman"', Frost & Maxwell-Stewart, (eds), *Chain Letters*, *op. cit.* pp.32-48, p. 39.

## **CHAPTER THREE:**

### **FROZEN IDENTITIES:**

**The Individual in the Crowd: Britain and New South Wales:  
an exploration of the data**

**... I went with my infant, six months old, in my arms, from curiosity to see Mr Hunt and the colours; ... I then tried to make my way out at another part, when ... [he] made a violent cut at me with the front of his sword**

— Elizabeth Farren <sup>1</sup>

Civil unrest was a prominent feature of the summer of 1819. The most famous of several demonstrations of that year was surely the mass meeting in August which took place at St Peter's Field in Manchester. For Elizabeth Farren, the appearance of Henry (Orator) Hunt was the cause of and occasion for an afternoon's outing. <sup>2</sup> The presence of the "Radical Reformers" had been well publicised beforehand. As Elizabeth's words indicate, precautionary measures were taken: the local militia were instructed to attend. Their presence appears to have been an equal attraction, exciting perhaps a similar degree of curiosity. Contemporary reports and subsequent estimates in the literature give attendance figures in a scale ranging between fifty to one hundred and sixty thousand people. <sup>3</sup> Robert Reid comments that these different numbers reflected the "powerful ... emotional effect" on those present. <sup>4</sup> The description Elizabeth gave of the wilful

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<sup>1</sup> *Times*, 16 September 1819. Elizabeth Farren's statement appeared with those of William Leigh, Nathan Broadhurst, William Gilmore, John Jones and Margaret Goodwin. In her statement Elizabeth Farren indicated that she recognised the soldier but he remained anonymous in the newspaper's report, p. 3, c.4.

<sup>2</sup> See Leslie Stephen & Sidney Lee, (eds.), *National Dictionary of Biography, From the Earliest Times*, (Oxford, Oxford University Press, 1960 edn.), Vol. X, pp. 264-66. Henry Hunt (1773-1835), was one of the best-known of the radical politicians in the post-1815 debates on parliamentary reform. He was tried in 1820, conducted his own defence and was subsequently imprisoned for two years. He became the Member for Preston in December 1830, and took his seat in February 1831. E.P. Thompson, *The Making of the English Working Class* (London, Victor Gollanz, 1965 edn.), drew attention to Hunt's talents for self-advertisement, pp. 622-629.

<sup>3</sup> Contemporary newspapers reported 80,000 (*London Times*); 153,000 (*Manchester Observer*) and in October 1819 the *Monthly Magazine* escalated the figure to 160,000. The contemporary Clerk of Manchester race course, Roger Entwistle, reckoned on a figure of about 100,000; all cited by Robert Reid, *The Peterloo Massacre* (London, Heineman, 1989) p. 190 and p. 153. J. P. Kenyon (ed.) *Dictionary of British History* (London, Sphere Books, 1988) gave a range of 50,000 to 80,000 people, p. 280. Keith Feeling, *A History of England: From the Coming of the English to 1918* (London, Book Club Associates, 1974) states a crowd, "like 80,000", pp. 806-7.

<sup>4</sup> Reid, *op. cit.*, p. 153.

injuries she and her child received at St Peter's Field (subsequently, with gallows humour, ironically referred to as "Peterloo") was upheld by other witnesses.<sup>5</sup> The local magistrates were held accountable for the decision firstly to call out the militia and secondly for the order to the yeomanry to draw their weapons.<sup>6</sup> Their order resulted in the deaths of 11 individuals.<sup>7</sup> Contemporary accounts demonstrate the revulsion felt by some members of the political opposition; such revulsion was not restricted to mere rhetoric. The electors of Westminster who met on 2 September 1819 agreed to raise a subscription "to assist in procuring redress for those persons who have been illegally maimed, wounded and imprisoned ... [at Peterloo]". Their advertisement in the press invited readers to contribute to this cause.<sup>8</sup>

Instances of civil unrest during the early autumn of 1819 indicate crowds filling public spaces. Men, women and children gathered in an anonymous hurly-burly. Movement was restricted and an individual's choice of direction was dictated upon the tacit and unstable will of the crowd: progress or retreat was not always an option that could be exercised under such circumstances. Such gatherings caused alarm to the authorities as the events of Peterloo demonstrated. By August 1819 it was clear that there was the prospect of another poor harvest, similar to those of 1816 and 1817. Discharged soldiers, whose services were no longer required in the aftermath of the French Wars, swelled the numbers of those

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<sup>5</sup> *Times*, 6 September 1819, p. 3, c. 4.

<sup>6</sup> *Times*, 31 August, 1819, p. 2, c. 4.

<sup>7</sup> Donald Read, *Peterloo: 'The Massacre' and its Background* (Manchester, Manchester University Press, 1958), Read comments that those injured by 'sabre cuts' amounted to 140, p. 140. See also G.M. Trevelyan, 'The Number of Casualties at Peterloo', *History*, V11, (1922); Trevelyan notes that the list of those injured filled 36 ½ pages, pp. 200-05, esp. p. 201.

<sup>8</sup> *Times*, 8 September 1819, p. 2, c. 1.

seeking both food and employment. The march in Nottingham in September of that year carried placards demanding observers to “Pity our Distress! Pity our Children! We ask for Bread!”.<sup>9</sup> The meeting at St Peter’s Field that August was one of several gatherings of politically disaffected radicals and economically distressed workers throughout mainland Britain.<sup>10</sup>

We know very little about Elizabeth Farren, other than the impression given in her statement. The report in the *Times* does not give her age, her address or her marital status. Would such knowledge add to the vision she left of her experience? She has become a frozen image of fear and terror as she attempted to save both her child and herself from the soldier’s sword. It is possible to envisage her look of fearful horror and her protective maternal arms across her infant as she realised the soldier’s intention. This cameo brings vividness to the historical record: it is a personal and partial narrative from an individual ‘footnote in history’ which strikes a chord and brings the larger historical processes of her period into an alternative perspective.<sup>11</sup> Elizabeth Farren’s description of the militia’s impact at an individual level encapsulates her trauma of that afternoon. Her identity is frozen in combined emotional responses: prophetic horror and protection.

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<sup>9</sup> *Times*, 31 August, 1819, p. 2, c.5.

<sup>10</sup> Between 17 and 31 August 1819 the *Times* recorded the following information *Leicester Chronicle* (17 August 1819, p. 2, c.5); *Glasgow Chronicle* (17 August 1819, p. 3, c. 1); Open letter from “An Independent Farmer” in Wiltshire (20 August, 1819, p. 2, c.1); Report on Coventry Riband-Weavers declaring their intention to strike with the slogan “List Prices or Nothing” (25 August 1819, p.2, c.5) and a report on the Nottingham March on August 27 (31 August 1819, p. 2, c. 5).

<sup>11</sup> Neither Reid, *op. cit.*, nor Read, *op. cit.*, mentioned Elizabeth Farren.

## White *Inboeklings*<sup>12</sup>

There are brown cardboard boxes, wrapped around with faded pink legal tape. These boxes have an official reference name and number, “Public Record Office, Privy Council” abbreviated to PRO PC 1/67; the number ‘67’ refers solely to the year 1819. The series of the documents runs between 1819 and 1844 with a corresponding sequence of the last two figures denoting the year in question. The archive name is self-explanatory, “Papers relating to Convicts and Prisons”. Gatrell suggests that the survival of their contents is possibly due to a “striving for a bureaucratic order”.<sup>13</sup> It is a coincidence that these boxes resemble coffins. However, the rectangular shape and size of the cartons lends some credibility to this impression.<sup>14</sup> The enclosed contents are indeed documents from the dead. What could be more orderly than to place such material in a strong brown box, and then securely bind that box with pink legal tape? To undo the knot and remove the cardboard lid of one of these cartons is to disclose a further wrapping and binding. The contents are bundles of parchment, protected by carefully sized boards at the outer ends of each bundle. Tape is pulled taut around each bundle ensuring that no document can slip beyond the boundaries formed by board and tape. Further examination reveals that each bundle has been labelled with the appropriate month and year of receipt. Here the crowd is indeed tightly controlled; contained between the boards and restricted by the imposition of a chronological order. It is hard to

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<sup>12</sup> A direct translation of this word is literally “in the book”. Susan Newton-King, *Masters and Servants on the Cape Eastern Frontier* (Cambridge, Cambridge University Press, 1999). Cape Colony settlers asserted their authority over the “Hottentot”, “apprentices” or “indentured servants” through the *inboekselingen* system denying autonomy to those whose names were on these lists, pp. 112, 117. A parallel and comparative understanding of the term is used here.

<sup>13</sup> V.A.C. Gatrell, *The Hanging Tree: Execution and the English People*, (Cambridge, Cambridge University Press, 1994) p. 200.

<sup>14</sup> These measure 15” x 10” x 11”. The documents were apparently filed and given the reference PRO PC 1/67 *et seq.* according to HO 19, 1 dated 1 May 1895.



escape the fantastic impression that without such binding the contents would escape. That each individual document would take on a life of its own and then, collectively all these documents would remove themselves from such 'bureaucratic order'.

There is a profoundly disturbing irony in the use of pink legal tape bearing such a strong resemblance to the stereotypical pink ribbon used for personal mementoes. The entrance ticket to a public site, the ball card, the pressed flower, the theatre programme all carry the impact of a particular day, or evening, for the individual. Such associations tend to carry the impression of pleasant, perhaps romantic events. Items have been retained for their power to evoke a personal memory of a previous time. In the light of what these documents disclose this irony seems not just disturbing but also highly inappropriate, and yet it is fitting when we encounter the emotions disclosed by these documents, lying in the 'public domain'. However, the written testimonies are anchored in the private and personal spheres of individual petitioners. The public domain and domestic worlds coincide uneasily through the formality of a, sometimes, deferential petition and the anguish of beleaguered humanity.

The age of the documents is revealed in the folds and creases of the parchment with sediments of ingrained dust, the occasional single mark at the edge of a sheet obliterating parts of words; the fragility of the parchment is reproduced in those words. People, whose lives have been reduced to ink, seem resurrected from their virtual coffins and their emotions, no longer taped, spring from the pages. Their words implore, entreat and occasionally use hyperbole to present their cases. There are promises, statements and regrets. There are letters and petitions from urban areas, rural areas, from Scotland, Ireland and England, as well

as a few from continental Europe. There are letters written on behalf of the illiterate; there are parish officers appealing for their parishioners. Local magnates apply on behalf of those who have been given a personal recommendation. There are men, writing from prison; there are ex-soldiers who recount their military service; there are soldiers found guilty of desertion; fathers and mothers writing about their sons. There are also appeals for a free passage from those wives wishing to join their convict husbands in the penal colonies.

The husbands had been given a transportation sentence in one of the courts; the sentence concluded the legal formality for future disposal. The subsequent administration and execution of transportation sentences were performed by the Superintendent of Convicts<sup>15</sup> who worked from the Secretary of State's department in Whitehall. Not all those who were given a transportation sentence arrived in either New South Wales or Van Diemen's Land. Many served their sentences in Britain in the hulks.<sup>16</sup>

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<sup>15</sup> attrib. Thomas Wontner, [hereafter attrib. Wontner] *Old Bailey Experience: Criminal Jurisprudence and the actual working and our penal code of laws. Also, an essay on prison discipline, to which is added A History of the crimes committed by offenders in the present day*, (London, James Fraser, 1833), p. 118. John Capper held this position between 1814 and 1847.

<sup>16</sup> David Meredith and Deborah Oxley, 'Selected for Transportation?' in Barrie Dyster (ed.) *Beyond Convict Workers* (Sydney, Department of Economic History, University of New South Wales, 1996). Meredith and Oxley suggest that between one-quarter and two-thirds of those who received a transportation sentence never left mainland Britain or Ireland. Others died in the hulks, or at sea on the voyage to Australia, pp. 21-33.

**They were men who could each have had a history but, in the shadow of what awaited them, were interchangeable.**<sup>17</sup>

**I have repeatedly observed, talking of the common Thieves, that they are born in a Crowd; they live in a Crowd; and they absolutely die in a Crowd; for they have no Time for Retirement, and what with living in a Crowd, and being perpetually half-drunk, they have no Time to reflect, and of course they are ripe for any Depredation.**<sup>18</sup>

Each convict was an individual in a crowd, in a possibly transitional process of arrest to arrival in an Australian penal colony. Imprisonment itself gave rise to humanitarian concern about overcrowding, infection (moral and physical) and disease. Despite John Howard's efforts to improve prison conditions in the 1770s, James Neild<sup>19</sup> found little change in prison conditions by the time of his 1811 survey. He remarked that "the great reformation produced by Howard was in several cases merely temporary ... [prisoners] relapsing into their former state of privation, filthiness, severity or neglect".<sup>20</sup>

Gothic representations of incarceration in Britain in this period abound. Cimmerian carceral gloom lent credence to the belief that the incarcerated were indeed drawn from a separate species, not quite human.<sup>21</sup> During daylight hours the overcrowded space was full of human silhouettes, their individuality obscured

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<sup>17</sup> Sebastian Faulks, *Birdsong*, (London, Vantage, 1994). Although in this instance Faulks described an incident from the First World War there is a resonance to the argument put forward here, p. 144.

<sup>18</sup> 'Report from the Committee of Inquiry into the present state of the several Gaols and Houses of Correction in England and Wales', *Parliamentary Papers*, [hereafter PP], (1835), XII. Evidence of Rev. Dr Cotton, Prison Chaplain at Newgate, p. 520.

<sup>19</sup> Anthony Babington, *The English Bastille: A History of Newgate Gaol and Prison Conditions in Britain, 1188-1902* (London, Macmillan, 1971), p. 167. John Howard presented his Report to the House of Commons in 1774.

<sup>20</sup> Babington, *op. cit.*, pp. 167-8.

<sup>21</sup> The Cimmerii were "an ancient people of the far north or west of Europe" referred to by Homer (*Odyssey*, xi, 12-19) as living in perpetual darkness. *Encyclopaedia Britannica*, Vol. VI, (Cambridge, Cambridge University Press, 1910), 11<sup>th</sup> edn., p. 368; Lesley Brown (ed.) *The New Shorter Oxford English Dictionary on Historical Principles*, (Oxford, Clarendon Press, 1993), p.402.

in the gloom. Space for each individual in cramped quarters; stale air was recycled: what was exhaled by one was inhaled by another.<sup>22</sup> Intense physical closeness in unsavoury surroundings was claustrophobic. The stale stench of sweat induced by sickness or fear, not physical labour, filled the air. Excrement and urine lodged in the straw.<sup>23</sup> The provision of bedding was inadequate, the beds barrack-type frames “whereon you may repose yourself if your nose suffers you to rest”.<sup>24</sup> Unfamiliar bedmates lay in close proximity.<sup>25</sup> Companions were of necessity, not choice. Incomprehensible speech from other parts of mainland Britain and Ireland had to be deciphered and a working knowledge acquired for meaningful communication. Sleeping space shackled to a stranger by leg irons, surely required negotiation. At night any dim light was extinguished. Nocturnal noises crowded consciousness. Nightmare exclamations, sobs of separation from loved ones, oaths of retribution and whispered incantations of names can be imagined. Hoarse snores and racking tubercular or bronchial coughs combined with the restless movements of insomniacs. Rustles in the straw - made by

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<sup>22</sup> *Cobbett's Parliamentary Debates*, xxvii, ‘Report from the Committee of the House of Commons on the state of the gaols of the City of London, &c., 1814’, (9 May 1814), “The allowance of room ... is one foot and a half to each person”, p. 753.

<sup>23</sup> Thomas Fowell Buxton, *An Inquiry, Whether Crime and Misery are Produced or Prevented, by Our Present System of Prison Discipline*, (London, John and Arthur Arch, 1818, 6<sup>th</sup> edn.), stated primly, “amidst the noxious effluvia of dirt ..”, p.13.

<sup>24</sup> Anonymous, “History of the Newgate Press Yard” (1707) cited in W. Eden Hooper, *History of Newgate and the Old Bailey: And A Survey of The Fleet and Other London Jails* (London, Underwood Press, 1935) p.29. A similar state of bedding prevailed a hundred years later, where “the poorer description of prisoners sleep on the boards, between two rugs given by the city”, *Cobbett's Parliamentary Debates*, ‘Report ... State of gaols ... 1814’, xxvii.p. 750.

<sup>25</sup> PRO PC 1 /67, doc. dated 28 February 1819 from a magistrate’s report of Warwick County Gaol. Overcrowding resulted in prisoners “obliged to sleep 2 and 3 in a bed”. PRO PC 1/67, doc. dated 31 March 1819 from keeper at Preston Female House of Correction complaining of overcrowding.

prisoners or vermin? In addition there were lice and fleas to contend with,<sup>26</sup> feeding on those whom respectable society regarded as parasites.<sup>27</sup>

The problem with such gothic representations is not their inaccuracy but what they conceal or even negate.<sup>28</sup> There was a counter-culture of order, followed by prisoners themselves, within this dystopian disorder. Within that disordered environment prisoners, awaiting the execution of their transportation sentence, established formal and informal networks of information. Social structures were woven into everyday life. Individual skills were utilised, and contacts made.<sup>29</sup> Prisoners wrote letters or discovered others who would write letters for them.<sup>30</sup> Hierarchies existed within the cells. Plans were hatched between prisoners and their visitors.<sup>31</sup> Negotiations were entered into and acted

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<sup>26</sup> Buxton, *op. cit.*, “whose rags are alive, and in actual motion with vermin”, p. 17.

<sup>27</sup> Buxton, *op. cit.*, has been the main source for this recreation of conditions in Newgate. Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in The Industrial Revolution 1750-1850* (London, Macmillan, 1978) recorded that Newgate, built to hold five hundred prisoners, never held less than eight hundred between 1813 and 1820, p. 154.

<sup>28</sup> Sir Walter Scott, *Heart of Midlothian*, “a prison is a world within itself, and has its own business, griefs, and joys, peculiar to itself” quoted in Andrea K. Henderson, *Romantic Identities: Varieties of Subjectivity, 1774-1830* (Cambridge, Cambridge University Press, 1996) p. 135.

<sup>29</sup> Buxton, *op. cit.*, was one contemporary to draw attention to this aspect, p. 173. For Australian dimensions Tamsin O’Connor, “Charting New Waters With Old Patterns: The Black Marketeers, Pirates and Those Who Just Dreamed of the Way Home: The Penal Station and Port of Newcastle, 1804-1824”, uncovered similar dimensions of social intercourse; paper presented at *Colonial Places, Convict Spaces: penal transportation in global context, c. 1600-1940* conference, University of Leicester, 1999. Lucy Frost, “‘Singing and Dancing and Making a Noise’: The Female Convict Factories in Van Diemen’s Land”, drew attention to a similar process amongst female convicts at the Cascades Female Factory in Tasmania in her paper presented to the Modern History Seminar at the University of Edinburgh, May 2000. See also Kay Daniels, *Convict Women*, (St Leonards, New South Wales, Allen & Unwin, 1998), chps. 5 and 6, pp. 103-156; Larry Goldsmith, ‘History from the Inside-Out: Prison Life in Nineteenth Century Massachusetts’, *Journal of Social History*, vol. 31, No. 1, (1997), pp. 109-126. Goldsmith drew attention to the “Confederacies and combinations are here formed by the practised veteran, with the novitiate in crime”, p. 109. This was a quotation from an “Extract from Gov. Lincoln’s Message, January 1826”, in Reports of Prison Discipline Society of Boston (1826.54; reprint ed. Montclair, N.J., 1972), *First Annual Report* (1826).

<sup>30</sup> attrib. Wontner, *op. cit.*, p. 81.

<sup>31</sup> PRO PC 1/67. Document dated January 1819. Joseph Kay (of the Bank of England) petitioned on behalf of John Fear, a prisoner in Newgate. John Fear and his wife proposed a scheme whereby

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upon. The complex social network generated bears testimony to the human interactions within the prison environment.<sup>32</sup>

The complexity of this social network can be traced in the Parramatta Female Factory. In July 1821 Thomas McCanna was “sentenced to receive one hundred Lashes and work Three months in the Gaol Gang”. His offence had been his entry to women’s apartments, which was strictly forbidden. Having been apprehended, the Constable on Duty confined Thomas to a Cell. Not content with breaking down his own cell and escaping, Thomas then proceeded to break down another cell to liberate the woman inside. Mr Oakes, the supervisor in the Weavers’ Shop where Thomas worked as a winder, presented the case against Thomas. It was, however, also Mr Oakes who requested that the sentence be suspended, but gave no recorded reason for this request.<sup>33</sup>

In October Mr Oakes again gave evidence, this time against Thomas Edwards who was brought before the Bench at Parramatta for “refusing to secure a refractory Woman at the Factory” when ordered to do so. Mary Buckley, the “refractory Woman” whose head had been shaved,<sup>34</sup> had removed the Cap she had been ordered to wear as a “mark of Disgrace”. On being admonished by Mr

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two men (one acquitted and one still imprisoned) could be caught by using John Fear’s wife as a buyer of forged notes. The bank honoured their side of the bargain through this petition.

<sup>32</sup> Buxton, *op. cit.*, referred to the sharing of food amongst the prisoners as well as other acts of generosity which, he declared, would “put the rest of us to shame”, p. 173

<sup>33</sup> SRNSW SR SZ 1050, COD/487, ‘Bench of Magistrates Parramatta, Minutes of Proceedings 12 May 1821-11 March 1822’, doc. dated 2 July, 1821, p.50.

<sup>34</sup> Studies on head-shaving punishment for female convicts have included the following; Daniels, *op. cit.*, pp. 105-6; 112-16; 144-6; Joy Damousi, “‘What punishment will be sufficient for these rebellious hussies?’: Headshaving and Convict Women in the Female Factories, 1820s-1840s’ in Ian Duffield & James Bradley, (eds) *Representing Convicts: New Perspectives on Convict Labour*, (London, Leicester University Press, 1997), pp. 204-214. Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*, (Cambridge, Cambridge University Press, 1997), Chp. 4, ‘Defeminising Convict Women, Headshaving as Punishment in the Female Factories’, pp. 85-109, *passim*.

Oakes, she physically attacked him with her work tools (the cards and the spindle) and then kicked him. Thomas Edwards had, apparently, remained passively uninvolved in the dispute, despite Mr Oakes' cries for assistance and despite being within earshot of these interactions. Thomas Edwards was given 50 lashes for his 'inaction' and returned to work.<sup>35</sup>

These are incomplete and inconclusive incidents in the lives of the actors concerned.<sup>36</sup> To assign motives without further information of all of those concerned would be untenable. However, although demonstrating something of the complexity and the arbitrary nature of power relations in the colony at that time these incidents are also suggestive of a shared support system between male and female prisoners when beset with authoritarian figures.

Overcrowded cells and prisons of the late eighteenth and early nineteenth century were not remarkable as sites of humanity or human dignity. Contemporary commentators and observers were more concerned with metaphors of spreading contamination beyond the prison walls. Containment and control were central issues. The imagined figures of prisoners appear in novels as crude parodies; grotesquely ugly their physical appearance indicates a sub-human species.<sup>37</sup>

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<sup>35</sup> SRNSW SR SZ 1050, COD/487, 'Bench of Magistrates Parramatta, Minutes of Proceedings 12 May 1821-11 March 1822', doc. dated 1 October 1821, p. 127.

<sup>36</sup> See Daniels, *op. cit.*, who criticises Damousi for her incomplete use of evidence in the case of 'Ann Wilson (or Bruin)' at the Cascades Female Factory in Tasmania, p. 144.

<sup>37</sup> One who claimed an intellectual rationale for his prejudice was Cesare Lombroso, 'Introduction' in Gina Lombroso Ferrero, *Criminal Man according to the Classification of Cesare Lombroso briefly summarized by his Daughter* (London, G.P. Putnam, 1911). See also David De Giustino, *Conquest of the Mind: Phrenology and Victorian Social Thought* (London, Croom Helm, 1975) chapter 2, 'A Science of the Mind' which provides an overview of thought during the eighteenth century. This overview argues that until 1815 phrenology was not taken seriously by either scientists or the general public. See also Daniels, *op. cit.*, who gives a precis of the medical profession's influence in this respect in both New South Wales and Van Diemen's Land, pp. 115, 124, 126-7, 129, 179-80.

Concern for the prisoners' welfare rested primarily on the religious humanitarian endeavours by moral entrepreneurs, famously John Howard in the late eighteenth century and Elizabeth Fry whose first encounter with the female prisoners was in 1812.<sup>38</sup> The formation of The Association for the Improvement of Female Prisoners in Newgate in 1817 was directly linked to her first and her subsequent visits.<sup>39</sup> This organisation was instrumental in organising labour for the women, which was making up clothes for the transported women in New South Wales. This work had been previously carried out by Messrs Richard Dixon and Co. of Fenchurch Street.<sup>40</sup> One wonders if female transportees recognised their work on arrival in the colony.

Those who perceived prisoners' humanity beyond the gross representations of the novels were, however, the minority.<sup>41</sup> We are left with the sense that most supposed those who were inside did not notice or have the same response to their physical surroundings because they were creatures of a grosser species. Few have left a written testimony of their time in prison. Prisoner witnesses giving evidence to Select Committees, drew sharp comparisons between themselves and the mythic "other", whose behaviour was a perpetual offence. There are frequent references to the "hardened criminal" who was always someone else, never the one who gave evidence.<sup>42</sup>

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<sup>38</sup> Buxton, *op. cit.*, p. 127.

<sup>39</sup> Babington, *op. cit.*, p. 156.

<sup>40</sup> Buxton, *op. cit.*, p. 137.

<sup>41</sup> Juliet John, *Cult Criminals: The Newgate Novels 1830-1847* (London, Routledge, 1998) who makes this point in her 'Introduction'.

<sup>42</sup> 'First Report from the Select Committee appointed for the purpose of inquiring into and reporting upon the present state of the several Gaols and Houses of Correction', *PP*, (1835), Appendix to the Sixty-Seventh Volume of the Journals of the House of Lords. The Committee interviewed a considerable number of prisoners who made this distinction between 'the other' and themselves.



Those who have left a printed record of their time in prison came from a higher social class than most prisoners and drew a sharp distinction between their own sufferings and the brutal rest who, allegedly, experienced no great hardship.<sup>43</sup> The underlying assumption has, to some extent, been reproduced in the scholarly literature debating the 'founding of Botany Bay'. Reference there is made to official reports of the fears of contagion and overcrowding in respect of underlying causes for the initial transportation to New South Wales in 1788.<sup>44</sup>

To report that an individual wrote from Newgate gaol without further comment would collude with the inference that the physical condition of a convict's surroundings was of little importance. The environment from which imprisoned petitioners wrote was an aspect of that individual's life experience. To ignore those material conditions is a denial of that aspect of their lives and its impact on their being. It implicitly accepts the inferences of the Revd Cotton's testimony, suggesting that within the gaol crowd individuals automatically merged into an amorphous homogeneity. This supposed surrender of self is as implausible

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<sup>43</sup> William Dodd, *Thoughts in prison ...*, (London, C. Dilly, 1793, 4<sup>th</sup> edn.), and Robert Peddie, *The Dungeon Harp ...* (Edinburgh, H. Armour, 1844) The friends of Lawrence Halloran (transported 1819 to New South Wales on the *Baring 2*) made the same distinction. See also Hansard, *Parliamentary Digest*, 1819, Part II; Henry Bennett's speech to the House of Commons relating to conditions on the *Baring 2*, pp. 88-104. John Mitchel, *Jail Journal*, (London, Sphere Books, 1983); William Gates, *Recollections of a Life in Van Diemen's Land*, (Sydney, D.S. Ford, 1961), and Linus Miller, *Notes of an Exile to Van Diemen's Land 1846* (NY, Johnson Imprints, 1968) all drew this comparison distancing them from their fellow convicts. Mitchel, Gates and Miller were, at separate times during the 1840s, transported to Van Diemen's Land. Contemporary observers, Fowell Buxton as well as Thomas Wontner were also at pains to draw comparisons between a mythic 'hardened criminal' figure and those whom they defined either as social superiors or those who had experienced a 'fall from grace' through, apparently, no fault of their own.

<sup>44</sup> See Ged Martin (ed) *The Founding of Australia: The Argument about Australia's Origins* (Sydney, Hale and Iremonger, 1978). Historians contributing to this debate drew on contemporary parliamentary debates. The focus was on whether the 'founding' was caused by either "overcrowded" hulks and gaols or opportunities for increased trade and colonial possessions in the Pacific. Manning Clark is the one contributor who discussed most fully the question of overcrowded gaols but even that discussion soon moved to the debate regarding the political 'movers and shakers', see chap. 11, 'The Choice of Botany Bay', pp. 63-75.

as it is insulting, except where perhaps long-term carceral institutionalisation caused all coherent sense of self to collapse.

Further, prison, itself, was for most of those sentenced to transportation merely a staging post primarily intended as no more than a place of detention. Such detention was applied to three groups. There were those awaiting trial who were unable to provide financial sureties for their appearance in court; those who were unable to pay their debts and finally, those already found guilty of an offence. A convict found guilty was normally imprisoned as a temporary expedient. Generally, sentences varied between “hard labour”, transportation or death. The major exception to this general rule tended to be those found guilty of an inability to pay their debts. As a contemporary remarked, “there is no greater crime in the eyes of the judges at the Old Bailey than being poor”.<sup>45</sup>

In the case of “hard labour” this sometimes implied the transfer of the individual from one of the county gaols to one of the prison hulks in the period before the building of penitentiaries.<sup>46</sup> It was not uncommon for transportees awaiting embarkation on the convict ship itself to experience a period on one of the hulks. Richard Taylor wrote to his family stating “I have to inform you I am at present lying at Chatham Docks doing daily labour in the dock yard until I shall be removed abroad...”.<sup>47</sup> This period was another when the individual convict was

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<sup>45</sup> attrib. Thomas Wontner, *op. cit.*, p. 126.

<sup>46</sup> Select Committee, ‘... present state of the several Gaols ...’, *PP*, (1835), Appendix 3, *op. cit.*, John Mance, the keeper at Petworth House of Correction, complained to the Committee about the expense incurred on the County Rates with all the movements of prisoners, pp. 144-5.

<sup>47</sup> Lancashire Record Office, DDX 505/5b, “Correspondence from Richard Taylor”, document dated 24 May 1840. My Edinburgh colleague Bruce Hindmarsh kindly lent me his microfilm of this correspondence. See also Hindmarsh, ‘Wherever I go I whill right to you’ in Lucy Frost & Hamish Maxwell-Stewart, (eds), *Chain letters: Narrating convict lives*, (Melbourne, Melbourne University Press, 2001), pp. 165-176. Hindmarsh has carried out extensive research into this  
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closely cooped up with others, only some of whom may have been destined for transportation.<sup>48</sup> In the evidence provided to the Lords Select Committee in 1835, prisoners were drawn from nine hulks, each located at a major naval or civil port.<sup>49</sup>

One witness, given a transportation sentence, reported that he had spent several weeks firstly on the hulk *Ganymede* at Woolwich, along with 40 other prisoners on the lowest level beneath the water line, known as the 4<sup>th</sup> class, where the hammocks were placed in three tiers. From there he was removed to the transport ship, the *Marquis of Huntley* which, he reported, was “filthy”. Whilst there he learnt that his transportation sentence had been commuted. He was relocated on the *Fortitude* at Chatham for just three weeks and then spent a week on the *Justicia* hulk back at Woolwich before finally being moved to the penitentiary.<sup>50</sup>

The hulks operated as work stations, combining periods of incarceration with periods of labour. Theoretically, the effective reformation of the individual offender required two specific and separate experiences. One was detention, giving time for repentance. The other was labour, to inculcate habits of industry and obedience to the demands of employment practices. The latter involved exact (and exacting) hours of work, to inculcate time-labour discipline.<sup>51</sup> This labour

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correspondence and demonstrates that whilst the half-brothers, Richard Taylor and Simon Brown, were awaiting transportation in Preston Gaol, “prolific letter writing” took place, p. 166.

<sup>48</sup> David Meredith & Deborah Oxley, ‘Selected for Transportation’, in Barrie Dyster (ed.), *Beyond Convict Workers*, (Sydney, University of New South Wales, 1996), n. 19, p. 21.

<sup>49</sup> Select Committee, ‘... present state of the several Gaols...’, *PP*, (1835), Appendix 3, *op. cit.* The hulks named were *Cumberland* (Chatham), *Discovery* (Woolwich), *Euryalus* (Woolwich) which was reserved solely for juvenile male offenders, *Fortitude* (Chatham), *Ganymede* (Woolwich), *Justicia* (Chatham), *Leviathan* (Portsmouth), *Retribution* (Sheerness) and the *York* (Portsmouth), pp. 127-44.

<sup>50</sup> *Ibid.*, p. 134.

<sup>51</sup> W. Branch-Johnson, *The English Prison Hulks*, (London, Christopher Johnson, 1957), sets out a timetable for the *Leviathan* which, he suggests, was applicable to all hulks. This day started at 5.30  
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was intended to benefit the prisoner (by giving him something [constructive] to do) and also the development of the infrastructure surrounding the port area. This convict labour system occasionally provoked disputes with free labourers in the area. Nevertheless, free and unfree workers at the docks established a network of social interaction of benefit to the convicts. For example, the free labourers acted as unofficial postmen, thus helping convicts maintain communication with family, lovers and friends.<sup>52</sup>

Often, in both the gaols and hulks, convicts pursued their own profitable small-scale private work, thereby providing a degree of financial security to their families.<sup>53</sup> In the course of giving their evidence to the 1835 Select Committee of the Lords on gaols, unnamed convict witnesses commented on the convict petty officials. Each of these posts carried opportunities for petty profiteering; the wardsmen were in charge of rations and were able to withhold or distribute these at their own pleasure.<sup>54</sup>

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a.m. and closed at 9.00 p.m. Exits from the hulk and the workplace were punctuated with searches of each convict, pp. 101-02. See also E.P. Thompson, 'Time, Work Discipline and Industrial Capitalism', *Past & Present*, 38, (1967), reinforcing these points, pp. 56-97.

<sup>52</sup> Branch-Johnson, *op. cit.*, p. 100.

<sup>53</sup> PRO PC1/ 67, document dated "June 1819". Memorandum regarding Campbell imprisoned in Newgate. Mr Newman, the keeper at Newgate, had kept Campbell back from "last embarkation" because "he works hard in Prison" for the support of his wife and four children.

<sup>54</sup> Select Committee, '... present state of the several Gaols...', *PP*, (1835), Appendix 1, *op. cit.*, pp. 133-6. A comparative situation is described by Hamish Maxwell-Stewart, 'Convict Workers penal labour and Sarah Island: Life at Macquarie Harbour, 1822-1834', in Duffield & Bradley (eds) *op. cit.*, esp. p. 151. See also Raymond Evans & William Thorpe, 'Commanding Men: Masculinities and the Convict System', *Australian Historical Studies*, 56, (1998), who described those who had "chosen individual mobility above the collectivism of the disempowered" and who were "often the target of resentment and attack", pp. 17-34, esp. pp. 25-6; Frost, 'Singing and Dancing' discussed the illicit trafficking in the female factory at Launceston, Van Diemen's Land; see also Goldsmith, "History from the Inside Out", *op. cit.* See Daniels, *op. cit.*, who described how "Trafficking [was] the major covert activity of women", at Cascades, the Female Factory in Van Diemen's Land, p. 145.

Male prisoners could spend several months, if not years, on board one of the hulks.<sup>55</sup> One, a gangster on the *Ganymede* had been there for more than three years and another, a warder on the *Leviathan* hulk at Portsmouth had been there for over five years.<sup>56</sup> The hulks were both a transitional site and a place where sentences of hard labour could be completed. Therefore removal from one of the county or London prisons to a hulk did not necessarily entail the immediate despatch to the specified transport ship.<sup>57</sup>

The transport ship itself gave rise to a lengthy voyage, again among some strangers. Recognition may have occurred amongst those who had spent time on the hulks together. It was possible that an individual might recognise some from his or her “native place” when groups from a particular gaol travelled together.<sup>58</sup> Conditions on board any transport ship involved the necessity of sharing close quarters in cramped conditions. The arrangements for allocating rations included the ordered messing of small groups of convicts; one of each group was responsible for distributing rations. Each convict transport arrived at either Port Jackson, or Hobart carrying its individual ship’s indent, which named and

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<sup>55</sup> This was certainly the case for those who embarked on the ‘First Fleet’. Prisoners sentenced to transportation during the French Revolution and Napoleonic Wars, when merchant shipping for transportation was a low priority. For example, William Blue, sentenced in 1796 arrived in New South Wales in 1801 - see, for example, Duffield, ‘Billy Blue: Power, Popular Culture and Mimicry in Early Sydney’, *Journal of Popular Culture*, 33, (1999), pp. 7-22.

<sup>56</sup> Select Committee “... present state of the several Gaols...” , *PP* (1835), Appendix I, *op. cit.*, p. 136.

<sup>57</sup> See also PRO PC 1 /68, January 1820 outlining the change of moving convicts overland to the hulks prior to embarkation on a transport ship. This change entailed additional expense borne on the country rates.

<sup>58</sup> SRNSW SR4/4005, ‘Principal Superintendent of Convicts Bound Indents’, Fiche No. 635, p.27, begins the indent of the *Marquis of Wellington*. Richard Bankin, transported on this ship in 1814 was tried at Essex Assizes in March 1814 along with eight others who had all been tried on the same day; see chapter seven below.

conveyed information about each convict on board.<sup>59</sup> Over the period of transportation the information collected became increasingly more detailed and extensive. The early indents give only the name, age and place of trial of individuals. By the end of our period here, the New South Wales indents contained significantly more details about each individual.<sup>60</sup> Such a wealth of information attests to a bureaucratic sophistication in record keeping as well as suggesting the powerful grasp of the state over the convicts.<sup>61</sup> These indents have been successfully utilised in several studies to disclose further information about groups of selected convicts in terms of their skills, native places and age cohorts.<sup>62</sup>

Within their own contemporary experience the individual transportee was one of a crowd.<sup>63</sup> For the historian, the individual is almost lost within the numbers of his or her cohort. Individual experience is collapsed into quantitative generalisations. The strength of bonds made on the voyage can occasionally be found through data linkage. One of the “First Fleeters”, Richard Cole who arrived on the *Scarborough*, spent 40 years of his life in Sydney. In 1828, Richard aged

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<sup>59</sup> These indents were however extended with the official interrogation of each convict on arrival by a colonial official (usually the Muster Master) thereby adding to the information brought over from Britain and Ireland.

<sup>60</sup> There is a need to indicate that the process of information gathering was not identical in New South Wales and Van Diemen’s Land. Whilst there was an overlap in the categories on the indents for both colonies the physical details collected on those going to Van Diemen’s Land were subsequently compiled on “Description Lists”.

<sup>61</sup> James Scott, *Seeing like a State: How Certain Schemes to improve the human condition have failed* (London, Yale University Press, 1998), provides a parallel discussion on this “administrative ordering of nature and society”, pp. 4-6.

<sup>62</sup> Lloyd Robson *Convict Settlers of Australia*, (Melbourne, Melbourne University Press, 1976), was one of the first to exploit the indents. Since then the literature has been fruitfully expanded with late twentieth century technology. Stephen Nicholas (ed.) *Convict Workers: Reinterpreting Australia’s Past*, (Cambridge, Cambridge University Press, 1988) offers a prime example of the quantitative study carried out via the convict indents. See also Kirsty Reid, ‘Work, Sexuality and Resistance: The Convict Women of Van Diemen’s Land, 1820-1839’, unpublished Ph.D. thesis, Edinburgh University, 1995.

<sup>63</sup> John Frow, ‘In the Penal Colony’, *Journal of Australian Studies* 2000 (also, *Australian Humanities Review* <http://www.lib.latrobe.edu.au/AHR> June 1998) provides an interesting discussion on two “primary forms of commemorative time”, p. 1.

70, was working as a bricklayer for his shipmate William Thorn with whom he shared a house in Cambridge Street.<sup>64</sup> Cole had appealed to Governor Macquarie, in 1810.<sup>65</sup> His was an unsuccessful application for a “Free Passage in order that he may return to a disconsolate wife and 3 children.”<sup>66</sup> At the time of this application, Richard Cole had already become a self-employed emancipated convict, working as a bricklayer.<sup>67</sup> He had been given a life sentence at the Old Bailey after his trial in January 1787.<sup>68</sup> For Richard Cole, that life sentence indeed proved to be a sentence for most of his life.

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<sup>64</sup> Malcolm Sainty & Keith Johnson, (eds), *Census of New South Wales November 1828*, (Sydney, Library of Australian History, 1985), [hereafter *1828 Census*]. Richard Cole’s entry appears under Ref. No. C 1651 on p. 94. William Thorn’s entry, Ref. No. T0683, p. 368.

<sup>65</sup> SRNSW SR4/1846 ‘Colonial Secretary; Petitions, 1810’, Fiche No. 3164, p. 50.

<sup>66</sup> *Ibid*, p.50.

<sup>67</sup> Carol J. Baxter, (ed.), *Musters of New South Wales and Norfolk Island, 1805-6*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1989), ref. no. A0671, p. 20.

<sup>68</sup> Carol J. Baxter, (ed.), *General Musters of New South Wales, Norfolk Island and Van Diemen’s Land 1811*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1987), no. 1161, p. 26.

## Kersey, Suffolk: The Idyll and the Immiserised

In September 1819 the unfortunately-named Reverend Alfred James Trash received a phonetically lucid note from John Clark. Trash was the Rector of St Mary's Church, Kersey, Near Hadleigh, West Suffolk, the holder of the "great tithes" whose position lay in the gift of King's College, Cambridge.<sup>69</sup> His contemporary, David Davy, compared the romantic pastoral setting of Kersey to villages lying along the Rhine.<sup>70</sup> Indeed, Kersey straddled a tributary of the river, once called the "Breton Flu", (known now as the "Brett") linking Kersey to the neighbouring urban centre of Hadleigh.<sup>71</sup> The immigration of Flemish weavers to Hadleigh and the surrounding districts in the 12<sup>th</sup> century resulted in employment for Kersey generations. The high point of the woollen manufacturing in the area had enabled the execution of elaborate plans for St Mary's church in the fifteenth century.<sup>72</sup> The cottages lining the main thoroughfare across the valley housed hand looms from which the strong and durable fabric known as kersey was made.<sup>73</sup> The village lay between the ancient ruined priory on one hilltop opposite St Mary's church atop another hill. The river runs through the foot of the valley. The idyll

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<sup>69</sup> Rev. S. E. Caller, *A Pocket Guide to the Church of St Mary's Kersey* (Hadleigh, C. W. Frost, 1958 edn) p. 5.

<sup>70</sup> David Elisha Davy (ed. John Blatchly) *A Journal of Excursions through the County of Suffolk 1782-1844* by (Woodbridge, Suffolk Record Society, 1982) p. 72. This idyllic setting has resulted in Kersey being "elected the prettiest village in England" in the latter half of the twentieth century; Harold Mills West, *The Suffolk Village Book* (Newbury Countryside Books, 1986) p. 96.

<sup>71</sup> John Arlott (ed.) *John Speed's England A Coloured Facsimile of the Maps and Text from the Theatre of the Empire of Great Britaine*, First edition 1611, Part 2, (London, Phoenix House Limited, 1953) folios 33-34. This river is now known as the "Brett". At that time Kersey was marked as "Semere". J. B. Harley and Donald Hodson (Introduction) to Emanuel Bowen and Thomas Kitchin, *The Royal English Atlas Eighteenth Century county, maps of England Wales* (Newton Abbot, David and Charles Reprints, 1971) show Kersey as Kersey in 1777, Map No. 33.

<sup>72</sup> Caller, *op. cit.*, p. 5.

<sup>73</sup> West, *op. cit.*, p. 97. In the recent fictional biography of Thomas Wainwright by Andrew Motion, *Wainwright the Poisoner*, (London, Faber & Faber, 2000) dresses his anti-hero in the

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was spoilt by acute economic distress. The village was no longer materially secure as formerly.<sup>74</sup> The textile manufacturing, source of local employment, had all but disappeared. The derelict building, once the focal point of the 'putting out' system, confirmed this loss. Despite the rise in population, vacant and desolate houses lined the village street. Indications of rural immiseration met the observant eyes of David Davy on his travels in 1823.<sup>75</sup> He mourned the loss of the pastoral idyll, as he examined gravestones in St Mary's churchyard. One epitaph, written for the deceased John Mann, indicated that despite the idyllic impression not all inhabitants had been content with their earthly lot. John Mann, found guilty of murdering John Raynham, also of Mersey had been executed earlier in 1823. The engraved words, following the conventions of the period,<sup>76</sup> stated starkly, "Idleness, poaching, Sabbath breaking, Drunkenness, Debauchery, Thieving lead to the Gallows here".<sup>77</sup>

Alfred Trash, the holder of the "great tithes" read John Clark's letter which arrived from an environment which was in stark contrast to his own comfortable accommodation. John Clark's impassioned plea was written in Newgate gaol.<sup>78</sup>

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"regulation jacket and waistcoat made of blue kersey", for his transportation to Van Diemen's Land, p. 210.

<sup>74</sup> *The Victoria History of the County of Suffolk*, (Cambridge, Cambridge University Press, 1911), Vol. I. The figures given for the 19<sup>th</sup> century population of Kersey, in the hundred of Cosford show population growth for the years 1801, 1811 and 1821 of 513, 616, 621 souls respectively, p. 687.

<sup>75</sup> Davy, *op. cit.*, p. 72.

<sup>76</sup> J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in 17<sup>th</sup> Century England', *Past & Present*, 107, (1985), pp. 14-67. See also Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century*, (London, Routledge, 1992) whose study revealed the underlying moral code associating crime with "the lack of self discipline and idleness", p. 4.

<sup>77</sup> Davy, *op. cit.*, p.72.

<sup>78</sup> PRO PC 1/67, Clark-Trash, 4 September 1819.

As my wishes are not to leave this country ... for to leave my wife and friends behind [will] break my heart. if you could git Muster Newmann to pertion for me to stay here for botany bay is so many Miles away it breake my heart An Sir if I cannot git no friend to stop me here ... for my wife to go over to the bay with me ... as she got no friends to help her <sup>79</sup>

At first sight, John Clark's letter, although brief, is self-explanatory. He wrote from Newgate having received a transportation sentence, but does not state its exact term. The letter was to his local parish officer seeking help. Whether he truly expected a reprieve is unclear - he may only have been clutching at any straw. The only evidence that Rev Trash assisted is that he, with two churchwardens as co-signatories, forwarded Clark's piteous request to the Home Office in London. <sup>80</sup>

This meagre correspondence was addressed to the Home Secretary, Lord Sidmouth. <sup>81</sup> Clark's letter conveys the impact of impending separation from "wife and friends". <sup>82</sup> Such a separation would, he said, break his heart. This stark self-exposure reveals an emotional dimension to transportation. To-day, his 'mournful letter, lying in the public domain, connects us to his lived anticipatory experience of forced migration to New South Wales.

The most cursory reading of his letter demonstrates the importance Clark placed on personal relationships: his friends and his wife were his social and emotional universe. Separation from them and his anticipated broken heartedness lie at the core of his plea for help. If his sentence of transportation was,

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<sup>79</sup> PRO PC 1/67, Clark-Trash, 4 September 1819.

<sup>80</sup> PRO PC 1/67, Trash-Lord Sidmouth, 20 September 1819.

<sup>81</sup> Leslie Stephen & Sidney Lee (eds) *Dictionary of National Biography*, (Oxford, Clarendon Press, 1960 edn.) Vol, XVIII. Lord Sidmouth (1757-1844) was appointed Secretary of the Home Department in 1812 where he remained until 1822, pp. 117-121. Lord Sidmouth is perhaps more commonly recognisable under the couplet referring to his brief career as Prime Minister, prior to his ennoblement by George III:

"Pitt is to Addington  
As London is to Paddington".

<sup>82</sup> PRO PC 1/67, Clark-Trash, 4 September 1819.

nevertheless, to be executed, then he wanted his wife to join him. Clark was apparently aware that this fallback request was attainable. Perhaps he discovered this via Newgate's intra-inmate information network. The heartfelt expression of grief at impending departure was firmly located within the realm of his emotional psyche. In direct opposition to the Revd Cotton's contemptuous dismissal of all possibility of a convict's self-examination, Clark discloses an anguished self-awareness.

The artlessness of John Clark's stumbling prose transmits a surge of heartbroken grief. Underpinning it, there is however a profound and sophisticated understanding of his circumstances. The first of these is his use of the word "friends".<sup>83</sup> Initially one is struck by the importance of his peer group whom he prophetically missed. We then recognise that in this crisis his emotions fused time and friendship, which says something profoundly significant about human relationships. Indeed, John Clark wrote and existed in three different time-frames. He recalled his friends from the past in terms of their importance to his identity and sense of self; he recognised their importance in his present incarcerated time; and, he envisaged a bleakly friendless future without them, in which his sense of self would be threatened. Who was John Clark without friends to give him their recognition? Time, for John Clark, was not solely a matter of his sentence itself. In his immediate crisis time past, present and future collapsed into each other, when he contemplated his bonds of friendship.

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<sup>83</sup> Naomi Tadmor, "Family" and "Friend" in *Pamela: a case study in the history of the family in eighteenth-century England*, *Journal of Social History*, 14, (1989), draws attention to the complexity of this word with its multiple meanings encompassing kith and kin as well as local power-brokers, pp. 289-306.

In mobilising the support of potentially effective patrons, Rev. Trash was the first significant member of a chain of local power brokers whose network would stretch beyond the boundaries of Kersey and Hadleigh. But only Rev. Trash could speak up for John Clark to Mr Newman, the keeper of Newgate.<sup>84</sup> It is Trash who approached the Home Secretary.

John Clark's concern for his wife's welfare was also bound up with this understanding of the word 'friend' with its nineteenth century gloss of including both kin and power relations. Clark described how "she got no friend to help her"; he may have been referring to her immediate family. But at that time the power relationships were most usually formed between men. The complexity of relationships is encompassed in Clark's use of this word 'friend'. Simultaneously he recognised that his emotional commitment to those friends carried no weight or value in his plea for a reprieve. That, in Clark's view, required other friends (in the sense of patrons) with power or influence or, in the best of all worlds, friends with both power and influence. The double meaning enclosed in Clark's words does not need the word 'patron' or 'patronage': it is implicit and indicative of his understanding of the world he has entered.<sup>85</sup> He is face-to-face with a situation in which his emotional values of personal friendship were yoked to the utterly different mechanics of power-broking, to which Trash is his only link. The moral dilemma facing Clark was brutal in its implications, for at a meaningful personal level his friendships were ineffectual, although he evidently felt confidence in their

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<sup>84</sup> Buxton, *op. cit.*, p. 150. It is surmised here that under the circumstances of John Clark's letter from Newgate, that he is referring to Mr Newman[n] the Keeper of Newgate. Mr Newman had been the Keeper at the time of the 'Report from the Committee of the House of Commons on the state of the gaols of the City of London, &c. 1814', Cobbett's *Parliamentary Debates*, xxvii, pp, 748-759.

<sup>85</sup> attrib. T. Wontner, *op. cit.*, "No man ... has now the slightest chance of being fairly heard, without have a friend, possessed not only of humanity ...but of powerful influence", pp. 120-1.

continuing affection and sympathy. Whatever John Clark had done to earn his sentence had not compromised the emotional, and possibly material, support he received from those friends. Were he successful in his request for a reprieve he did not envisage total social isolation. Simultaneously, however, he also recognised the harsh fact that his personal friends, removal from whom had the power to break his heart, were powerless in his hopes for a reprieve.

We do not know Clark's profession or whether he was skilled or unskilled. He wrote and signed the letter which Trash forwarded to Lord Sidmouth. What we do know is that he was horrified by the physical distance between "Botany bay" and Britain. The former is 'so many miles away' and yet his subsequent use of 'the bay' as a signifier suggests that the term would be immediately meaningful within his personal mapping of the world. It was central to his distressed state of mind, in a terrifying zone of horror. "Botany Bay" was then a generic term for both New South Wales and Van Diemen's Land indicating a hellish penal dystopia.<sup>86</sup>

Due to the lack of further verifiable information it is not possible to know if John Clark had travelled further than London from his birthplace. His experiential mapping of the world may have been governed by the small area of his direct experience. 'So many miles away' suggests that the actual figures were, for him, so vast as to be unimaginable. For John Clark neither the name nor the geographic location of his possible destination was of major importance. It was the diachronic

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<sup>86</sup> See Paul Carter, *The Road to Botany Bay: An Essay in Spatial History* (London, Faber & Faber, 1987) for convicts' misconceptions of where they were. Early New South Wales – 'Botany Bay' as a disordered society and place is explored in Richard White, *Inventing Australia* (Sydney and London, George Allen & Unwin, 1981), ch. 2, 'Hell Upon Earth', *passim*. For an exploration of the grotesque in early colonial Australian art see Ian McLean, *White Aborigines: Identity Politics in Australian Art* (Cambridge and Melbourne, Cambridge University Press, 1998), ch. 2, *passim*.

spatial and existential distance between his familiar present and the unknown future which concerned him. His words demonstrate a process whereby time-frames, spaces, and distances were collapsed into his fears of separation. Clark's personal analysis of his situation is in stark contrast to a contemporary elite understanding of transportation.

In the same month that Clark wrote to Trash, Matthew Culley, the Chairman of the Glendale Ward Association in Northumberland, also wrote to Lord Sidmouth.<sup>87</sup> Culley requested that there should be no remission of the capital sentence passed on Ralph Flash. His view was that "deportation cannot *now* be considered such an adequate punishment".<sup>88</sup> This opinion was shared by Lord Bathurst who, in his letter to Commissioner Bigge, stated that in contrast to the early days of settlement the physical distance of the colony had enhanced the impression of severity but that by 1819 there was "so little of apprehension" attached to transportation.<sup>89</sup> Bathurst made an elementary error in confusing the time taken for the voyage with an actual reduction of physical distance. In January 1819 the *Baring 2* sailed from England and arrived at Sydney before July,<sup>90</sup> in a voyage of just over 5 months compared to the 8 months taken by the First Fleet. The distance travelled remained the same however. Shorter passages hardly diminished the apprehension experienced by Clark and others. Clark did not, at the point of writing, imagine a return passage to his wife and friends. There were few transportees who returned. Furthermore, it was suggested there was a correlation

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<sup>87</sup> PRO PC1/67 Cully-Sidmouth, 22 September 1819.

<sup>88</sup> *Ibid*, emphasis in original document.

<sup>89</sup> SRNSW SR4/1742, 'Main Series of Letters Received 1819', Document dated 19 January 1819. Reel No. 6048, pp. 4-10, esp. p.5.

<sup>90</sup> *Baring 2* departed on 25<sup>th</sup> January 1819 and arrived at Sydney on June 26<sup>th</sup> 1819.

between the length of time spent in gaol in Britain <sup>91</sup> before embarking on a convict ship. <sup>92</sup> Clark's brief and desperate words to the Reverend Trash provides us an insight into how one man perceived transportation. The immediacy of his baldly expressed sentiments cuts through academic discourses and exposes one man's desolate desperation indicating his horror at the point of writing.

### **The Barrack World of John Sanderson <sup>93</sup>**

John Sanderson, married man, found guilty by court martial of desertion. A private in 2<sup>nd</sup> battalion of the Grenadier Guards, he was given a 14-year transportation sentence. As an infantryman found guilty of desertion John Sanderson was 'an item' on the formal returns of "Deaths, Desertions and Discharges". His petition does not reveal the date or year of his desertion. The returns of infantry deserters for the period 1819-1820 show 1,539 soldiers. <sup>94</sup> As Alan Skelley points out, however, the figures for desertion "take into account only of those deserters who were recaptured or who gave themselves up". <sup>95</sup> "Attracting men in sufficient numbers to offset the wastage caused by deaths, discharges and

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<sup>91</sup> 'Report from the Select Committee on Secondary Punishments: Together with the Minutes of Evidence', *PP*, vol. VII, (1831), pp. 1-177. The correlation was that those who spent more of their sentence in Britain were those more likely to return. Additionally, Mr Capper suggested that no more than 15% of transported men returned to Britain; p. 49.

<sup>92</sup> *Ibid.* p. 49.

<sup>93</sup> An abridged version of John Sanderson's experiences appears in Frost & Maxwell-Stewart (eds) *Chain Letters, op. cit.*, under the title of "These are but items in the sad ledger of despair", pp. 136-47, esp. pp. 142-45.

<sup>94</sup> 'Estimates and Accounts, Army No. 3 Return of the amount of all deaths, Desertions and Discharges from the army; distinguishing Cavalry from the Infantry; from 25 December 1819 to 24 December 1820', *PP*, 1821, XV, pp 129-30.

<sup>95</sup> Alan Ramsay Skelley, "The Terms and Conditions of Service and Recruitment of the Rank and File of the British Regular Home Army 1856-1899", Unpublished PhD Thesis, University of Edinburgh, 1975, p. 196.

desertions was a perennial problem".<sup>96</sup> Sanderson is remembered here through the few words he left in his petition requesting not to be transported. This petition, following the conventions of his position, was addressed to His Royal Highness the Duke of York, the Commander in Chief of the Army.<sup>97</sup> The petition was then forwarded to the Secretary of State for the Home Department. The army had no further interest in the case of a deserting private. Sanderson gave no information about his military career in his petition. This was an unusual silence. Those who approached the administrative centre of the army (known as Horse Guards) with similar petitions invariably related their military careers.<sup>98</sup> He may have enlisted for seven years; a short service option (which could be extended) introduced in 1806. Edward Spiers demonstrates that the short service option was not popular. Between 1817 and 1829 the recruiting centres of Cork, Dublin and London recorded less than two per cent of recruits opting for short service.<sup>99</sup>

Officially the army was accountable, until 1879 "within the realm by statute and without it by the prerogative of the Crown". The annual passage of the Mutiny Act was a throwback to the debate regarding the monarch's right to a standing army in peacetime. This Act required a clause by clause and line by line annual acceptance by both Houses of Parliament.<sup>100</sup> By contrast the Army Act, as a permanent code, ratified the necessity of a standing army. These constitutional

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<sup>96</sup> Edward M. Spiers, *The Army and Society 1815-1914*, (London, Longman, 1980), p. 35.

<sup>97</sup> Corelli Barnett, *Britain and Her Army: A Military, Political and Social Survey 1509-1970*, (London, Allen Lane, 1970), p. 282.

<sup>98</sup> See, from PRO PC 1/67 (1819) Petitions from Zaccariah Phillips; Gavin Thomas; and the parents of 'Gaskell'. However, none of these three were sentenced to transportation on account of desertion.

<sup>99</sup> Spiers, *op. cit.*, p. 52.

<sup>100</sup> *Encyclopaedia Britannica*, (Cambridge, Cambridge University Press, 1911), 'Military Law', p. 456.



niceties need not detain us; worth consideration, however, were some of the anomalies relating to the arcane and unregulated customary practices within the enclosed regimental and battalion cultures.<sup>101</sup> To recreate Sanderson's world, as it was in that military pre-reform period of the 1820s, is to discover systematic institutional social controls similar to aspects of convicts' experience in the New South Wales and Van Diemen's Land.<sup>102</sup>

Courts martial were part of the formal process of dealing with military, as against criminal, offences. A soldier found guilty of desertion by a court martial had that military offence officially transformed into the civil crime of "felony".<sup>103</sup> A contemporary critic of military discipline and courts martial referred to their arbitrary nature and application.<sup>104</sup> In the 1820s, the threat and application of flogging as a disciplinary measure was an issue of public concern.<sup>105</sup> Courts martial maintained the sanction of life and death over individual soldiers in times

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<sup>101</sup> Peter Stanley, *White Mutiny: British Military Culture in India 1825-1875*, (London, Hurst & Co., 1998). Stanley's work offers a number of insights into the homosocial world of the Indian Army.

<sup>102</sup> 'Report from the Commissioners for inquiring into the system of Military Punishments in the Army', *PP*, (1836), XXII. Evidence given by General George Arthur. Arthur answered the question of the suitability of a purely military prison in a penal colony which reflected his long period as Lt.-Governor of Van Diemen's Land, 1824-1836. He preferred "one perfectly uniform system", p. 72. See Evans & Thorpe, 'Commanding Men', *op. cit.*, who draw attention to the military and naval similarities in secondary penal stations in New South Wales, esp. p. 18.

<sup>103</sup> *Statutes of United Kingdom of Great Britain and Ireland*, Vol. XI AD 1827, 7 & 8 George IV to A.D. 1829, 10 George IV, Cap IV, pp. 3-4.

<sup>104</sup> Van Kennedy, *Practical Remarks on the Proceedings of General Courts Martial* (London, J & W T Clarke, 1825) 'Preface'. In this, Van Kennedy comments on the plethora of commands "to do" or the corresponding commands of "not to do". The private soldier was given no indication of the consequences of his acts of commission or omission.

<sup>105</sup> See J. R. Dinwiddy, 'The Early Nineteenth Century Campaign against flogging in the army', *English Historical Review*, *XCVII* (1982), pp. 308-331. Dinwiddy's essay demonstrates that this issue was unpopular within the House of Commons and that flogging had support from both Whigs and Tories. See also Marcus Rediker & Peter Linebaugh, *The Many Headed Hydra: The Hidden History of the Revolutionary Atlantic*, (London, Verso, 2000) who draw attention to these parliamentary debates, esp. p. 341.

of war. In times of peace, corporal punishment was more frequently an instrument of maintaining control.<sup>106</sup>

In 1825 a soldier received 1,200 strokes of his 1,900 stroke sentence.<sup>107</sup> This was despite the 1807 General Order that “the number of lashes to be awarded was to be no more than 1,000”.<sup>108</sup> The issue of corporal punishment was of course strongly related to the civilian movement away from ‘punishing the body’ to ‘punishing the mind’.<sup>109</sup> It is argued that such sentences were to become increasingly rare, with diminishing reports of corporal punishment.<sup>110</sup> “Y.A.” writing in 1829, disclosed one possible cause for the reduced numbers of floggings during the latter half of the 1820s. His explanation was based on the poor promotional prospects for a commanding officer whose record showed a “high number of courts martial”.<sup>111</sup> Disciplinary measures within the army were the focus of a Parliamentary Select Committee Report in 1836.<sup>112</sup>

Contemporary ideological themes can be traced in the responses given by some of the senior officers who acted as witnesses to this Report. These themes included a paternalistic attitude towards the men in terms of their welfare in respect of pension provision, as well as educational opportunities on offer for alternative

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<sup>106</sup> It was not unknown for soldiers to die under these circumstances.

<sup>107</sup> *Hansard*, 3<sup>rd</sup> Series, XCI, c 1319.

<sup>108</sup> Dinwiddy, *op. cit.*, p. 311.

<sup>109</sup> Michel Foucault (translated Alan Sheridan) *Discipline and Punish: The Birth of the Prison*, (London, Allen Lane, 1975, Peregrine Books, 1979 edn.) was and is influential in its approach to his analysis of the late eighteenth-century and nineteenth-century changes in penal policy within France. Ignatieff, *op. cit.*, was quite clearly influenced by Foucault’s work.

<sup>110</sup> Hew Strachan, *Wellington’s Legacy: Reform of the British Army 1830-1854*, (Manchester, Manchester University Press, 1984), p. 82. Throughout the decade, this topic was raised in the House of Commons in 1824, 1827, 1828 and 1829.

<sup>111</sup> *United Services Journal*, 1 (1829). Y.A.’s letter dated 20 May 1829, p. 757.

<sup>112</sup> “Report ... Military Punishments in the Army”, *PP*, (1836), *XXII*. In view of the sensibilities involved, there is surely a parallel to be drawn between this Report and that on Transportation the following year.

careers.<sup>113</sup> Although the proposed reforms were embedded in a contemporary ideology they were also regarded practically as a means of attracting new recruits; thus soldiers' current welfare and future pensions were not seen as "worthwhile objectives" in themselves.<sup>114</sup> One of the appendices to the Report itself reveals a debate regarding the benefits, or otherwise, of providing a purely military prison, to incarcerate military offenders within the enclosed military world. By 1836 barrack accommodation had become the norm for the majority of troops.'<sup>115</sup> In part, this was intended to engender and promote comradeship amongst the men. In part it enabled a more intense supervision, coupled with semi-incarceration. Comparisons have been drawn between the similarity of these barracks to contemporary prisons. Both exhibited over-crowding, infection and "inadequate ventilation and sewage disposal."<sup>116</sup> In their evidence, the majority of witnesses to the 1836 'Report [on]... Military Punishments' uncritically accepted the contemporary word picture of those held in public gaols. These again rehearsed the mythic figure of the "hardened criminal". Such "hardened criminals" would, by their mere presence, influence and infect the soldier imprisoned alongside them, with their vicious characters.<sup>117</sup> Witnesses drew a clear distinction between military and civil offences. A period of incarceration might, however, be imposed

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<sup>113</sup> *Ibid.*, Appendix, Col. Sir John Woodford, Grenadier Guards, was one who most wholeheartedly adopted a paternalistic approach, among those giving evidence, p. 73.

<sup>114</sup> Spiers, *op. cit.*, p. 35.

<sup>115</sup> *Ibid.* The following data was quoted, in 1792: 20,487 men were housed in barracks; by 1816 the men numbered 97,269 in barracks, p. 55.

<sup>116</sup> Skelley, *op. cit.*, p. 27.

<sup>117</sup> 'Report ... Military Punishments in the Army', *PP*, (1836), XXII. Appendix on specific military prisons. Major-General Sir S. Chapman referred to "common malefactors"; p.72; Lt.-Col. Madox described "felons of the worst character", p. 73; Lt.-Col. Goldie, "hardened miscreants" p.75; Col. Fremantle declared that soldiers "must be contaminated by associating with felons", p. 73.

on a military offender, who was guilty of a military offence, which carried moral opprobrium.

Social control in the army extended to the private soldier's domestic arrangements including family life. Marriage was viewed as a disadvantage for those amongst the ranks. The Queen's Bays 1792 orders stated: "a bad soldier's wife must be got rid of as soon as possible".<sup>118</sup> Contemporary officer prejudice against the married private was based on insufficient pay to maintain a wife and children; problems of accommodation both at home and overseas; and, most tellingly of the period perhaps, concern for the soldier's ability to function effectively on the battlefield if he was anxious about his wife and family.'<sup>119</sup> It was officially held, that men at that time, wishing to marry should apply for permission to their commanding officers.<sup>120</sup> They, in turn, should "discountenance marriage among their men".<sup>121</sup> The rates of pay, deemed insufficient for the support of dependants, amounted to a gross daily rate of 1/1d for privates. Despite the official dictum of "discountenance", the men nevertheless married and soldiers' marriages remained a problem throughout the nineteenth century. Writing in 1892, the Rev S.P.H. Statham, an army chaplain, commented that only some of those men who had completed seven years' service were 'permitted' to marry but added: "these regulations are entirely ignored for a large number of soldiers are married in

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<sup>118</sup> A. E. Sullivan, 'Married Quarters - A Retrospect', *The Army Quarterly*, vol. LXIII (1951-52) pp. 113-119, esp. p. 114.

<sup>119</sup> *Ibid* p. 113.

<sup>120</sup> This anticipation was "enjoined in the general regulations of the army". H. Taylor, 'General Order' dated 18<sup>th</sup> March 1829. *United Services Journal*, I, (1829), p. 512.

<sup>121</sup> Strachan, *op. cit.*, pp. 63-4.

civilian churches, whatever their commanding officers may say or think”.<sup>122</sup> The Adjutant-General, H. Taylor, in his General Order of 1829, referred to a previous General Order of 1824. These two Orders related to “the number of women and children with the several regiments in Great Britain”. Taylor drew attention to the disparity between the number accommodated in regimental barracks and the lesser number “allowed by His Majesty”.<sup>123</sup>

Reports from several commanding officers differed from the official opinion regarding the value of “married men” in their regiments. They were perceived as steadier, more likely to save and less likely to desert.<sup>124</sup> Some private soldiers who had married with official permission and who had families shared barrack accommodation with the single soldiers. Notional privacy was obtained by the use of a blanket, as a makeshift screen. Such accommodation was regarded as an indulgence, and the soldier who married without his commanding officer’s approval could be punished by his wife’s exclusion from his barracks.<sup>125</sup> Benefits of barracks “living-in” included fuel, candle allowances and “barrack bedding”. Despite these allowances, accommodation for the ordinary soldier in the barracks was described as late as 1837 as like “Asylums for the insane or some of the new poor houses”.<sup>126</sup>

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<sup>122</sup> Rev S.P.H. Statham, “Marriage in the Army without Leave”, *United Services Magazine*, No. 767,(1892), p. 296. See also, Sullivan, *op. cit.*, stated that “Marriage among soldiers was itself, except for a trifling minority, a military crime” was based on an Order dated 1685, applying to the entire army, p. 113. It would seem however that, in the period under consideration, restriction of a private soldier’s right to marry was evidently not very effective. See Stanley, *op. cit.*, on the subject of the private soldier’s wish for marriage in the homosocial world of the barracks, pp. 64-81, esp. 67

<sup>123</sup> *United Services Journal*, I, (1829), p. 512.

<sup>124</sup> *United Services Journal*, (1849), pp. 349-50.

<sup>125</sup> *United Services Journal*, I, (1829), p. 512.

<sup>126</sup> *United Services Journal*, III, (1837), p. 324.

The motive which actuates Your Royal Highness's humble Petitioner to make this request, is the conviction he feels, that the presence and Society of a beloved faithful Wife and Family would most materially tend to assist him in pursuing that line of conduct which it is his firm determination to pursue for the future. [If the petition is granted his wife] will be rescued from the horrors of being desolate & friendless, to the mercy of the wide, un pitying World an helpless young and now unprotected female with two small children. <sup>127</sup>

Sanderson's appeal came from Portman Square Barracks, where he was held in the "barrack-cell, which was designed for forty-eight hour sentences". <sup>128</sup> The appeal illustrates a common configuration, in its frame of family responsibilities. Petitioners sought to have their familial responsibilities recognised as valid causes not to be transported. Simultaneously we enter a world where husbands and fathers articulated their roles within their domestic setting. <sup>129</sup> Indeed, Sanderson asserted that: "The motive which actuates ... this request" is concern for family. Again, appeals against transportation give access to a world of emotional and material commitment. Sanderson's basic statement concerns his familial responsibilities. It resonates with his commitments as a husband and a father. He foresaw his wife's wretched future. Without his presence as family head, his wife and children will be "desolate and friendless". <sup>130</sup> His military service contract was certainly breached by his desertion. Equally his marriage vows would be significantly breached and completely negated if he was transported.

However, in recognising that Sanderson acknowledged his material duties towards his family, let us not overlook the warmth and tenderness of his statements

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<sup>127</sup> PRO PC 1/71. Sanderson-HRH Duke of York, n.d. December, 1823.

<sup>128</sup> Strachan, *op. cit.*, p. 83.

<sup>129</sup> PRO PC 1/67-PCI/74, 1819-1824.

<sup>130</sup> PRO PC1/71. Sanderson-HRH Duke of York.

of affection. He made no claim for special treatment other than his domestic circumstances. Transportation would, he wrote, remove him from the “Society of a beloved faithful wife and family”.<sup>131</sup> Sanderson’s emotional attachment to his domestic circumstances was not unusual in the masculine community of the barracks.<sup>132</sup>

Sanderson mobilised his wife and family as vital elements in his envisaged reformation, declaring that they would “materially assist him in pursuing that line of conduct”.<sup>133</sup> Such a statement would accord well with the contemporary middle-class opinion of a wife’s role. She should curb a husband’s excesses and reclaim him to virtue.

But underpinning Sanderson’s words there is an additional foreboding, concerning his wife, forlorn in a military environment. Military barracks were not popular with civilian residents in any location. They were notorious for driving down adjacent property prices and attracting prostitutes.<sup>134</sup> Guardsman Sanderson would have been well aware of the dangers surrounding an “unprotected female” in such a location. His fear, decoded, appears to be that prostitution would become his wife’s means of support, possibly as prey to his erstwhile comrades, who would be only too well aware of the opportunity provided by his absence and her vulnerability.<sup>135</sup>

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<sup>131</sup> *Ibid.*

<sup>132</sup> Stanley, *op. cit.*, “Soldiers coveted marriage as a route to solace and respectability”, p. 67.

<sup>133</sup> PRO PC 1/71, Sanderson-HRH Duke of York, n.d. December 1823.

<sup>134</sup> James Douet, *British Barracks 1600-1914: Their Architecture and Role in Society*, (London, The Stationery Office, 1998) p. 109. See also Daniels, *op. cit.*, “York was a garrison town and known for the widespread existence of prostitution”, p. 193.

<sup>135</sup> Fear of public shame and disgrace within a regiment formed part of the military *esprit de corps*. Those who were found guilty of the offence of desertion were publicly ‘sent off’ the parade ground in front of their fellow soldiers. “His punishment would be suffered under the immediate  
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As Sanderson cannot be traced through the New South Wales Census of 1828, nor in the index of convicts landed in Van Diemen's Land, it is possible that he was never actually transported.<sup>136</sup> What we know of John Sanderson himself is contained in his appeal against his transportation sentence. Certainly he subscribed, on paper at least, to the prevailing ideology of his duties as 'head of the family'. Sanderson may, perhaps, have regarded his wife and children as in some sense his property; however, he recognised his responsibilities to them. Transportation would entirely negate those responsibilities.

His petition was couched in rather formal language designed to appeal to a gentleman's 'code of honour'. On that account it is plausible to suggest that this petition had been written for him, possibly by a social superior. What cannot be denied, however, is that Sanderson's appeal was based on his 'identity' as a married man for whom his familial and domestic relationships were of prime importance. Beneath that appeal there is a brutally stark awareness of his wife's probable future. That bleak prospect was an anguished realisation of his own sexual jealousy and emotional heartbreak if his wife became a whore. Not just jealousy, but a prospect of being dishonoured as a man whose wife went "on the town". His words betray his own sense of failure in the image of his wife left "to the mercy of the wide un pitying World".<sup>137</sup> For how many did Sanderson speak as he wrote those words? How many married transported men experienced a

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observation of his comrades", George Arthur, "Report ... Military Punishments", *PP*, vol. XXII, (1836), Appendix, p. 72.

<sup>136</sup> 1828 *Census*. Archives Office of Tasmania, Index of convict arrivals. (I am grateful to my friend and colleague, Hamish Maxwell-Stewart who searched the Index of convict arrivals in Tasmania for me.) It is possible that Sanderson was transported to Bermuda. Many convicts, especially those sentenced to 7 years transportation were never embarked upon a transport ship, but were instead released after serving a period of their sentence in the hulks; see Meredith & Oxley, *op. cit.*, p. 26.

<sup>137</sup> PRO PC1/71. Sanderson-HRH Duke of York, n.d. December 1823.



similar anguish? How many of those men accepted that their duties as husbands and fathers included protection and guardianship? Such questions cannot be answered quantitatively but surely Sanderson was not alone in his fears concerning his wife's future? Sanderson's identity as a prospective transportee, is revealed as a man whose concern for his family was intricately bound up with his threatened honour as protector of his wife's virtue and his children's welfare.

## Ice-bound Records and Frozen Identities

To embark on a convict ship as a transportee was to acquire a new identity.<sup>138</sup> The panoptic eye of officialdom figures strongly in these recording practices and the official ‘virtual’ identities they create. The ship and its surgeon-superintendent became midwife to every newly-created transportee. Approaches to the colonial administration by a convict required mention of their ship as an identifying metaphorical birth certificate. Every letter, memorial or petition landing on the New South Wales or Van Diemen’s Land Colonial Secretary’s desk was introduced with the convict’s name followed by the inclusion of the ship’s name, year of arrival and length of sentence. In this sense, convicts no longer had genetic parents. Their new identity required only the name of the ship to indicate formal entrance to New South Wales. The formal title “Principal Superintendent of Convicts Bound Indents” accompanying each transport ship indicate a previous life for each of the transportees carried on that voyage. These indications come, for example, in the verbal descriptions of faces marked by an illness survived in a previous existence. On arrival, further information was extracted by interrogating every prisoner before disembarkation.

William Gates described his examination on his arrival at Hobart in 1840 as a process in which “Questions were asked and Answers given”.<sup>139</sup> Following this verbal interview Gates and his fellow convicts were then “stripped of clothing and a minute description of every scar, blemish, or mole on our persons, placed on

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<sup>138</sup> In 1783, James Matra’s memoranda to his “Proposal for Establishing a Settlement in New South Wales” suggested that once convicts were landed, their crimes should be forgotten, see Atkinson, *Europeans in Australia, Vol. I, The Beginning*, (Melbourne, Oxford University Press, 1997), p. 70.

<sup>139</sup> Gates, *op. cit.*, p.39.

record”.<sup>140</sup> Eleanor Foley’s complexion was described as “sallow, pock-pitted”.<sup>141</sup> Mary Downing carried a “small scar on her right cheek” a permanent imprint to remind her of a life in Kerry.<sup>142</sup> The tattoos bearing the initials or names of significant individuals in convicts’ former lives bear further testimony to a life lived in another part of the world before coming before the official who faithfully recorded these marks and scars as a means of surveillance in the penal colonies.<sup>143</sup> These minute descriptions reinforce the impression of the state’s control over the physical body of the individual convict. However, as James Bradley and Hamish Maxwell-Stewart demonstrate<sup>144</sup> it is possible to construct a ‘different history’ for Alexander Anderson from that which the state maintained.<sup>145</sup> The indents did not just produce a conceptual body of knowledge since they were referred to and

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<sup>140</sup> *Ibid.* p. 40.

<sup>141</sup> SRNSW SR 4/4012, Fiche no. 663; Bound Indent for *Brothers 2*, 1827. Eleanor Foley aged 22, could read, was a Catholic, single, and came from Londonderry and was found guilty of street robbery, p. 18.

<sup>142</sup> *Ibid.* Mary Downing was a Catholic, aged 24 who could not read or write. She came from Kerry, was single and had had one child. She was transported for 7 years having been found guilty of “stealing mutton” at Kerry on 20 July 1826, and had had no former convictions. She was 5’2½” tall with a ruddy complexion, dark brown hair and hazel eyes. Her stated trade was “Dairy Maid”, p. 17.

<sup>143</sup> James Bradley and Hamish Maxwell-Stewart, “Embodied explorations”; in Duffield & Bradley (eds), *op. cit.*, pp. 183-203; see also Maxwell-Stewart and Bradley “Behold the Man”: Power, Observation and the Tattooed Convict’, *Australian Studies*, vol. 12, (1997), pp.71-97; ‘Convict Tattoos: Tales of freedom and coercion’, in Michele Field and Timothy Millett (eds) *Convict Love Tokens: Leaden Hearts the convicts left behind*, (Kent Town, South Australia, Wakefield Press, 1998), pp. 47-52; David Kent, ‘Decorative Bodies: The Significance of Convict Tattoos’; James Jupp (ed.) *Fatal Shores*, special issue of *Journal of Australian Studies*, 53, (1997) pp. 78-88. See also Maxwell-Stewart and Ian Duffield, “Skin Deep Devotions”: Religious Tattoos and Convict Transportation to Australia’, in Jane Caplan (ed.) *Written on the Body: The Tattoo in European and American History*, (London, Reaktion, 1999) pp. 118-135. Each of these authors have contributed to fruitful analyses and interpretations disclosing multiple meanings of these tattoos. Maxwell-Stewart, ‘Collecting by Numbers’, *Siglo*, 10, (1998) pp. 44-48, demonstrates the misfortunes experienced by Francis Fitzmaurice, through the identification of his numerous tattoos.

<sup>144</sup> James Bradley & Hamish Maxwell-Stewart, ‘Alexander and the mother of invention’ in Frost & Maxwell-Stewart (eds), *op. cit.*, pp. 190-198.

<sup>145</sup> *Ibid.*, p. 198.

utilised as a means of identification. They were the initial point of inquiry about individual convicts by the administration in New South Wales.

However, the “Ship of Arrival” was also a means of creating new networks within the colony. The close quarters on board, with the small group messes and shared duties and responsibilities prefigured the experiences of huts for assigned labourers.<sup>146</sup> Joseph Mason commented on how he met up with unnamed “Shipmates” from the *Eleanor* on which he and fellow rural protest workers from the counties of “Berkshire, Dorset, Hampshire and Wiltshire” were transported.<sup>147</sup> The bond of rural protest may have been intensified by the shared experience of life on board.

There is an inherent tension in the colonial meanings of the “Ship of Arrival”, between the formal and bureaucratic understandings of the use of the indent categories for allocation and surveillance purposes and the informality of human relationships created amongst prisoners who shared the communal experience of a specific voyage. There was the formal categorisation imposed by the authorities and the informal networks forged through the creation of that metaphorical birth certificate. Within the context of maintaining a superficial profile of individuals the indents provided one means of control and surveillance. The convention requiring the maintenance and up-dating of each profile points to an institutional mindset, with its attempted process of de-individualisation. Any transgression was faithfully recorded against any convict who failed to meet an

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<sup>146</sup> Bruce Hindmarsh, “Yoked to the Plough”: Male Convict Labour, Culture and Resistance in Rural Van Diemen's Land, 1820-1840', Chp. 7, “No man can keep me from a woman”, pp. 230-261.

<sup>147</sup> David Kent and Norma Townsend (eds.) *Joseph Mason: Assigned Convict, 1831-1837*, (Melbourne, Melbourne University Press, 1996) pp. 93-94 and ‘Introduction’, p. 1.

acceptable criterion of behaviour and possibly used as a means of withholding any request for an 'indulgence'.

For the historian, understanding the indents as a pro-forma dream 'database' is valid.<sup>148</sup> They have provided a solid foundation for prosopographic studies with 'identities' based on the external and visible physical characteristics of individuals, supplemented with information of age, literacy and native place. The process of data collection by the authorities became more extensive and more rigorous as New South Wales developed as a colonial possession. The amount of recorded information for each convict increased considerably during the 1820s, compared to that given for the previous four decades. However, these identities constructed by and for the colonial administration suggest a stasis for each individual entry. They do not apparently grow old, their dark brown hair does not lose its colour, nor do their scars fade in the Antipodean sunshine. Transformations to their physical appearance due to accidents in the colony rarely appear in the indents. Quantitative analysis of the transport ships' indents has given these individuals who were transported a "digitalised form, rather skeletal at the best of times".<sup>149</sup>

Death is only recorded for a few; thus the indent entry for William Birch, who arrived per *Earl Spencer* in 1813, has been annotated "Died in Parramatta district see letter dated 11<sup>th</sup> November 1845".<sup>150</sup> All applications for permission to call the banns were referred to the Principal Superintendent of Convicts by the

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<sup>148</sup> Nicholas, (ed.) *Convict Workers, op. cit.*, and Oxley, *Convict Maids, op. cit.*, offer prime example of quantitative studies carried out on the convict indents.

<sup>149</sup> Robin Haines, Margrett Kleinig, Deborah Oxley & Eric Richards, 'Migration and Opportunity: An Antipodean Perspective', *International Review of Social History*, 43, 1998, pp. 235-263, and p. 264.

<sup>150</sup> SRNSW SR 4/4003, fiche no. 634, Bound Indent for *Earl Spencer*, Birch's entry p. 477.

Colonial Secretary's office.'<sup>151</sup> The failure to record bio- and life-history information in the early years of settlement created problems for ascertaining information about the convict's earlier pre-transportation existence. In 1828, twenty-five years old George Stevens, applied to marry Ann Colson. George had arrived in the colony in 1822 under a seven-year sentence, received in Hertfordshire.<sup>152</sup> His intended bride, Ann Colson had arrived in 1825, having been tried at Surrey Quarter Sessions and been given a seven-year sentence.<sup>153</sup> At the time of the application for permission to call the banns, she was an assigned servant to Mr and Mrs Goodsir. In accordance with the practice of the time, the Principal Superintendent of Convicts, Frederick Hely, was required to search the records for any information relating to both George and Ann. Hely complained that "at the time of his (Stevens') arrival no notice [was] taken of his being married or not". That being so, he was unable to give any satisfactory answer as to whether Stevens could have the required permission to marry. By contrast Ann Colson had been noted down as 'single' on the indent for the *Midas* in 1825.<sup>154</sup>

George Pickering, a "cotton manufacturer" from Bolton had been given a life sentence in Manchester for stealing scales. Aged 27 he could read and write and was the father of four children.<sup>155</sup> Having learnt that his wife had died he applied for permission to marry the widow, Sarah Vickers.<sup>156</sup> The formidable

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<sup>151</sup> SRNSW SR 4/2003 "Application to Call the Banns", 1828, see chapter 5 below.

<sup>152</sup> SRNSW SR4/4008, fiche no. 648, Bound Indent for *Asia 2*, shows that Stephens (Stevens) was tried in September 1821 when he was 18 years old, p. 157.

<sup>153</sup> SRNSW SR 4/4009A, fiche no. 658, Bound Indent for *Midas*, p. 283.

<sup>154</sup> SRNSW SR 4/2003, Document No. 15, dated 13 February 1828. Frederick Hely's 'Memorandum' is dated 17 February 1828.

<sup>155</sup> SRNSW SR4/4011, fiche no. 661, Bound Indent for the *Marquis of Huntly*, p. 80.

<sup>156</sup> SRNSW SR 4/2003, Document 28, dated 30 September 1828.

Presbyterian Minister, John Dunmore Lang, intervened on Pickering's behalf to no avail.<sup>157</sup> Despite Lang's belief in the veracity of Pickering's assertions of his wife's death, permission was withheld since the Indents carried the information that he had a "wife and 3 children".<sup>158</sup> Thus the official identities created by and for the authorities in New South Wales are "frozen" at the point of their conception which could give rise to distressing consequences for the individual.

Neither John Clark nor John Sanderson can be traced through the official indent records; they have no physical body, no age, no stated occupation, no native place and, paradoxically, in the case of John Clark, no crime. They are not, on that account, to be regarded as historically meaningless. These two individuals, Clark and Sanderson, remain "frozen", just as the indent identities are frozen. The constructed "frozen identities" of a ship's indent or a personal testimony are not antagonistic. They were both spawned by the same specific set of circumstances. Neither is either more, or less, authentic than the other. Each refers to a moment in time which encapsulates the individual at a particular date and, in the case of the petition, a moment of personal crisis. Recently, the historian Inga Clendinning referred to the fictive nature of an individual's identity, adding, "Fiction affords the pleasure of the effortless penetration of fellow humans who are ... chronically

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<sup>157</sup> John Dunmore Lang (1799-1878) arrived in New South Wales in 1823. In addition to his account of the colony, *An Historical and Statistical Account of New South Wales Both as a Penal Settlement and as a British Colony* (London, Cochrane & McCrone, 1834) Lang was a major colonial figure. He was involved in both colonial education and the press. He foresaw and advocated an Australian Republic based on the USA model; he opposed arbitrary authority and actions by governors and other high officials. He promoted assisted emigration and retained his influence in the various spheres mentioned here. See *Australian Dictionary of Biography*, Vol. II, pp. 76-83.

<sup>158</sup> SRNSW SR 4/2003, Rev. Lang's letter to the Colonial Secretary Alexander McLeay, dated 29 November 1828, asserted he had seen 3 letters, each addressed to George Pickering. Each letter testified to the death of Pickering's wife. Despite Lang's assertions to the veracity of these letters, permission to call the Banns was withheld at that time.

enigmatic”.<sup>159</sup> If ‘identity’ is, in some senses fictive, in the sense of imagined, constructed and so permanently in a state of flux<sup>160</sup> it is, by definition, dynamic; not written in tablets of stone for the lifetime of the individual - although it may appear otherwise from the official Principal Superintendent’s Bound Indents. Circumstances and necessity shape an individual’s identity. Partial knowledge of historic actors is all we can ever achieve. What is learnt from any form of “frozen identity” is rich in meanings, ambiguities and even contradictions.

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<sup>159</sup> Inga Clendinnen, *Tiger’s Eye: A Memoir*, (London, Jonathan Cape, 2001), p. 245.

<sup>160</sup> Catherine Hall, ‘Imperial Man: Edward Eyre in Australasia and the West Indies, 1833-66’ in Bill Schwarz (ed.) *The Expansion of England: Race, Ethnicity and Cultural History*, (London, Routledge, 1996) pp. 130-170, esp. p. 133.



## **CHAPTER FOUR:**

**“These are but items in the sad ledger of despair”:  
Petitioning wives in Britain**

**... calling herself a convict's wife stating that her husband was transported**<sup>1</sup>

Captain Andrew Arnett, Master of the female convict transport ship *Friendship II*, wrote an aggrieved report to Governor Macquarie of his passage from England to Port Jackson. Amongst other complaints he drew particular attention to Amelia Wood and Ann Adams. Each woman had been granted her 'free' passage to the colony by the home administration on the grounds of being married to a transported convict. Amelia Wood's husband had apparently arrived in New South Wales in 1809, and the administration had provided permission for her, and the daughter of the marriage, to sail on *Friendship II* in order to join her husband. Arnett's complaint initially lay with Amelia's concealment of a second daughter, aged only 4 or 5 when she embarked in July 1817; a child, quite clearly, not conceived by her husband. To compound this demonstration of immorality, Amelia had then given birth to a third child, a son, shortly before the *Friendship II* docked at Port Jackson.<sup>2</sup>

Arnett's complaints were not restricted to Amelia Wood. He confided to the governor that Ann Adams, "who also had an Order for the passage", subsequently admitted "not having a husband in New South Wales". Arnett's report glossed over his means of extracting information from Ann. It transpired that she had spent several years on board ships in the Indian Ocean as the permanent companion of a crew member. This same man had found employment

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<sup>1</sup> SRNSW SR2/8260, 'Colonial Secretary's In-Letters', [hereafter *CSIL*], Reel No. 2421, Andrew Arnett, Ship's Master of the convict ship, *Friendship II* to Governor Macquarie, 14 January 1818, pp. 56-58, esp. 58.

<sup>2</sup> *Ibid.* Charles Bateson, *Convict Ships*, (Glasgow, Brown, Son & Ferguson, 1959), *Friendship II* sailed from England on 3<sup>rd</sup> July 1817, pp. 340-41.

on board the *Friendship II*, where he and Ann Adams had maintained their relationship, presumably continuing to 'see the world'.<sup>3</sup>

Andrew Arnett's report is, however, singular in one respect; the contemporary opinion expressed about the female transport ships more usual concerned the morality of the convict women, rather than the wives of transported convicts who travelled to New South Wales.<sup>4</sup>

In 1823 the Navy Office approached the Home Secretary's office with query regarding Sarah Seymour. Sarah had attempted to board the *Jupiter* claiming she had the necessary permission to join her transported husband in New South Wales. Although Sarah's name did not appear on the list provided by the Home Secretary of those who were entitled to embark on the *Jupiter*, it seems that those at the port did not place complete confidence in the official list; hence their approach to Henry Hobhouse. This incident in itself is suggestive of an

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<sup>3</sup> SRNSW SR2/8260, *CSIL* 1818 Reel No. 2421, p. 58. See also Clare Anderson, 'Multiple Border Crossings: Convicts and Other Persons Escaped from Botany Bay', forthcoming in *Journal of Colonial History*. Anderson discusses the informal networks between Calcutta and New South Wales. I am grateful to Clare for allowing me to see a hard copy of this

<sup>4</sup> Adverse contemporary observations of the transported women on the 'First Fleet' were recorded by David Collins, *An Account of the English Colony in New South Wales: with Remarks on the Dispositions, Customs, Manners &td, of The Native Inhabitants of that Country To Which are added some particulars of that Country To Which are added some particulars of New Zealand, compiled, by permission, from the MSS. of Lieut. -Governor King* (London, T. Cadell Jun. And W. Davies, 1798) and Watkin Tench, ed. & introduced by Tim Flannery, *Comprising a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson, 1789 and 1793*, (Melbourne Text Publishing Company, 1996); Ralph Clark's "Journal". "Journal of Mrs Philp Gidley King on the Voyage from England to Australia, 19 November 1788 - 15 April 1800", ML. MSS. 1973X, CY225. Mrs King was on occasion, compelled to record her distaste with individual transportees, travelling with her, on board the *Speedy*, 26 December 1799. See SRNSW SR 4/1739, *CSIL*, doc. no. 106, pp. 69-71, 4 December 1817 from Barron Field to Macquarie. His report of the voyage to New South Wales on board the *Lord Melville*, included the damning statement that the women "behaved as we as could be expected from their habits and character", p. 69. The Surgeon-Superintendent Thomas Reid, *Two Voyages to New South Wales and Van Diemen's Land with a description Of the Present Condition Of that Interesting Colony: including Facts and Observations Relative to the State an Management Of Convicts of Both Sexes. Also reflections on Seduction and its general consequence* (London, Longman, Hurst, Orme & Brown, 1822), reportedly warned the women on board against 'prostitution' with any member of the crew, p.112.

administrative confusion and lack of clarity between bureaucrats in Whitehall and those in charge of overseeing who should, or should not, be permitted to embark on board the transport ship.<sup>5</sup>

The fact that both Amelia Wood and Ann Adams acquired the required permission to embark in England and disembark at Port Jackson strikes a critical chord at assumptions of a rigid inspection of similar applications. The home administration was obviously not so tightly regulated that profound questions were asked about individual circumstances.

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<sup>5</sup> PRO PC1/71 (May 1823) Navy Office-Henry Hobhouse. See also PRO PC1/71 (March 1823) Navy Office to Hobhouse, advising that the *Jupiter* had been commissioned to convey 45 “wives of convicts and 80 of their children”. Bateson, *op. cit.*, refers only to a convict transport of the same name used in the 1830s.

**[I] wish to join him in his Exile**

— Elizabeth Pritchard to Lord Sidmouth<sup>6</sup>

Between 1819 and 1824 the Secretary of State for the Home Department, Lord Sidmouth, received a number of appeals relating to transportation sentences which had been handed down by the courts.<sup>7</sup> These appeals were not usually from transportees themselves; they came from the wives whose husband, and the father of their children, had been transported. The purpose behind the appeals was to acquire a free passage to their husband's "place of exile".<sup>8</sup>

Women, whose husbands had been transported, recruited friends to act as their amanuensis. It is the phraseology and cadences of these appeals which suggest a closer relationship. Thomas Jackson used direct language on behalf of Mrs Norman; he went to the core of the impact on his friend's circumstances. He described her as "wretchedly distressed ... at their being separated."<sup>9</sup> Such an approach was in contrast to the more formal address, used by professional letterwriters.

A skein of local patronage networks can occasionally be traced through others who also applied on behalf of women.<sup>10</sup> Mr Birch apparently wrote at least two letters for Catherine Slater. His second letter to Mr Capper drew attention to his first (not in the archive) which had not been answered. In courteous language,

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<sup>6</sup> PRO PC1/68, Pritchard-Sidmouth, 11 March 1820.

<sup>7</sup> PRO PC1/67 (1819) through to PRO PC 1/72 (1824). These years form the main chronological boundary for this chapter.

<sup>8</sup> PRO PC1/68, Williams-Sidmouth, 29 April 1820. Frances wrote she wishes "to share with him in his Exile".

<sup>9</sup> PRO PC1/67, Jackson-Sidmouth, January 1819.

<sup>10</sup> Nicholas Abercrombie and Stephen Hill, 'Paternalism and Patronage' in *British Journal of Sociology*, Vol. 27, No. 4, December 1976, pp. 413-427. This article draws attention to business networks in the 20<sup>th</sup> century. The authors explore the distinction between these two terms which has proven helpful in this chapter.

only just masking his irritation, Mr Birch wondered whether Mr Capper realised, or even recognised, Catherine's "anxious desire to join her husband".<sup>11</sup>

It is unsurprising that it was predominantly men who applied on behalf of the 'anxious wife'. The only female to make an approach for another woman was Ann Grace. She wrote on behalf of Elizabeth Tilly whose husband James had been transported. Elizabeth's endeavours to find employment in order to support herself and children were outlined in Ann's letter. Elizabeth's attempts to avoid applying to the parish for relief in her particular circumstances made a strong impression on Mrs Grace. She took it upon herself to present a strong case as to why Elizabeth and her children should be permitted to join James in New South Wales.<sup>12</sup>

Parish officers, anxious to avoid financial burdens, endorsed similar requests. These appeals overwhelmingly indicate economic distress. The Rector of Highworth described how Ann Humphreys and her three children had been "destitute and thoroughly dependent upon the Parish" for the previous eight years since Thomas Humphreys had been transported.<sup>13</sup>

Thomas Foxley the Rector at a small village near Lancaster described the miserable conditions experienced by Margaret Street and her small family of three children. Were they to remain in Radcliffe where they were "totally Destitute and unprovided for" their family future was likely to be "a long and tedious burden to their parish".<sup>14</sup>

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<sup>11</sup> PRO PC1/67, Birch-Capper, n.d. March 1819.

<sup>12</sup> PRO PC1/68, Grace-Sidmouth, n.d. May 1821.

<sup>13</sup> PRO PC1/68, Rector of Highworth-Sidmouth, 28 January 1820.

<sup>14</sup> PRO PC1/68, Foxley-Sidmouth, 5 April 1820.

Parish officers disclosed their ignorance of what, if any, the mechanisms were in such situations. Richard Bird, one of the overseers of Parish Relief, sought Lord Sidmouth's advice on how the parish officers could ensure that the children of John and Elizabeth Williams could travel with their parents on the transport ship.<sup>15</sup> The following year, 1821, Mr Deans also approached Lord Sidmouth's office seeking guidance "on the procedure" which should be followed in order that William Mots' wife and children could be sent out to him in New South Wales.<sup>16</sup>

It is not possible to assess the number of British and Irish parishes experiencing similar demands on the parish rates for the support of broken family units. British historians who have studied local government in the nineteenth century have more usually drawn on the connection between parochial poverty and emigration policies as a means of reducing the burden on a parish.<sup>17</sup> Transportation, as a cause of poverty for convict wives and families, has not been significantly considered in the literature. The question was certainly raised by the Select Committee in 1831; the answer given by Mr T.G.S. Estcourt was inconclusive when he responded, declaring he did not have sufficient information.<sup>18</sup> It has been suggested that the "rearing costs for the convicts' relatives left behind had to be borne by public aid, private charity or family support

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<sup>15</sup> PRO PC1/68, Bird-Sidmouth, n.d. September 1820.

<sup>16</sup> PRO PC1/69, Deans-Sidmouth, n.d. September 1821.

<sup>17</sup> H.J.M. Johnson, *British Emigration Policy 1815-1830 : Shovelling Out Paupers*, (Oxford, Clarendon Press, 1972); Geoffrey W. Oxley *Poor Relief in England and Wales 1601-1834* (Newton Abbot, David & Charles, 1974); Ursula Henriques, *Before the Welfare State* (New York, Longman, 1979); Robin F. Haines, *Emigration and the Labouring Poor: Australian Recruitment in Britain and Ireland, 1831-60* (London, Macmillan, 1997); Stephen King, *Poverty and Welfare in England 1700-1850*, (Manchester, Manchester University Press, 2000).

<sup>18</sup> 'Report from the Select Committee on Secondary Punishments: Together with the Minutes of Evidence, An Appendix of Papers and an Index', *Parliamentary Papers*, [hereafter *PP*], vol. VII, (1831), Reports, (4), pp. 1-177, q. & a. no. 569, p. 43.

networks in Britain and Ireland". Included in these "rearing costs" were 8882 children.<sup>19</sup> These figures are based on the sample from the Ship's Indents surveyed in a period when the male convicts were asked about their marital status.<sup>20</sup> As well as these children, however, were also the parents of convicts. Those in New South Wales who wished to contribute to the care of their parents 'left behind' "had little ability to transfer remittances" for their upkeep.<sup>21</sup> This suggests that whilst at an individual parish level there were perhaps insignificant numbers of "convict wives", regional studies might yield a different scenario.<sup>22</sup> Whilst there is evidence of interest at a "local history" society level, this tends to focus more on those who were transported, rather than on those who were reduced to poverty.<sup>23</sup>

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<sup>19</sup> Stephen Nicholas & Peter Shergold, 'Convicts as Migrants', in Stephen Nicholas (ed), *Convict Workers: Reinterpreting Australia's Past*, (Cambridge, Cambridge University Press, 1988) pp. 43-61, p. 48.

<sup>20</sup> This point is more fully discussed in Chapter 5, 'Family Matters' below.

<sup>21</sup> Nicholas & Shergold, *op. cit.*, pp. 43-61, p. 59.

<sup>22</sup> Alannah Tompkins, (a conference colleague), whose thesis was related to 18<sup>th</sup> century poverty, said she had come across such letters but their content was outwith her period of study. See, for example, U.R.Q. Henriques, *Before the Welfare State* (New York, Longman, 1979); 'Bastardy and the New Poor Law', *Past & Present*, 37, July 1967, pp. 103-129; David Eastwood, *Government and Community in the English Provinces, 1700-1870* (Basingstoke, Macmillan, 1997); B. Reay, *Microhistories: demography, society and culture in rural England, 1800-1930* (Cambridge, Cambridge University Press, 1996); Tim Hitchcock, Peter King and Pamela Sharpe (eds) *Chronicling Poverty: The Voices and Strategies of the English Poor, 1640-1840* (Basingstoke, Macmillan, 1997). See particularly the essay by James Stephen Taylor, 'Voices in the Crowd: The Kirkby Lonsdale Township Letters, 1809-36', pp. 109-126. Large tomes of British histories do comment, almost in passing, on the transportation of convicts to New South Wales; these do not pursue the subject further.

<sup>23</sup> East Yorkshire Family History Society, 1984 'Transportation from Hull & the East Riding to America and Australia taken from Quarter Session Records', provides a chronological and alphabetical listing of names, crime and sentence; Ken Griffen, *Transported Beyond the Seas* (Hertford Family & Population History Society, 1997) provides an alphabetical listing of criminals prosecuted in Hertfordshire who received transportation sentences to Australia; A.J. Campbell, *Fife Convicts Transportees 1752-1867* (Buckhaven A.J. Campbell, 1996). These are aimed primarily at genealogists and local historians; Madge Gibson, *Bellbroughton to Botany Bay: the story of a Worcestershire girl: transportation to Australia on the First Fleet and her life in the New Colony* (Bellbroughton, Bellbroughton History Society, 1987). See also Charles Phythian-Adams (ed.) 'Introduction', *Societies, Cultures and Kinship, 1580-1850: Cultural Provinces and English Local History* (London, Leicester University Press, 1993). Phythian-Adams argues that it is at a local

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Knowledge of the numbers of wives and families sent over at the government's expense tends to be impressionistic. Information sent by the Navy Board to the Home Secretary, concerning the numbers of wives and families who arrived at the port of embarkation with permission to sail, was limited to statistics. In 1819 the Navy Office advised that the transport *Lord Wellington* would be carrying "6 convict wives and 11 convict wives' children". The archive is "peppered" with similar notices but without names it is impossible to match up family units or to carry out a valid cross-check.<sup>24</sup> It is however undeniable that there is a positive slant to the evidence here since there is almost no trace of those who were unmoved by the absence of their husband. Indeed, there is only one woman, Elizabeth Parsons, "wife of a convict" who, having arrived to board the *Jupiter*, then declined to board the ship.<sup>25</sup>

This ignorance is partially compounded by the method of status allocation in the colonial printed records: the 1828 *Census* and the previous annual musters. None of these reprinted publications have any signifier of how free immigrants of whatever class acquired their passages. In each case where the words "came free" were used, it was a means to distinguish convict and free, and was not an indication of any financial transaction relating to passage costs.

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level that historians can test the validity of some of the major historical processes for their impact on a population.

<sup>24</sup> PRO PCI/67, Navy Office-Hobhouse, 18 May 1819. See also PRO PCI/68, Navy Office-Hobhouse, 17 March 1820, with the advice that the transport *Morley* had embarked with "12 convict wives and 30 convict wives' children." The increase in the numbers granted permission to travel appears in PRO PC 1/71, Navy Office-Hobhouse, 31 March 1823 stating that the *Jupiter* will convey "45 females, wives of convicts and 80 of their children". See n. 6 above regarding the *Jupiter*. See also PRO PCI/71, Navy Office-Hobhouse, 20 September 1823, advising that the *Brothers* had taken aboard "20 females [Wives of Convicts] and "20" of their children.

<sup>25</sup> PRO PC1/67 Navy Office-Hobhouse, 31 March 1823; see n. 6 above.

It was not only the wives and children of government officials and free settlers who were categorised as “came free”; the wives and children of convicts, (time served or still serving a sentence) were similarly registered. Elizabeth McLeay, wife of the Colonial Secretary Alexander McLeay, along with six of their children are all listed in the 1828 *Census* as having arrived on the *Marquis of Hastings* in 1826 under the category of “came free”.<sup>26</sup> In 1819 Jane Rollinson wrote to Lord Sidmouth to thank him for the passage granted to her and her two children; the 1822 *Muster* records the three as having arrived on the *Lord Wellington*.<sup>27</sup> Jane and the children are recorded in the *Census* “came free” whereas her husband Thomas Rollinson, who had been given a 14 year sentence is noted as “government servant”.<sup>28</sup>

There may, indeed, have been several wives who were financially able to pay for their own passages. Of the wives whose petitions arrived between 1819 and 1824 only one, Cecilia Hinnegan, offered to pay for herself and her children. She requested that by “paying the same sum which the Government contracts to pay to Shipowners” she might be permitted to travel on the same ship as her husband.<sup>29</sup> Bridget Mitchel offered to repay the cost of her passage as well as any other expenses were she permitted to join her husband in New South Wales.<sup>30</sup>

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<sup>26</sup> Malcolm Sainty & Keith Johnson, (eds.), *Census of New South Wales, November 1828*, (Sydney, Library of Australian History, 1985), [hereafter 1828 *Census*], ref. nos. M1053-1060, pp. 253-54.

<sup>27</sup> See n. 25 above; Jane Rollinson was presumably one of the six “convict wives” referred to by the Navy Office.

<sup>28</sup> Carol J. Baxter, (ed.), *General Muster and Land and Stock Muster of New South Wales, 1822*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1988), [hereafter 1822 *Muster*], ref. nos. A18242-A18245, p. 414; 1828 *Census*, ref. nos. 81295-81296, Jane appears as “CF” and Thomas as “GS”, p. 232.

<sup>29</sup> PRO PC1/68, Hinnegan-Sidmouth, n.d. June 1820.

<sup>30</sup> PRO PC1/72, Mitchel-Sidmouth, n.d. October 1824.

There is no way, however, of making such a distinction from the records in New South Wales.

An alternative source of official documentation is the printed record of despatches passing between the home and colonial administrations, (*Historical Records of Australia*, Series II). Although these volumes certainly contain references to the embarkation of wives and families, anonymity prevails; a reference is made only to the numerical total of those appearing on the original enclosures; names are excluded from the printed record.<sup>31</sup> It is, however, from these despatches that an impression is given of a significant number of arrivals in New South Wales since these arrivals were linked to problems associated with the question of maintenance given by the commissariat.<sup>32</sup>

the further facility should be given to Wives of Convicts to follow their husbands to New South Wales<sup>33</sup>

Following the 1812 Select Committee on Transportation, Earl Bathurst<sup>34</sup> wrote to the then Governor, Lachlan Macquarie,<sup>35</sup> “outlining one of that

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<sup>31</sup> An exception can be found at *Historical Records of Australia*, [hereafter *HRA*], Series II, Vol. VIII, despatch dated 7 August 1813 from Under-Secretary Goulburn to Governor Macquarie with the information that three convict wives, Mrs Gardiner, Mrs Rogers and Mrs Wheeler were to embark on the transport ship *General Hewitt*, p. 57.

<sup>32</sup> The Commissariat, as well as offering an opportunity for wealth creation in the early years, was the source of rations for those unable to support themselves. J. B. Hirst, *Convict Society and its Enemy: A History of Early New South Wales*, (Sydney, Allen & Unwin, 1983), p.37; Barrie Dyster, ‘Public Employment and Assignment to Private Masters, 1788-1821’ in Nicholas (ed) *op. cit.*, pp. 127 - 151, p. 134.

<sup>33</sup> *HRA*, II, vol. VII, January 1809-1813. Earl Bathurst-Governor Macquarie, Despatch No. 8, 10 November 1812, p. 539.

<sup>34</sup> Leslie Stephen & Sidney Lee (eds) *National Dictionary of Biography*, [hereafter *NDB*], (Oxford, Oxford University Press, 1960 edn.), Vol I. This entry for Bathurst defines him as “a man of moderate views, and enjoyed the esteem and respect of his contemporaries of both political parties”; he was opposed to the Reform Bill of 1832 and its successful passage through the Commons effectively put an end to a political career which had begun in 1793. He held the position of Secretary for War and the Colonies between 1809 and 1828, p. 1328.

<sup>35</sup> Alan Shaw & C. Manning Clark, (eds) *Australian Dictionary of Biography*, [hereafter *ADB*], (Melbourne, Melbourne University Press), 1788-1850, Vol. II, pp. 187-195; M.H. Ellis, *Lachlan Macquarie, His Life, Adventures and Times*, (London, Angus & Robertson, 1958 edn.).

Committee's recommendations which referred specifically to transported married men.<sup>36</sup> Bathurst's despatch to Macquarie advised that "I am to acquaint you that about ten Women of this description will be embarked in the Brig Kangaroo".<sup>37</sup> Bathurst then, unsurprisingly given the uncertainty of the day in respect of the colony's viability, raised the question of support for these wives. The women had, he assured Macquarie, "... been recommended as of good character and industrious". Such women, in his opinion, were unlikely to be a "Burthen on the Public Stores", rather their endeavours, when linked to those of their husbands, would ultimately benefit the colony. At the same time Bathurst advised Macquarie that the women had been warned they "are not to be victualled at the public expence after their arrival in the Colony". Bathurst generously added that Macquarie should not, in cases of extreme hardship, deny the "Issue of Rations" should it be necessary. Bathurst's proposal, regarding wives and children of convicts, reverted to a previous policy.<sup>38</sup> In 1789 the Navy Board proposed to Lieutenant Shapcote, apparently in response to convicts' requests, "to allow such convicts as had wives to take them with them".<sup>39</sup> Shapcote, in turn, forwarded this proposal to Lord Grenville, who endorsed it.<sup>40</sup>

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<sup>36</sup> 'Report from the Select Committee on Transportation', *PP*, vol. II (1812). The proposal was "affording increased facilities to the wives of male convicts" with the statement that "this permission is now seldom granted", p. 12.

<sup>37</sup> *HRA*, II, vol. VII. Despatch No. 8, 10 November 1812, Bathurst-Macquarie, p. 539.

<sup>38</sup> *Ibid.*, "applications of this kind have been hitherto rather discouraged from an apprehension of increasing the number of Rations issued in the Colony at the public expence", p. 539.

<sup>39</sup> Minute 8, December 1789, Admiralty Navy Board, 2631 and Estimate of the cost of transportation, December 1789, C.O. 201/4.

<sup>40</sup> *NDB*. Vol. VIII. By his own confession Grenville admitted, "I am not competent to the management of men", pp. 576-81, esp. p. 580. See also K. M. Dallas 'The first settlements in Australia: considered in relation to sea-power in world politics', in Ged Martin (ed.) *The Founding of Australia: The Argument About Australia's Origins*, (Sydney, 1978; revised ed. 1981), pp. 39-49. Lord Grenville succeeded Lord Sydney at the Home Office; he was so impressed with the projected

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Bathurst assured Macquarie that the extension of assisted passages to other wives and families would not be undertaken until such time as notification had been received that the “present experiment” had proved beneficial. The meaning of ‘beneficial’ in this case was dependent upon the wives not becoming a drain on the commissariat’s stores. Quite clearly a conflict of interest arose between the potential role that the wives would have as moral agents in their husband’s reformation, and the pragmatic decision that the anticipated reformation was secondary to economic considerations.<sup>41</sup>

Petitions in Britain combined these twin concerns of moral agency and economic stability. However, it was usually parish officials who expressed these concerns on behalf of the wife applying to join her husband in the colony. It was anticipated that, if the wished-for reunion occurred, Susanna Waters and her husband would by “their Joint endeavours ... pursue a course of honesty and persevering Industry”.<sup>42</sup> It was assumed that if Margaret Street were permitted to join her husband, the couple would “by a life of repentance and virtue become useful to mankind”.<sup>43</sup> If Tamara Worsfold’s husband were to have his wife by his side he would, undoubtedly, “atone for the fault”.<sup>44</sup> Under similar circumstances, George Ives “would become a useful Member of Society”.<sup>45</sup>

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success of settlement on Norfolk Island that he proposed to make the island the principal area of settlement, esp. p. 46.

<sup>41</sup> *HRA*, II, vol. IX. Macquarie’s despatch, 1 April 1817, formulated these conflicting interests and concluded that despite the “highly advantageous ... improvement of the Morals” such considerations were of less importance than “the Expence” imposed on the colony, p. 237. See Hirst, *op. cit.*, p. 83.

<sup>42</sup> PRO PC1/67, Sandiford-Sidmouth, 17 October 1819.

<sup>43</sup> PRO PC1/68, Foxley-Sidmouth, 5 April 1820.

<sup>44</sup> PRO PC1/68, Gandy-Sidmouth, 9 May 1820.

<sup>45</sup> PRO PC1/68, Glover-Sidmouth, 11 May 1820.

These comments may appear to support an emergent ideology of sexualised roles for a husband and wife within the marriage.<sup>46</sup> The evidence however is not so clearly divisive. The anticipated reform was not seen as occurring purely on account of a wife's reappearance in her husband's life; rather it seems that it was the renewal of the marriage partnership in a shared endeavour (or joint enterprise) which would give rise to moral reformation. Again, it was social superiors who more usually expressed such sentiments. Ann Gamble's petitions, both drawn up for her by a firm of lawyers were extensively supported by a number of local worthies (including the mayor), were applications for herself and five children to

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<sup>46</sup> Mary Abbott, *Family Ties: English Families 1540-1920* (London, Routledge, 1993); Michael Anderson, *Approaches to the History of the Western Family, 1500-1914*, (London, Macmillan, 1980); Francois Barret-Ducrocq, trans. John Howe, *Love in the Time of Victoria: Sexuality, Class and Gender in Nineteenth-Century London* (London, Verso, 1991); Eustace Chesser, *The Sexual, Marital and Family Relationships of the English Woman*, (London, Hutchinson's Medical Publications, 1956); Geoffrey Crossick and Heinz-Gerhard Haupt, *The Petite Bourgeoisie in Europe 1780-1914: Enterprise Family and Independence* (London, Routledge, 1995); Leonore Davidoff & Catherine Hall, *Family Fortunes: Men and Women of the Middle Classes* (London, Century Hutchinson, 1987); Leonore Davidoff, Megan Doolittle, Janet Fink and Katherine Holden, *The Family Story: Blood, Contract and Intimacy, 1830-1960* (Harlow, Longman, 1999); Peter Gay, *The Bourgeois Experience: Victoria to Freud: Vol. 2, The Tender Passion* (Oxford, Oxford University Press, 1984); John Gillis, *For Better, For Worse, British Marriages, 1600 to the Present*, (Oxford, Oxford University Press, 1985) and *A World of Their Own Making: A History of Myth and Ritual in Family Life*, (Oxford, Oxford University Press, 1997); A.J. Hammerton, *Cruelty and Companionship: Conflict in nineteenth-century married life* (London, Routledge, 1992); Tim Hitchcock, *English Sexualities, 1700-1800* (London, Macmillan Press, 1997); Peter Laslett, *Family Life and Illicit Love in Earlier Generations Essays in Historical Sociology* (Cambridge, Cambridge University Press, 1977); David Levine, "'For their own reasons": Individual Marriage Decisions and Family Life', *Journal of Family History*; 9, (1982), pp. 255-64; Alan Macfarlane, *The Culture of Capitalism: Marriage and Love in England, 1300-1840*, (Oxford, Basil Blackwell, 1987); Stephen Mintz, *A Prison of Expectations: The Family in Victorian Culture* (New York, New York University Press, 1975); Rosemary O'Day, *The Family & Family Relationships, 1500-1900: England, France & the United States of America*, (Basingstoke, Macmillan, 1994); R. B. Outhwaite (ed) *Social History of Marriage*, (London, Europa Press, 1981); Joan Perkin, *Women and Marriage in Nineteenth-Century England*; (London, Routledge, 1992); B. Reay, *Microhistories: demography, society and culture in rural England, 1800-1930* (Cambridge, Cambridge University Press, 1996); Vernon Reynolds and John Kellett, *Mating and Marriage* (Oxford, Oxford University Press, 1991); Michael Roper & John Tosh (eds) *Manful Assertions: Masculinities in Britain since 1800* (London, Routledge, 1991); Lynne Segal, *Straight Sex: the Politics of Pleasure* (London, Virago, 1992); Thomas Sokoll, *Household and Family among the poor: the case of two Essex communities in the late eighteenth and early nineteenth centuries* (Bochum, Universitätsverlag Dr. N. Brokeyer, 1993); Margaret R. Sommerville, *Sex & Subjection: Attitudes to Women in Early Modern Society* (London, Arnold, 1995); Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800*, (London, Penguin, 1979) and *The Road to Divorce: England 1530-1987*, (Oxford, Oxford University Press, 1990).

join her husband John who had been given a 14-year sentence. She “entertains confident hopes” that his restoration to his previous role as a “useful Member of Society” would be achieved through “his industry assisted by the endeavours of your petitioner”.<sup>47</sup>

The Rev. Thomas Foxley who supported Margaret Street’s application made no reference to any ‘shared endeavour’. He appeared to view Margaret’s role as that of socialising the children of the marriage; an impossible role for her to fulfil if the family unit were separated from John as the father and protector. However, were the family permitted to join John in New South Wales, Margaret would, undoubtedly, spend time “bringing them up in the paths of virtue”.<sup>48</sup>

The lack of logic underpinning this assumption appeared to cause no concern. Since the transported men had left behind them wives and families then presumably the crimes which caused their sentences had been carried out when they had already been both husbands and fathers. Perhaps the role of moral agent was coupled with the more important one of establishing a stable and aspirational model for the unmarried male population. This was despite the sexual imbalance amongst the colony’s unfree population, which at the crudest calculation was likely to result in 3 out of 4 men remaining single.<sup>49</sup>

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<sup>47</sup> PRO PC1/68, Townend & Bayldon-Sidmouth, 20 August 1820 and PRO PC1/69, Townend & Bayldon-Sidmouth, 10 March 1821.

<sup>48</sup> PRO PC1/68, Foxley-Sidmouth, 5 April 1820.

<sup>49</sup> Katrina Alford, *Production or Reproduction: An Economic History of Women in Australia, 1788-1850*, (Melbourne, Oxford University Press, 1984), Tables 1.1 and 1.2, pp. 15-16; Richard Appleton (ed) and Robin Brown, (compiler) *Collins Milestones in Australian History 1788-Present* (Boston, G.K. Hall, 1986) p. 71; see also Kay Daniels, *Convict Women*, (St Leonards, New South Wales, Allen & Unwin, 1998), p. 229 and Stephen Garton, *Out of Luck: Poor Australians and Social Welfare, 1788-1988*, (Sydney, Allen & Unwin, 1990), p. 26. Daniels and Garton both suggest that in 1820 the ratio of men to women in New South Wales was 9:1.

Between 1814 and 1817, despatches arrived in New South Wales with information about wives and families being embarked on different ships. Lord Sidmouth endorsed applications from 35 women to be sent out to their convict husbands.<sup>50</sup> In addition to these 35 women with their children, a further 30 wives accompanied by 12 of their children sailed for New South Wales aboard the convict ship *Northampton*.<sup>51</sup> It would seem that these wives and children were successfully reunited with their transported husbands and fathers as Macquarie informed Bathurst, “The free women immediately joined their Husbands...”.<sup>52</sup>

The granting of a free passage to follow or to join their husband, and arrival at Sydney was not always the prelude to reunion. Two transports, the *Surry I* (carrying male convicts) and the *Broxbornebury* (carrying female convicts) sailed from England in January 1814, and arrived at Sydney on 28 July 1814.<sup>53</sup> The following Saturday, 6 August the *Sydney Gazette* advised its readers that mail carried on board the *Broxbornebury* was available for collection. A more disturbing notice regarding the *Surry I* appeared on the front page under the regular feature of “Government and General Orders”. The Colonial Secretary, John Thomas Campbell, advised his readers of “a malignant Fever of a very infectious Nature of which the Master, [James Patterson] first Mate and forty other Men have died during the voyage”.<sup>54</sup> All communication with the ship, its remaining complement of officers, mariners and the convicts was forbidden. Additional

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<sup>50</sup> *HRA*, II, vol. VIII, despatch dated 9 December 1814, p. 385.

<sup>51</sup> SRNSW SR 4/4005, ‘Principal Superintendent of Convicts, Bound Indents’, fiche no. 635, the *Northampton* arrived at Sydney on 15 June 1815, p. 59.

<sup>52</sup> *HRA*, II, vol. VIII, despatch dated 24 June 1815, p. 553.

<sup>53</sup> SRNSW SR 4/4004, ‘Principal Superintendent of Convicts, Bound Indents’, fiche no. 634, p. 541 and SRNSW SR 4/4005, fiche no. 635, p. 1.

<sup>54</sup> The *Surry I* had departed from England with 206 convicts; these deaths represented 19% of those who embarked.



action was taken to prevent the infection spreading to the local community. The *Surry I* was moored on the North Shore, under guard, with none permitted to disembark.<sup>55</sup> The following week the Colonial Secretary's intention to board the *Surry I* to carry out the formal Muster and inspection of the Male Convicts was advertised in the *Sydney Gazette*.<sup>56</sup>

What this grim tale does not disclose is that the female convict ship, the *Broxbornebury*, was carrying additional women: the wives of convicts, transported on the *Surry I*. Several women were widowed whilst travelling to New South Wales with their children. Macquarie wrote in despair to Bathurst. The outbreak of fever on board the convict ship *Surry* "has deprived Several of them of their Husbands, by Which Means these poor Women Are Bereft of every Means of Support for themselves and their Children".<sup>57</sup> The commissariat was, perforce, placed in the situation of having to support the widows and children. This incident also highlights a lack of co-ordination by the two administrations. Since the wives were travelling in convoy with their husbands, there is no way that those husbands could have demonstrated their ability to support their family in the colony.

The consequences of the fever on board the *Surry I* were, however, more far reaching than the commissariat in Sydney. John Jotcham, one of the convicts who had died during the ship's passage, had left a pregnant wife in England.<sup>58</sup>

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<sup>55</sup> *Sydney Gazette*, [hereafter *SG*], 6 August 1814, p. 1. Bateson, *op. cit.*, states the convicts were landed on the North Shore; tents provided temporary accommodation during the quarantine period, pp. 195-6.

<sup>56</sup> *SG*, 13 August 1814, p. 1.

<sup>57</sup> *HRA*, II, vol. VIII, despatch dated 7 October 1814. The word "several" gives no evidence of how many of the wives were in fact widowed as a result of the fever, p. 296. Bateson, *op. cit.*, does not mention these wives on board the *Broxbornebury*, pp. 195-6.

<sup>58</sup> SRNSW SR 4/4004, 'Principal Superintendent of Convicts, Bound Indents', fiche no. 634. John Jotcham's sentence of 7 years had been imposed at Wiltshire Assizes on 6 March 1813, p. 555. The  
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Whereas John had come from the Croomhall parish in Gloucestershire, his wife came from a parish in Wiltshire. After John's embarkation she had returned to her native parish, where she would have had the right of settlement. Once there she had given birth to a child and died shortly thereafter. The Wiltshire magistrates had rejected the attempt by the Croomhall parish officers to lay responsibility for the infant on their parish rates. The spokesman for Croomhall parish, Mr William Morris, had approached the Secretary of State for information about John Jotcham since the infant child "is consequently become troublesome to this Parish".<sup>59</sup> Such a statement pre-dated Colonel Wood's description of "a perpetual war between parish and parish ... it has engaged them in endless litigation."<sup>60</sup>

To what extent the timing of despatches and the distance between home and colonial administrations were influential factors in what seems to have been a total disregard of Macquarie's unease is not clear. Certainly there seems to have been a breakdown in regulating the actual granting of such passages. Bathurst's original request, in 1812, specified that the husbands should be placed in favourable circumstances to support their families; a request that became the basis for regulating the husbands' applications in New South Wales. Macquarie's statement, in 1814, that several husbands were unable to support their families, was answered by Bathurst in 1816.<sup>61</sup> It was this despatch which, some three months

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only indication of his, and other deaths during the voyage are revealed in the lack of subsequent information beside his name. Survivors had been measured and physical details noted.

<sup>59</sup> PRO PC1/67, Morris-Sidmouth, 21 February 1819. The only minute to this document is to inform Mr Morris of Croomhall of John Jotcham's death. Involvement in the intricacies of parochial responsibilities clearly was not the business of government.

<sup>60</sup> *Hansard's Parliamentary Debates*, New Series, Vol. 9, 1 May 1823-19 July 1823. Col. Wood's passionate speech addressed the contemporary measures for parish relief, pp. 693-702, esp. 696.

<sup>61</sup> *HRA*, 11, vol. IX, despatch dated 11 May 1816, per *Surry* 2, p.120. See SRNSW SR 4/4005, 'Principal Superintendent of Convicts, Bound Indents', fiche no. 636, p. 213. This ship arrived at Sydney on 20 December 1816.

later, gave rise to the public announcement in New South Wales under “Government and General Orders” dated 1 March 1817.<sup>62</sup> This notice was addressed to the married male convicts in New South Wales and gave them instructions for the formal procedure that each would need to undergo to apply for his wife (and family) to be sent out to them. Bathurst had responded to Macquarie’s quandary with the rather ineffectual remark that “Measures will be taken to prevent ... the Wives of such Convicts as are either unwilling or unable [to support them]”. As Andrew Armett discovered with Amelia Wood and Ann Adams in 1818 such measures were not entirely successful.

The notice of 1 March 1817 may well have been the first serious attempt to control the number of applications by wives in Britain. The onus of application was theoretically transferred from the wife to the husband. However, since this archive commenced in 1819 this onus was quite clearly not recognised by either parish officers, wives or indeed, the Secretary of State.<sup>63</sup> Despite the lack of statistical information regarding the absolute numbers of wives and families arriving in the colony, the concern expressed by Governor Macquarie regarding the drain on the commissariat stores suggests that a larger, rather than a smaller, number disembarked in Sydney.

This suggestion of a significant number of free wives of convicts (with their children), embarking on the female transport ships, is given some credence by the Commissioner, Thomas Bigge. In his first Report Commissioner Bigge drew attention to the wives of convicts who travelled on the female convict transports.<sup>64</sup>

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<sup>62</sup> *SG*, 1 March 1817, p. 1.

<sup>63</sup> As documents under PRO PC1/67 demonstrate this regulation was not strictly adhered to.

<sup>64</sup> The convict indents accompanying the ships did not detail the names of the ‘wives of convicts’.

Despite the inconvenience of accommodating “a great number of free women and their children [wives and children of convicts]” on the female convict ships, the Commissioner proposed that their presence could be fruitfully utilised as an unofficial female vigilante corps.<sup>65</sup> Commissioner Bigge drew attention to the advantages of having such an eye located in the female prisoners’ quarters where they had the opportunity “of watching and detecting misconduct both during night and day”. Such an opportunity was denied the male surgeon-superintendents, but the wives of convicts could fulfil that role in exchange for “no more than ten pounds”.<sup>66</sup>

A subsequent reference made to these free passages appeared in the “Report to the Select Committee on Secondary Punishments” in 1831. When asked as to whether the transported labourers in Wiltshire (and elsewhere) were aware that “their families could be sent out at public expense”, the local justice implied that such “favourable” circumstances were unlikely to be applied to the labouring class of transportees.<sup>67</sup> The possibility of reunion of wives (and

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<sup>65</sup> Subsequent Surgeon-Superintendents and Masters of the female convict ships joined in the chorus of disapproval. See also Bateson, *op. cit.*, p. 99, pp.102-3; pp. 208-9. In 3 of the 4 successive years, 1817-1820 there were three major enquiries into behaviour on board the female transport ships, the *Friendship II*, the *Janus* and the *Lord Melville*. See Joy Damousi, *Depraved and Disorderly: Female Convicts Sexuality and Gender in Colonial Australia*, (Melbourne, Cambridge University Press, 1997), who offers an alternative perspective of such adverse comments, pp. 9-33. A comparative analysis, supporting the main thrust of Damousi’s argument is the literature about assisted female migrants who also attracted adverse comments from male social superiors. See A.J. Hammerton, “‘Without Natural Protectors’: Female Immigration to Australia, 1832-36”, *Australian Historical Studies*, 16, (1974-75), pp. 539-61; Helen R. Woolcock, *Rights of Passage: Emigration to Australia in the Nineteenth Century* (London, Tavistock Publications, 1986); Andrew Hassam, “‘Our Floating Home’: Social Space and Group Identity on Board the Emigrant Ship”, *Working Papers in Australian Studies*, No. 76 (London, Sir Robert Menzies Centre for Australian Studies, 1992); and *Sailing to Australia: Shipboard Diaries by Nineteenth-Century British Emigrants* (Manchester, Manchester University Press, 1992).

<sup>66</sup> ‘First Report of the Commissioner of Inquiry into the state of the Colony of New South Wales’, *PP*, vol. XX, (1822), [hereafter ‘Bigge Report I’], pp. 1-186, p. 7.

<sup>67</sup> ‘Report ... Secondary Punishments’, *PP*, vol. VII, (1831), p. 44.

children) with their transported spouses does not appear to have been widely advertised.

Hannah Yardley advised Lord Sidmouth that she had learnt from her husband, in New South Wales, of the possibility of being sent out to him. William had written to Hannah telling her to contact the “Secretary of State” to seek the required permission.<sup>68</sup> On the other hand, Mary Westley’s approach suggests a word of mouth source of information. She applied asking “whether I might be permitted to go ... some others have done so.”<sup>69</sup> Similarly, Jane Davis had also learnt “that in some cases” applications had successfully resulted in a reunion of families; she clearly wished to become one of those successful applicants.<sup>70</sup>

How knowledge was disseminated for interested parties is unclear. Some of the women who approached the Secretary of State were clearly aware of the possibility. Correspondents assumed the presence of a “correct procedure”. Having expressed her wish to travel to join her husband, Mary Macdonald from Birmingham asked for the “right Method”.<sup>71</sup>

Similarly parish officers, applying on behalf of wives and families, were frustrated by their partial knowledge. The Vicar of Hull, writing for his parishioner Mrs Gamabiel Thomas, asked what the process or procedure was.<sup>72</sup> The Rev. Glover writing on behalf of George Ives’ wife and family wondered “what are the usual regulations”.<sup>73</sup> Indeed, the possibility of a coherent policy is

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<sup>68</sup> PRO PC1/67, Yardley-Sidmouth, 14 December 1819.

<sup>69</sup> PRO PC1/68, Westley-Sidmouth, 10 May 1820.

<sup>70</sup> PRO PC1/67, Davis-Sidmouth, 9 October 1819.

<sup>71</sup> PRO PC1/67, Macdonald-Sidmouth, 7 October 1819.

<sup>72</sup> PRO PC1/67, Vicar of Hull-Sidmouth, 20 January 1819.

<sup>73</sup> PRO PC1/68, Glover-Sidmouth, 11 May 1820.

more than suggested by the occasional Minute, indicating the existence of printed forms of acknowledgement outlining the 'procedure'.<sup>74</sup> Against that assumption, however, is the apparent discontinuation of such minutes, which may perhaps reflect a clerical oversight or even a failure to respond to the correspondent.

The clerical and chronological order is, at first sight, an impressive testimony to bureaucratic order. Simultaneously, however, evidence indicates that items of correspondence went astray leaving incomplete, and half-begun and half-finished records of disrupted lives. An aggrieved, and anonymous, correspondent who gave only the address of "19 Shepherd's Market" and clearly dated the letter 29 October 1819 wrote to enquire as to why no answer had been received to a communication sent in August of that year. Clearly upset at the absence of any response whatsoever the author had painstakingly made a copy of the original communication, describing this as "the Note to which I allude". The author apparently thought the administration was in control of in-coming letters since no details are added other than the fact that "the continued distress of the family" had remained undiminished since August. Other than the explanatory note there is no indication of any action, if any, being taken; nor, indeed does there appear to be a second copy of the original August correspondence.<sup>75</sup>

These are indeed "sad items in the ledger of despair": parish officers were revealed to be as helpless in their ignorance as those wives whose initiative had prompted the interventions on their behalf.<sup>76</sup>

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<sup>74</sup> PRO PC 1/67, 20 July 1819, "Ack. 22 Printed Letter"; PRO PC 1/67, doc. dated 7 October 1819 from Mary Macdonald, minuted "Printed Answer 8 October 1819".

<sup>75</sup> PRO PC1/67, unsigned doc. 29 October 1819.

<sup>76</sup> Thomas Carlyle in M.K. Goldberg & J.P. Segal (eds) *Carlyle's Latter Day pamphlets* (Canadian Federation for the Humanities, 1983), p. 36 from 'The Present Time', No. 1, 1850. Carlyle's "items" were the "thirty thousand outcast Needlewomen working themselves swiftly to death; [and]  
/continued on next page

**Haveing [sic] left behind me a Lawful Wife and Three  
Children to bewail my loss ...**

— James Holden to Commissioner J. T. Bigge<sup>77</sup>

Between 1819 and 1824 Lord Sidmouth received a total of seventy-six petitions relating to requests for ‘free passages’ to either New South Wales or Van Diemen’s Land from families left behind.<sup>78</sup> Underlying each of these seventy-six petitions is a recurrent *motif*: the reunion of the individuals concerned. Such a *motif* contains, by definition, the sense of separation and loss and the importance the petitioners placed on their personal relationships. From these seventy-six petitions, the documents can be divided in such a way as to reflect two early stages of the transportation sentence itself.

In the first of these, the court had pronounced the sentence but the prisoner had not yet embarked on a transport ship. In this situation the prisoner spent the intervening waiting period either on the hulks or in gaol. The number of individual petitions relating to a prisoner who was being held either on the hulks (and sometimes the hulk and place of mooring was not named) or in prison amounted to thirty-four.<sup>79</sup> Officially, knowledge of both departure and destination was withheld from prisoners until a few hours before being taken to the transport ship. It was just two or three hours before leaving Newgate that prisoners were advised

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three million Paupers rotting in forced idleness”. The cadence, if not the context, seems appropriate.

<sup>77</sup> PRO PC1/71, July 1823. Commissioner Bigge brought a number of petitions back to Britain after his tour of New South Wales and Van Diemen’s Land. He forwarded these with a covering letter to Wilmot Horton who, in turn, on Bathurst’s instructions, forwarded the entire correspondence to Henry Hobhouse.

<sup>78</sup> This total is by no means all the enquiries received by the Secretary of State for Home Affairs (Lord Sidmouth and the Earl of Bathurst) relating to transportation issues. For example, petitions requesting commutation of transportation sentences have been excluded from these data.

<sup>79</sup> These 34 petitions include those presented by John Clark and John Sanderson, see chapter 3 above.

on which ship they were to embark and which colony would receive them. The purpose of withholding this information from prisoners, and from their relatives, was to prevent the “bustle and confusion heretofore experienced”.<sup>80</sup> A turbulent public crowd whose shared purpose had been to give a final farewell to those about to embark created this “bustle and confusion”.<sup>81</sup> Clearly the intention of withholding information was not related to the destination, rather it was an attempt to prevent the appearance of this crowd of well-wishers. Their distressed anxieties had, no doubt, been collectively expressed causing a threat to order and discipline. More, however, is conveyed by the ‘bustle and confusion’ and that is that those who were being transported were neither social outcasts nor, indeed, were they friendless.

The “free passage” request to accompany the family member who had not yet been transported was most frequently expressed at a time when the prisoner was anticipating an early embarkation. The lack of certainty as to when this might be was an additional stress in what was already a painful situation. Although this study is primarily related to New South Wales it was perhaps a matter of indifference, at this point, as to which of the two penal colonies an individual prisoner was sent. For these petitioners the fact of a transportation sentence, with its imminent execution, took precedence over the precise destination. Writing on behalf of his friend Mrs Norman, Thomas Jackson encapsulated this indifference to

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80 (attrib.) T. Wontner, *Old Bailey Experience: Criminal Jurisprudence and the actual working and our penal code of laws. Also an essay on prison discipline, to which is added A History of the crimes committed by offenders in the present day*, (London, James Fraser, 1833), pp. 46-7, esp. p.46.

81 *Ibid*, pp. 46-7, esp. p.46. cf. Andrew Motion, *Wainwright The Poisoner*. (London, Faber & Faber, 2000). Motion, who acknowledged Charles Dickens as his inspiration, described Wainwright’s departure from Newgate in the company of another transportee, pp. 6-7. Motion’s narrative is suggestive that this departure was unobserved and unlamented by any onlooker.



either New South Wales or Van Diemen's Land. Mrs Norman's main concern was firmly located in her desire not to be separated from her husband. Thomas described her as being "regardless of what peril she may undergo, so long as she may be ... with him".<sup>82</sup>

Sarah Ashton, whose husband John had already embarked on board the *Guildford 4*, expected John's destination to be New South Wales. Showing some knowledge of the possibilities for different experiences of newly-arrived convicts she declared her wish to be "with her said husband wherever he may be stationed".<sup>83</sup> The *Guildford 4* sailed from England in May 1820 and arrived at Sydney at the end of September. Early that October the *Guildford 4* sailed through the heads and down to Hobart Town "with the convicts".<sup>84</sup>

The Rev. Glover, who wrote on behalf of Mrs Ives, shared Sarah Ashton's expectation of her husband's ultimate destination. George Ives had written to his wife before the *Guildford 4* had left England. George, having been found guilty of poaching in Norfolk, had been given a 7-year sentence. Mrs Ives had clearly taken and shown this letter to Rev. Glover, who had then written to the Secretary of State requesting that Mrs Ives could follow her husband, "should it be conformable" with the regulations. The Rev. Glover drew attention to the burden of parish support for Mrs Ives, "a healthy and very decent looking woman", and the couple's three children. This was, however, secondary to the fact that the couple was known to have "lived in habits of great affection". Success in permitting Mrs Ives

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<sup>82</sup> PRO PC1/67, Jackson-Sidmouth, January 1819.

<sup>83</sup> PRO PC1/68, Ashton-Sidmouth, 10 May 1820.

<sup>84</sup> SRNSW SR 4/4007, 'Principal Superintendent of Convicts, Bound Indents', Fiche No. 645, this emphasis appears on the Indent, p. 223. *Ibid.*, John Ashton, see p. 231.

and her children to proceed would relieve her of her “deepening anguish”.<sup>85</sup> William Worsfold’s wife, Tamara, had approached the Rev. Gundy with the same information as to the ultimate destination of the *Guildford 4*, which was “daily expecting to sail for New South Wales”.<sup>86</sup>

An exception to this ‘indifference’ can, however, be traced in Mary Heylin’s words. Her request, written from Carlisle Goal, was that she and her husband might “go beyond the Seas in the same Ship”, and was not altogether unreasonable.<sup>87</sup> Until 1815 male and female convicts had been transported on the same ship.<sup>88</sup> Nor was it unknown for a convicted husband and (convicted) wife to be on board the same transport. The appearance of “ux” beside a female convict’s name on the ship’s indent indicated that her husband was on board the same ship.<sup>89</sup> Mary’s request was possibly based on this earlier practice. This couple had been jointly tried and each given a 14 year transportation sentence. Mary’s plea to travel with her husband may have been an attempt to ensure that both reached the same colony. Her request was possibly bolstered by the fact that she had given birth to a son in November 1818. The couple was transported to New South Wales in 1819, not however on the same ship. William embarked on the *Baring* which arrived in June 1819; Mary, accompanied by her son William was transported on

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<sup>85</sup> PRO PC1/68, Glover-Sidmouth, 11 May 1820.

<sup>86</sup> PRO PC1/68, Gundy-Sidmouth, 9 May 1820.

<sup>87</sup> PRO PC1/67, Heylin-Sidmouth, 5 January, 1819.

<sup>88</sup> Bateson, *op. cit.*, “The rigid segregation of male and female convicts into separate transports was not yet a feature ...”, p. 188. See also Damousi, *op. cit.*, p. 17.

<sup>89</sup> For examples see SRNSW SR 4/4004, ‘Principal Superintendent of Convicts, Bound Indents’, fiche no. 631, indent for the *Glatton*. “Margt Davies, alias Mary ux John Jones” and “John Jones”, p. 115 and p. 121; SRNSW SR 4/4004, ‘Principal Superintendent of Convicts Bound Indents’, fiche no. 632, indent for the *Admiral Gambier*, p. 281.

the *Lord Wellington*, which arrived at Sydney in January 1820.<sup>90</sup> Robert Harris made a similar request to be permitted to travel with his wife Elizabeth McLean or Harris of Dumfries.<sup>91</sup> Both had been given transportation sentences: his was for life, whereas Elizabeth's was 7 years. Neither Robert nor Elizabeth can be traced through the printed records. The absence from the official record does not invalidate Robert's expressed wish for the couple to travel together. Clearly this wish was to ensure arrival at the same destination. There is the possibility that both disembarked in Van Diemen's Land, or indeed that neither were, in the event, transported.

However, it was not only convicted couples who applied to be embarked on the same ship. Loyalty to the King was coupled to military service by three petitioners requesting passages for their wives. Originally sent to the military administration at Horse Guards these petitions were forwarded without covering comments to the Secretary of State's department. Benjamin Houseley, who had been attached to the Royal Scots and the 91<sup>st</sup> Regiment requested that his wife and two children should accompany him on the voyage. Were he to fail in that request, he wished confirmation that his family should be sent out to him.<sup>92</sup> A life in military service was utilised by petitioner Michael Ryan as a means of having his wife and child sent to him. Jane Ryan, whose unnamed husband had also seen

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<sup>90</sup> SRNSW SR 4/4006, 'Principal Superintendent of Convicts, Bound Indents', fiche n. 641, the *Baring* arrived at Sydney on 26 June 1819, p. 303; William Heylin was sentenced at Cumberland Assizes on 7 August 1818, p. 306. SRNSW SR 4/4007, 'Principal Superintendent of Convicts, Bound Indents', fiche no. 643, the *Lord Wellington* arrived at Sydney on 20 January 1820, p. 27; Mary Heylin was sentenced at the same place and on the same date as her husband, p. 27.

<sup>91</sup> PRO PC1/67, Harris-Sidmouth, 26 November 1819.

<sup>92</sup> PRO PC1/69, Houseley-Horse Guards, n.d., August 1821.

military service, applied to be permitted to join him. None of these petitioners had deserted from the Army.<sup>93</sup>

Cecilia Hinnegan's undated petition to Lord Sidmouth referred to her husband who was then in Newgate, waiting to embark on a transport ship.<sup>94</sup> Cecilia, having offered to pay for her own passage as well as those of her two children, was perhaps in a stronger position to stake a claim to travel on the same ship as her husband. As with Robert and Elizabeth Harris, neither Cecilia nor her husband can be traced in the printed records, relating to New South Wales.

Concerns surrounding the passage to the place of exile were not, however, restricted to those stating a preference to travel together. Despite the contemporary reports between ship's masters and the governor of New South Wales,<sup>95</sup> a number of wives were quite specific in recording their wish to travel on a female transport ship. All these requests pre-dated Commissioner Bigge's proposal to offer employment to a wife travelling "at government expence".<sup>96</sup> One cannot assume, therefore, that it was in the hopes of financial reward that these requests were made. Jane Booth staked a claim to her own personal morality when she stated that "as Petitioner hath ever been Virtuous" she wished only to travel to New South Wales "in any ship ... where the Cargo or freight is only Women".<sup>97</sup> In his support for Susanna Waters, Peter Sandiford requested that her passage, if granted,

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<sup>93</sup> PRO PC1/69 from Mrs Ryan forwarded from Horse Guards, n.d., September 1821; PRO PC1/69 from Michael Ryan forwarded from Horse Guards, n.d., September 1821; not the same couple.

<sup>94</sup> PRO PC1/68, Hinnegan-Sidmouth, n.d., June 1820.

<sup>95</sup> See n. 5 above, p. 101.

<sup>96</sup> See n. 66 above, p. 117.

<sup>97</sup> PRO PC1/68, Booth-Sidmouth, 31 May 1820.

should be “for Botany Bay on Board any Female Convict Ship”, along with her three children.<sup>98</sup>

Petitions referring to family members who had already arrived in New South Wales amounted to forty-four. These petitions were also expressions of desire for a complete family reunion. The reconstitution of the family unit in New South Wales featured in petitions from transported men.<sup>99</sup> In both New South Wales and Britain petitioners actively sought the resumption of their domestic world, which had been shattered with the execution of the transportation sentence. Although there is no direct correspondence available for most of these forty-four cases there are indications of on-going communications between the marriage partners. These petitions, in the public domain, are possibly the only remaining evidence of such correspondence. It is from the wife’s subsequent actions that it is possible to learn retrospectively of the ambitions for reunion and the strategies adopted to fulfil those ambitions. In this, if in no other respect, a joint endeavour shared by both husband and wife, can be traced.

A husband’s apparent failure with his colonial petition for family reconstitution sometimes resulted in his wife taking on an instrumental role. In 1824 Lord Sidmouth’s office received a letter written by the Rev. Barton on behalf of his parishioner Mrs Murray, whose husband Adam had been transported in 1820. Despite Adam Murray’s “repeated” attempts in New South Wales for his wife and six children to be sent out to him, he had so far had no success. Mrs Murray, having received several letters from her husband, enlisted the Rev.

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<sup>98</sup> PRO PC1/67, Sandiford-Sidmouth, 17 October 1819; see PRO PC1/68, Lydia Ann Halloran-Sidmouth, n.d. September 1820.

<sup>99</sup> See chapter 6, ‘Family Men’, below.

Barton's assistance. The assistance offered by Rev. Barton went beyond his approach to the Secretary of State. Having obviously discussed the welfare of the Murray family with his fellow parish officers, the Rev. Barton assured Lord Sidmouth that, if the Murray family were successful in receiving the necessary permission to travel, the parish would be willing to make a financial contribution to their journey.<sup>100</sup>

There appears to have been a belief in regulations requiring that any child, accompanying their parent to the colonies, should be under twelve years.<sup>101</sup> However, there has been a resultant disagreement between the two historians who have commented on the age restriction. Whereas Portia Robinson stated that the upper age limit for children was fourteen years of age,<sup>102</sup> Alan Shaw maintained that the upper limit was ten years old.<sup>103</sup> For those parents with children above this age the outlook was decidedly bleak. The Rev. W. Thomson of Perth (Scotland), who wrote on Mrs Garland's behalf, described how the prospect of leaving their eldest son Andrew behind was a cause of great distress to both parents. The Rev Thomson's request indicated correspondence on this very point

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<sup>100</sup> PRO PC1/72, Barton-Sidmouth, n.d. February 1824.

<sup>101</sup> In Ireland this rule was more generous and 'officially' restricted sons of 14 years. See PRO PC 1/69, April from Dublin Castle to Lord Sidmouth. The request was that such a rule should not be rigidly applied to such children.

<sup>102</sup> Portia Robinson, *The Women of Botany Bay, A reinterpretation of the role of women in the origins of Australian Society*, (Sydney, Macquarie Library, 1988), p. 129 and n. 10, p. 265. Robinson's source was a letter from William Gregory acting on instructions from the Lord Lieutenant at Dublin Castle to Henry Hobhouse in response to the letter received from London in respect of 'male children above the age of 14 years to proceed to their fathers being convicts in New South Wales...', p. 265. However, Gregory's response that as 'there were not many [of these children] it is hoped that the law will not be enforced in this instance but in future it will be strictly observed'. See below, Chapter 6, 'Family Men'.

<sup>103</sup> A.G.L. Shaw, *Convict and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London, Faber & Faber, 1966), p. 229. Shaw's statement was, however, based on a despatch from Governor Bourke in New South Wales to Viscount Goderich dated 1832.

between Mr and Mrs Garland. The expectation was that Mrs Garland and the six younger children would be permitted to be travel to New South Wales without Andrew. Either alternative would result in an incomplete family. The Rev. Thomson attempted a persuasive argument as a solution to this dilemma. He observed that Andrew was slight for his age, and one would not know to look at him that he was above the age limit. Thomson's approach was undoubtedly deceptive, although the deceit was shared with the Secretary of State. It was, presumably, based on the premise that the boy would not take up too much space on board the ship.<sup>104</sup>

A similar dilemma faced Mrs Ann Gamble.<sup>105</sup> Her husband John had clearly been in regular communication with Ann. The lawyers, Messrs Townend & Bayldon, specified in exact terms and legal terminology what conditions Mrs Gamble anticipated once she had received the "Grant" for her and the family of five children to travel to join John Gamble. This Grant had been approved in New South Wales and was "expected to have arrived ere now". At the time of the first approach to Lord Sidmouth, John had advised that he was assigned to Col. Johnson in New South Wales, where he was working as a groom. Ann Gamble's instructions to Messrs Townend and Bayldon, reflected a different approach to solving the age restriction which would, officially, apply to her eldest son. This boy had "acquired some little knowledge of sailing, and with a little more instruction" would be able to work his own passage to New South Wales.<sup>106</sup>

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<sup>104</sup> PRO PC1/71, Thomson-Sidmouth, n.d., February 1823.

<sup>105</sup> PRO PC1/68, Townend & Bayldon-Sidmouth, 20 August 1820 and PRO PC1/69, Townend & Bayldon-Sidmouth, 10 March 1821.

<sup>106</sup> *Ibid.*, 10 March 1821; *cf* Ann's offer to be employed on board the ship carrying her.

Petitioners applying for “free” passages referred to the correspondence which had been received from the transported partner of the marriage. Those who approached the Secretary of State referred confidently to the letter[s] received, referring to “my husband’s letter”. Such references appeared in thirty-nine of the relevant forty-four petitions.<sup>107</sup> Ann Gamble’s two petitions to Lord Sidmouth were both implicit and explicit as to the on-going communications between herself and John Gamble.<sup>108</sup>

Hannah Yardley advised Lord Sidmouth that she had recently received a letter from her husband William, then in New South Wales. His letter was dated 10 May 1819 and she had clearly wasted no time in contacting His Lordship, since hers was dated 14 December 1819. William had, she confided, “expressed the wish” that she and their children “should go to him”.<sup>109</sup>

Elizabeth Nock went to great pains in the preparation of her petition, which was perhaps created in just such a manner to attract the eye. At the time of her writing to Lord Sidmouth, she was employed as a domestic servant to the Rev. Lillington in Arden, Warwickshire. No doubt anxious to prove her credentials, she enclosed her marriage certificate as proof of her marriage to Samuel Nock. She also forwarded evidence of her husband’s progress in Sydney in the shape of his business card announcing his ‘occupation’ in that town. The items enclosed by Elizabeth were possibly returned to her, as they are not attached to her petition. Elizabeth’s failure to secure a passage to join her husband was not sufficient to

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<sup>107</sup> This includes letters or petitions written for women by parish officers or other interested parties as well as those who wrote on their own account.

<sup>108</sup> PRO PC1/68, Townend & Bayldon-Sidmouth, 20 August 1820 and PRO PC1/69, 10 March 1821.

<sup>109</sup> PRO PC1/67, Yardley-Sidmouth, 14 December 1819.



deter her husband Samuel, in New South Wales, from making his own application in 1825.<sup>110</sup> From Samuel Nock's petition it is evident that his wife Elizabeth had moved to Lincoln, where she was then residing. Obviously the couple had maintained communication with each other in the intervening period.

In March 1819 Mary Conley, living near Manchester, wrote to Mr Capper in London. Her husband William, who had arrived in New South Wales the previous July on the transport *Morley*, had written to her advising her that a female convict transport would be leaving Britain "this Spring for New South Wales". William's information had clearly been given in order that Mary should attempt to embark on that ship. Apparently, Mr Capper, the Superintendent of Convicts in Britain, had advised the married men leaving Britain that their wives could be sent out to them. Mary and William Conley had "four healthy children that I would wish to accompany me".<sup>111</sup>

Mary Gray's approach was also to Mr Henry Capper. She, too, understood from her husband's letter written in New South Wales that a commitment to sending the wives and families to the colony had been made. Unfortunately she does not give the name of his transport ship and the printed records are insufficient without that information to make a clear linkage. Her husband, Robert had been sentenced in York in 1817; Mary does not give the length of sentence handed down. Mary's letter did, however, advise that she had passed on her husband's letter to William Wilberforce. Whether or not she sought Wilberforce's

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<sup>110</sup> PRO PC 1/67, Nock-Sidmouth, 24 September 1819. SRNSW SR 4/1112.2, 'Petitions from convict husbands to have their Wives, families or other relatives given a free passage to settle in New South Wales', Samuel Nock to the Colonial Secretary, July 1825. Samuel Nock was at the time of his petition employed as a Blacksmith in His Majesty's Lumber Yard and was described as a "tolerably good mechanic".

<sup>111</sup> PRO PC1/67, Conley-Capper, 11 March 1819.

intervention to substantiate her request for a “free passage” for herself and the couple’s four children is unclear.<sup>112</sup>

A less formal approach, and one sadly lacking in helpful information for the Secretary of State’s office, was a petition dated March 1 1820. The writer, a woman married to William Weatley and the mother of his daughter, failed to identify herself or to give any address. “Sir” she began officially, before apologising for the presumption of her “liberty” in approaching him and trusting that his Lordship would “not take it amiss”. Her purpose was to “apply for a Passage” to join her husband William, along with their daughter. William, in New South Wales, had written to his wife “and he wishes me to come to Pitts Town an’ my Child”. There was no way an answer could have been sent to William Weatley’s wife. Although she, her husband and her daughter cannot be linked to other sources this does not invalidate the contents of her poorly penned note to Lord Sidmouth’s office. Mrs Weatley, like some other women married to convicts, wished to join her husband and share his exile.<sup>113</sup>

The citing of correspondence between a transported husband and wife also appeared in those petitions written on behalf of the petitioner, most commonly by the parish officers. Peter Sandiford’s application on behalf of Susanna Waters implied that he had seen the letter he had referred to when he advised Lord Sidmouth that, “her said Husband most earnestly joins in the said Petition”.<sup>114</sup>

In 1820 Ann Humphreys received a letter from her husband Thomas who had left England in 1812 or 1813. He had written to his wife “expressing a strong

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<sup>112</sup> PRO PC1/67, Gray-Capper, 20 July 1819.

<sup>113</sup> PRO PC1/68, Weatley-Sidmouth, 1 March 1820.

<sup>114</sup> PRO PC1/67, Sandiford-Sidmouth, 17 October 1819.

desire” that his family should join him in Sydney, where he would be able to “maintain them all”. Clearly the Rector of Highworth, who applied on Ann’s behalf, had seen the letter. Despite the intervening seven or eight years since she had seen her husband, Ann was “very anxious to comply with her Husband’s wishes”.<sup>115</sup>

Mr W. John Slade interceded on behalf of Elizabeth Pritchard and her husband William who had departed from England in 1815 on the *Baring* with a life sentence. William’s offence “of taking some gold wire” was clearly related to his work as a silversmith. He, “having most anxiously written” to Elizabeth, requested her to “join him in his Exile”. At the time of her petition Elizabeth was living in Bethnal Green; her relationship with Mr Slade is not explained. However, Mr Slade did not directly approach the Secretary of State, he had instead approached James Butterworth to vouch for both himself and Elizabeth. James Butterworth complied with the request stating “W. John Slade is a Worthy Man who would not recommend an unauthentic case”.<sup>116</sup>

The lack of privacy inherent in this exhibition of personal correspondence to social superiors gives an additional insight into a client-patron relationship. Wives who were illiterate may well have depended upon a network of friendship for translation of the words written by, or for, a spouse from the other ends of the world. To share such correspondence with those who held the power to support or withhold a petition for a free passage underscores the nature of the unequal relationship between the supplicant and the social superior.

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<sup>115</sup> PRO PC1/68, Rector of Highworth-Sidmouth, 28 January 1820.

<sup>116</sup> PRO PC1/68, Butterworth-Sidmouth, 11 March 1820.

Those who took their correspondence to the parish officer apparently did so of their own free will and in response to their husband's letter. In these cases where the parish officer, having seen the correspondence, interceded on his parishioner's behalf there is no sense of pressure being exerted on the woman to join her husband against her wishes. There is, however, an equivocal nature to the petition presented by Jane Davis.

Her application was made by the Governor of the Plymouth Workhouse, where Jane and her two children were living. The family was described as "likely to be a great burthen on the Poor rate of this town". Jane's petition was written for her and she signed with an "X". Jane was described as being "very desirous of going abroad with her husband, who is under sentence of transportation for life ... the woman is very Solicitous to go". Jane's petition is not atypical in that it was written by a social superior; it is however atypical that she was the only one who was living in a workhouse. It is not clear how her knowledge of the possibility of "going abroad with her husband" had been obtained.<sup>117</sup> The circumstances surrounding her petition raise the question of the limited choices open to her and other women married to a transported husband. Michael Anderson points out that "for women, particularly those with children, the removal of the principal wage-earner by death could rapidly throw the already impoverished family into the most grinding of poverty".<sup>118</sup> Clearly parish officers and social superiors stressed the economic impact of transportation on those with a claim on the poor rates.

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<sup>117</sup> PRO PC1/67, Governor of Plymouth Workhouse-Sidmouth, 9 October 1819.

<sup>118</sup> Michael Anderson, *Family Structure in Nineteenth Century Lancashire*, (Cambridge, Cambridge University Press, 1971), p. 144.

**I have had the Misfortune of my Dear Husband being transported to Botany Bay**

— Mary Macdonald to Lord Sidmouth <sup>119</sup>

Thirty-three individuals made a direct approach to the Secretary of State. These requests to either accompany or follow their husbands were entirely promoted by the individuals themselves. Of these thirty-three approaches, twenty were unsupported by any third party. <sup>120</sup> In these twenty cases, the women may have engaged the services of an amanuensis but there was no indication of this from the applications. Of the remaining thirteen applicants, <sup>121</sup> the women either enclosed or appended a written testimony from a third party, or, alternatively mentioned referees who could be called upon, or whose sympathetic involvement in the women's predicament was implicit in the mention of their names.

Mary Gray of Louth reminded the Secretary of State of his promise to "endeavour to get me and my children four in number a passage to go to him" and, simultaneously advised him that she had forwarded her husband's letter to William Wilberforce. Other than this reference, Mary gave no indication of her material

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<sup>119</sup> PRO PCI/67, Macdonald-Sidmouth, 7 October 1819.

<sup>120</sup> PRO PCL/67 Mary Heylin, 5 January 1819; PRO PCI/67, Jane Rollinson, 8 January 1819; PRO PC 1/67, Mary Lawrence, 18 January 1819; PRO PC 1 /67 Mary Conley, 11 March 1819; PRO PC 1 /67, Hannah Kirkby, n.d. September 1819; PRO PCI/67, Elizabeth Nock, 24 September 1819; PRO PC1/67, Mary McDonald, 7 October 1819; PRO PC1/68 Mrs Wheatley, wife of William, 1 March 1820; PRO PC1/68, Frances Williams, 29 April 1820; PRO PC1/68 Elizabeth Whitney, 6 May 1820; PRO PC1/68, Cecilia Hinnegan, June 1820; PRO PC1/68, Mary Westley, 9 June 1820; PRO PC1/69 Benjamin Houseley, n.d. August 1821; PRO PCI/70 George and Jane Duncan, 20 February 1822; PRO PC1/72, Elena Murray, n.d. July 1824; PRO PCI/72, Eleanor Skipton, n.d. July 1824; PRO PCI/72, Honora Ro[d]gers, n.d. July 1824; PRO PCI/72, Bridget Mitchel, n.d. October 1824; PRO PC 1/72, Mary Roberts, n.d. November 1824; and PRO PC 1/72, Elena Walsh, n.d. December 1824.

<sup>121</sup> See, for example, PRO PCI/67, Ann Spencer, n.d. May 1819, whose petition was written and signed by her. "The above Statement of Facts I believe are true" appended below her appeal were the signatures of High Sheriff of the County of Leicester, as well as the Rector of Barwell who combined this role with that of Justice of the Peace for the County of Leicester. See also PRO PC1/68, Lydia Anne Halloran, n.d. September 1820. This personal approach referred to her husband's brother-in-law (possibly her brother?) Mr Browne and Lawrence Halloran's "friend" Col. Nicholl. See also PRO/PC1/68 from Lydia Ann Halloran, 22 September 1820, whose second letter referred only to "our friend" Col. Nicholl.

circumstances nor did she make any reference to her local parish officer.<sup>122</sup> This group of applications demonstrated that the petitioners had a personal access to a world of “friends”. William Wilberforce was, however, the best known of those whose names appeared in the whole set of documents. In other cases it was more usual for a parish officer who acted as a reference point for the home administration. For these wives who applied for a “free” passage, each one indicated their precarious and financially unstable position without the presence of their husbands and, in some cases, the father of their children.

Those who applied without calling for support from third parties is surely suggestive of personal decisions being made without recourse to social superiors or officials. It is, of course, true that some of these petitioners may well have approached social superiors or local networks for such a reference; but none speak of such a failed endeavour.<sup>123</sup> Discussions may of course have taken place amongst family and friends regarding the options open to any one of these twenty correspondents.

Mary Laurence’s letter to Lord Sidmouth explained that her understanding of the situation was “that the Wives of Convicts transported for life may of their own free will (passage free) follow their husbands to their Destination”. In the absence of any other corroborative statements attached to her letter, it is only Mary’s words which suggest the possibility of external pressure. However, in her letter she simultaneously stated her wish to be given a free passage, suggesting that she had made the decision, irrespective of pressure.<sup>124</sup> These twenty individuals

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<sup>122</sup> PRO PC1/67, Gray-Sidmouth, 20 July 1819.

<sup>123</sup> See chapter 7 below, the case of Susanna Francis.

<sup>124</sup> PRO PC1/67, Laurence-Sidmouth, 18 January 1819.

enclosed no supporting statements testifying to the veracity of the information contained in their petition from any one in Britain. Nor did these applicants supply the names of referees who would vouch for their respectability or their worthiness for consideration. It is, however, unlikely that a failure in a search for referees would have been communicated to the Secretary of State's office. Of these twenty petitioners, four wrote to the Secretary of State before a transportation sentence had been executed. None of these four appeals made any bid for a clemency of the sentence.<sup>125</sup>

Of those whose petition came unsupported by either a parish official or other sponsor, only three specified the actual crime committed. It could, however, be legitimately argued that, since these petitions arrived after a spouse had been tried, found guilty and given a transportation sentence, there was little to be gained from detailing the circumstances.

An "X" marked Hannah Kirkby's signature and she had clearly made use of an amanuensis.<sup>126</sup> In a manner similar to that employed by Elizabeth Nock, her petition was attractively laid out and surely designed to attract the eye, hopefully leading to a sympathetic response.<sup>127</sup> Her husband, Matthew, had been charged with a "cash offence", resulting in his fourteen years transportation sentence. Both Hannah and Matthew were weavers from Lancaster and had two daughters.

Frances Williams from Brading on the Isle of Wight, stated that her husband Jonathon Williams had been found guilty of "purchasing stolen goods". He, like Matthew Kirkby, had been given a fourteen-year sentence at his trial at

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<sup>125</sup> PRO PC1/67, Heylin 5 January 1819; PRO PC1/67, Hinnegan, n.d., June 1820; PRO PC1/69, Houseley, n.d. August 1821; PRO PC 1 /68, Williams, 29 April 1820.

<sup>126</sup> PRO PC1/67, Kirkby-Sidmouth, n.d. September 1819.

Winchester Assizes. Jonathon had been transported on the *Shipley 3*. Although she was in no position to know this, her petition was dated just two months before her husband embarked for New South Wales, and who arrived there on 26 September 1820. His crime of purchasing stolen goods was possibly in connection with his commercial activities: once in Sydney he became established as a “dealer”.<sup>128</sup>

The third woman who specified her husband’s crime was Elizabeth Whitney. Elizabeth’s letter had been written for her: although she signed her name the writing of the document and her signature were markedly different. It may well have been the amanuensis who imposed the deferential language. Throughout the letter the self-representation is one of an archetypal supplicant: “I most humbly beg pardon [for the intrusion] ... I humbly beg [leave to ask the favor] ... I am Your Lordship’s very humble Elizabeth Whitney”. Elizabeth desired that Lord Sidmouth should “humanely condescend” to consider her case. Beneath the deference though, Elizabeth was quite clear about what she sought: a passage to New South Wales to join her husband James. The couple, with their child lived in Hereford, where her husband a “sawyer by trade” had been found guilty of sheep-stealing. The minute appended to Elizabeth’s letter indicated that hers had been acknowledged on 9 June 1820.<sup>129</sup>

Jane Rollinson was the only one to acknowledge her receipt of the necessary permission from the Secretary of State to embark on a ship.<sup>130</sup> In this

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<sup>127</sup> See n. 110 above, p.130.

<sup>128</sup> PRO PC1/68, Williams-Sidmouth, 29 April 1820; 1822 *Muster*, ref no. A22756, p. 515; 1828 *Census*, ref. no. W1728, p. 395.

<sup>129</sup> PRO PC1/68, Whitney-Sidmouth, 6 May 1820.

<sup>130</sup> PRO PC1/67, Rollinson-Sidmouth, 8 January 1819.



case it is possible that her earlier application had been supported, possibly by the parish or a third party but such documents were not in the archive. The Vestry Clerk of Cheshunt in Hertfordshire, Henry Crawter,<sup>131</sup> wrote to the Secretary of State requesting verification that his parishioner, Martha Saunders, had in fact received permission to travel to her husband James in New South Wales. From his letter it would appear that she had approached the Vestry applying for their “financial obligation” to enable her to travel to the port and “to procure the necessary Articles of Clothing”. The letter continued that if Martha had, indeed, received the necessary permission then “the usual allowance granted by Parishes in such cases will be advanced her”. This document suggests that possibly her husband James had successfully applied in New South Wales or that Martha had received a direct communication from the Secretary of State. Previous examples of parochial aid have been cited where the parish had been involved in the drawing up of petitions. This indication of a parish seeking confirmation of a grant to travel tantalises with its reference to unseen documentation.

Included in these fifteen (unsupported) requests for “free passages” one was from George and Jane Duncan, of Manchester. Between 1815 and 1820 their five adult children had previously been transported. James, William, Mary and Elizabeth had each been given 14-year sentences and Alexander had been sentenced for 7 years. Of the five, only William, a widower, had been transported to Van Diemen’s Land. The parents, George and Jane, had taken over the responsibility of caring for William’s children. William had, apparently, written to his parents asking them to join him with his children in Van Diemen’s Land. From

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<sup>131</sup> PRO PC1/71, Crawter-Sidmouth, 15 September 1823.

the letter written by George Duncan all his transported offspring had prospered. George indicated his ability to maintain himself and his wife by stating that he was a joiner and a carpenter.<sup>132</sup>

Apart from Eleanor Skipton and Mary Roberts, whose husbands had been transported to Van Diemen's Land, the remaining petitioners all applied for permission to travel to New South Wales.<sup>133</sup> There is an echo here of the possible indifference on the wife's part as to whether it was Van Diemen's Land or New South Wales.<sup>134</sup> The latitude and longitude of location were not issues; Eleanor and Mary wished to be with their husband.

Governors in both colonies upheld the officially stated policies regarding the presence of the "convict wives", although local regulations under different administrations may have brought about variations in practices. There is little to distinguish between the words of Lt.-Governor Sorrell who described how "the presence of their Wives and Children so much contributes to the commencement or the confirmation of Reform and Habits of Industry"<sup>135</sup> and those written by Governor Macquarie.<sup>136</sup> One might be forgiven for thinking the words formed part of a shared script.<sup>137</sup>

Each of these twenty personal appeals came from an individual whose motive to apply for a free passage was overtly based on a combination of forces.

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<sup>132</sup> PRO PC1/70, George and Jane Duncan-Sidmouth, 20 February 1822.

<sup>133</sup> PRO PC1/72, Skipton-Sidmouth, n.d. July 1824 and PRO PC1/72, Roberts-Sidmouth, n.d. November 1824.

<sup>134</sup> See pp. 121-122 above.

<sup>135</sup> PRO PC1/70 dated 15 December 1821, in June 'bundle' from Lt.-Governor Colonel William Sorrell.

<sup>136</sup> See n. 41, above, p. 110.

<sup>137</sup> See chapters 5 and 6 below.

Publicly, material poverty was coupled with emotional distress in fifteen of these twenty applications. The privileging of poverty and the loss of material support as the major determining element appeared in only five of these petitions.<sup>138</sup> However, given the nature of these documents, it would be unlikely that the women would expose their innermost feelings to an unknown and distant figure. More interesting perhaps is the shared silences in these documents. Not one of these twenty women referred to either any sense of penitence or reform. No woman represented herself as being partially implicated in her husband's offence. None suggested she was 'respectable' or that her future presence in her husband's sphere would be instrumental in his reform or in promoting 'habits of industry'.

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<sup>138</sup> PRO PC 1/67, Rollinson-Sidmouth, 8 January 1819; PRO PC 1/67, Laurence-Sidmouth, 18 January 1819; PRO PCI/67 Kirkby-Sidmouth, n.d. September 1819; PRO PCI/68, Williams-Sidmouth, 29 April 1820; and PRO PC 1/68, Westley-Sidmouth, 9 June 1820.

**I return my most sincere and hearty thanks**  
**Jane Rollinson to Lord Sidmouth** <sup>139</sup>

Jane Rollinson was exceptional among these petitioning wives; she was the only one who had clearly received notice that her request to be reunited with her husband, Thomas Rollinson, had been successful.<sup>140</sup> Thomas, carrying a fourteen-year transportation sentence, had arrived in New South Wales in 1817, disembarking from the *Fame*.<sup>141</sup> According to the 1822 *Muster*, Jane accompanied by her two children had sailed on the *Lord Wellington*, arriving in January 1820. Thomas, with his family, was living and working as a blacksmith at Windsor.<sup>142</sup> His material success in the colony can be charted in the information given in the 1828 *Census*. In the intervening period the couple had moved to Richmond and had accumulated both acres and livestock. There is no reference to either child who had arrived with Jane.<sup>143</sup>

The scholarly literature has largely overlooked these petitioning wives from Britain. Alan Shaw's brief paragraph was devoted to the applications from husbands in the colonies. For Shaw, the presence of a convict's wife was restricted to her role as an agent in her husband's reform.<sup>144</sup> Robert Hughes drew on these petitions, although his selection was restricted to four petitions from 1819 and four

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<sup>139</sup> PRO PC1/67, Rollinson-Sidmouth, 8 January 1819.

<sup>140</sup> *Ibid.*, although Martha Saunders (n. 131, above, p. 138), had apparently received a grant the evidence is equivocal; *vide* Ann Adams, (n.2, above, p. 99).

<sup>141</sup> SRNSW SR 4/4005, 'Principal Superintendent of Convicts, Bound Indents', Fiche No. 637.

<sup>142</sup> 1822 *Muster*, ref. nos. A18242-A18245, p. 414.

<sup>143</sup> 1828 *Census*, ref. nos. R1295-1296, p. 323; Appendix 3, p. 436.

<sup>144</sup> A.G.L. Shaw, *op. cit.*, p. 229.

petitions from 1830.<sup>145</sup> His rather meagre selection does no justice to the numbers applying or to the impact of transportation in Britain.

Portia Robinson devoted one chapter in *The Women of Botany Bay*, to the wives petitioning in Britain and drew this archive.<sup>146</sup> She particularly drew attention to the role of the clergy and its responsibility towards parishioners with right of settlement. Robinson suggests that the parish officers harshly treated the wife of a transported man and that any assistance given was based on the prospective drain on their resources. From the evidence, however, parish officers more usually sought to do their best for the wife and her family whose husband was either awaiting transportation or who had already arrived in the colony. The attempt to reunite a family, under these circumstances may, indeed, have been partially motivated by the prospect of a lengthy recourse to the parish rates. However, to establish a linear model with economic motives at one end and human sympathy at the other and then attempt to allocate a hierarchy of motives in each situation is over-simplistic. Few parish officers overlooked the emotional turmoil impacting on the individual parishioner.<sup>147</sup>

The evidence suggests that Sarah Stamfield's case was exceptional. She explained her situation to Lord Sidmouth. Despite having been given the required permission for herself and her two children to join her husband in New South Wales, her parish had failed to furnish her with the necessary expenses to reach

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<sup>145</sup> Robert Hughes, *The Fatal Shore: A History of Transportation of Convicts to Australia* (London, Pan, 1988), pp. 132-137.

<sup>146</sup> Portia Robinson, *op. cit.*, chp. 7, "A great and bitter grief", pp. 125-147.

<sup>147</sup> The changing *mentalité* towards public hanging and an increasingly more sympathetic humanist approach towards misfortunes has been charted by V.A.C. Gatrell, *The Hanging Tree - Execution and the English People, 1770 - 1868*, (Oxford, Oxford University Press, 1994); John Rule, *Albion's People: English Society 1774 - 1815* (London, Longman, 1992) chapter 9, pp. 226-249. See, for /continued on next page

Portsmouth from Lancashire. Undeterred by this setback, Sarah, accompanied by her children, set out to make the long journey with whatever resources she had. Despite her willingness to undertake such a trek from Lancashire to Portsmouth she failed to reach the port before the ship sailed. It would seem that her 'permission to travel' was not transferable to another ship leaving for New South Wales, so she requested that she might be granted a future passage.<sup>148</sup>

A complete contrast to Sarah's experience was the case of Jane Moxam on whose behalf the Rev. John Greenly applied. The Rev. Greenly described the circumstances behind his appeal. Although Jane "lives in my Parish - she does not belong to it or would become chargeable to it or any Parish in this Neighbourhood", Greenly was willing to "use every exertion that she shall have everything necessary for her Comfort on the Voyage & to assist her on her arrival in the Colony".<sup>149</sup>

The grounds for rural parish officers to inter-connect with the personnel of state bureaucracies were based around transportation, and its consequences for those of their petitioners who experienced at first-hand the loss of a husband and a father. Parish officers, supporting these petitions, frequently called upon others in the community to lend their signatures to these approaches to the Secretary of State. The implication is of larger local networks being brought into the service of an individual family unit in order to prevent its break-up. Mary Holt was found guilty of "uttering forged notes" and given a transportation sentence at Preston, in Lancashire. Her husband, Henry, was a weaver, although he was used to "every

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example, PRO PC1/68 n.d. January 1820: a thick bundle containing a petition signed by many individuals who opposed capital punishment.

<sup>148</sup> PRO PC 1/72, Stamfield-Sidmouth, n.d. March 1824.

<sup>149</sup> PRO PC1/71, Greenly-Sidmouth, n.d. September, 1823.

sort of husbandry labour". Their three children were under ten years of age. Previous attempts, either to have Mary's sentence commuted or to permit Henry with the children to travel to Mary's place of exile, had all failed. As a final resort the help of the local magnate, Thomas Green of Whittington Hall, was enlisted. Thomas Green's appeal, on the couple's behalf, drew particular attention to the numbers of "respectable" supporters of Henry's petition.<sup>150</sup>

The wife, whose husband had been transported, had an equivocal social status; she was neither widowed, nor single. Unless, and until, she had heard of her husband's death she was technically married, but without a physically visible husband. There was a wide belief that a transported husband had 'deserted' his wife and family and that his absence of 7 years was sufficient to annul the marriage.<sup>151</sup> Parish records have been used to demonstrate a number of cases where the wife and family have apparently been 'deserted'.<sup>152</sup> There is no way of telling from that literature how many of these "deserted" wives were in fact married to men who had been transported. Letters and petitions received by the Home Secretary requesting information about whether a transported husband was still alive or not demonstrate a further aspect of these fractured lives.<sup>153</sup> The

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<sup>150</sup> PRO PC1/71, Green-Sidmouth, 24 September 1823.

<sup>151</sup> John Gillis, *For Better, for Worse: British Marriages, 1600 to the Present*, (Oxford, Oxford University Press, 1985), p. 210; David Kent & Norma Townsend, 'Some Aspects of Colonial Marriage: a Cast Study of the Swing Protestors', *Labour History*, 74, (May 1998), pp. 40 - 53. This study draws attention to this belief.

<sup>152</sup> Ursula Henriques, *Before the Welfare State*, (New York, London, 1979), p. 14; Geoffrey W. Oxley, *op. cit.*, esp. pp. 89-90; Stone, *Road to Divorce, op. cit.*, p. 141. Anderson, *Family Structure, op. cit.*, chp. 10, 'Critical life situations as a factor in family cohesion', pp. 136-161, *passim*.

<sup>153</sup> PRO PC1/72 n.d. November 1824 on behalf of Mrs Bowtell, whose husband William had been transported. Mrs Bowtell wished to know whether or not William was still alive as she wished to remarry. See also PRO PC 1/69, Rev James Roe of Newbury, 21 January 1821. Roe reported that the wife of James Wiggins who had been transported in 1813 had "applied to have read the Banns to marry a man she has for a long time scandalously cohabited with". See Robinson, *op. cit.*, p. 132.

marital status of women receiving parish relief could not be ignored if an opportunity for remarriage occurred. The correspondence relating to issues of transportation and individual transportees, was not limited to the appeals for a passage to reunite husband and wife.<sup>154</sup>

Robinson's injunction is that the petitions must be regarded critically, "avoiding any undue influence from 'that Eye of Pity'". The injunction is, however, undermined by her subsequent critique of the British government. This critique replicates the contemporary assumption that the state bureaucracy was both sufficient and efficient in its mechanisms of administering applications to reunite separated family units. Her critique of the British government is coupled with a supposition that these wives were doubly wronged. The wives were, according to Robinson, "inextricably linked with criminality through the offences of the husbands".<sup>155</sup>

The ascription of the wives being "linked to criminality" is not verifiable from these documents. Mary Lawrence, writing from Romsey in Hampshire and on her own account, sought to distance herself from her husband's crime by writing that it was he who "has most justly fallen under the Censure of the laws of this Kingdom".<sup>156</sup> Edward Booth's wife, Jane, managed to convey her sense of injustice and outrage with her caustic remark that she could not imagine that "a British Judge and Jury would do wrong". The "most Respectable Gentlemen" had testified to Edward's public reputation. Jane drew the Secretary of State's attention to their testimony as well as her private, domestic realm. She stated that

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<sup>154</sup> *cf.* Case of Mrs Jotcham, n. 58, above, pp. 115-116.

<sup>155</sup> Robinson, *op. cit.*, p. 126.

<sup>156</sup> PRO PC1/67, Laurence-Sidmouth, 18 January 1819.



for the length of their marriage of 21 years Edward had “always behaved with the utmost tenderness”. Jane’s sense of bereavement was underscored with her words that she could not forget “her former love”.<sup>157</sup>

Only two women suggested that their husband’s crime had resulted in any sanction from their local neighbours. Bridget Mitchel, writing on her own account, combined her wish to join her husband with the wish to be removed from “the censure of evil-minded people” and made a pitiful claim for mercy on her ‘friendless’ state.<sup>158</sup> Margaret Street’s signature to her petition was an “X” and it was Rev. Thomas Foxley who declared that she and her family would suffer from “the stigma which attaches generally though unjustly to the whole family”. However, Foxley’s opinion cannot be viewed as a statement of fact and it was certainly not an opinion that other parish officers shared.<sup>159</sup>

A collectivity is suggested by the contemporary usage of the words “convict wives and families” appearing throughout official despatches and correspondence. The scholarly literature adopts the contemporary idiom: the women are referred to as “wives of the convicts”. Robinson gives this ‘collectivity’ an additional emphasis this with her statement that all the wives of convicted men arrived with similar sets of expectations as well as hopes for their individual futures.<sup>160</sup> More indeed is implicit in this assumed collectivity by Robinson in her assertion that the women who had received free passages from the British government were markedly different from the convict women. This is

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<sup>157</sup> PRO PC1/68, Booth-Sidmouth, 31 May 1820.

<sup>158</sup> PRO PC1/72, Mitchel-Sidmouth, n.d. October 1824.

<sup>159</sup> PRO PC1/68, Foxley-Sidmouth, 5 April 1820.

<sup>160</sup> Robinson, *op. cit.*, p. 126.

asserted despite her claim that the married women were primarily drawn from the same social class as the transported female convicts.<sup>161</sup> There is an echo here of Commissioner Bigge's proposal that these free women could form the unofficial vigilante corps. To what extent the individual wife accepted this role of vigilante is not recorded; other than the proposal in the Report there does not appear to be any other reference to this proposition.<sup>162</sup> Ann Gamble stated that she "humbly presumes to think she might be made useful on board a Transport Ship", but other than commenting that "she hath been brought up in industry" there was nothing more explicit as to her talents.<sup>163</sup>

Robinson holds to the expectation that the "convict wives" would fulfil their role as agents in the moral reform of their husbands. Such an assumption is both facile and reductionist. It fails to take into account the complexities of both parties of the marriage itself and the individual circumstances of each partnership. Not all mothers had the same hopes and anticipations for their children and not all wives had the same expectations from their husbands. These petitions do share similar themes; a desire for reunion and a wish to resume married life coupled with a sense of loss. However, to extrapolate from those themes identical mindsets is over-simplistic.<sup>164</sup>

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<sup>161</sup> *Ibid.*, p. 127.

<sup>162</sup> To ascertain whether such a proposal was put into practice would require extensive examination of the Master's Report on landing at New South Wales. Bateson, *op. cit.*, suggests that this role was taken by one of the female convicts on board and whose sobriquet was "Matron", pp. 68-9, esp. 68.

<sup>163</sup> PRO PC1/68, Townend-Blaydon-Sidmouth, 20 August 1820.

<sup>164</sup> Anthony P. Cohen, *Self-consciousness: An alternative anthropology of identity*, (London, Routledge, 1994), gives an interesting discussion on the assumption of shared world views for the groups being studied by anthropologists; he suggests that these shared views were firstly an assumption by the academic and subsequently imposed by the individual academic carrying out the research, rather than the views of opinions held by individual members of a specific social group.

However, this collective group name “convict wives and families” is locked into the basic assumption that it is only appropriate when applied to those who were reunited with their spouse in either New South Wales or Van Diemen’s Land. Such an appropriation is primarily the imposition of a determinist analysis. Such an approach and appropriation is based on the exclusion of unsuccessful petitioners. The historical record of transportation remains incomplete when collectivities, such as “convict wives and families” refers solely to those whose petition was successful.

Transportation to New South Wales or Van Diemen’s Land has been described as a “sentence worse than Death”.<sup>165</sup> This description is clearly applied to those given such a sentence. The finality of such a description is not, however, borne out by those who petitioned to be reunited with their spouse in one or other of the penal colonies. These petitioners, and others, directly affected by the absence of a family member or friend who had been transported raise one paradoxical question. Among others, John Gillis argues that attitudes towards mortality were historically contiguous. The “Grim Reaper ... came to every age group”.<sup>166</sup> Death, if not welcome, was accepted as the inevitable conclusion to an individual’s lifecycle. Emotional commitments were to those who were present, not absent; alive and not dead. The execution of a transportation sentence “beyond the seas and over the seas” clearly provoked action from these individual wives who sought to remain by their living husband.

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<sup>165</sup> Simon Devereaux, ‘In Place of Death: Transportation, Penal Practices, and the English State, 1770-1830’, in Carolyn Strange (ed.) *Qualities of Mercy Justice Punishment and Discretion* (Vancouver, University of British Columbia Press, 1996); Christopher Sweeney, *Transported in Place of Death: Convicts in Australia* (Melbourne, Macmillan, 1981).

<sup>166</sup> John Gillis, *A World of their Own Making: A History of Myth and Ritual in Family Life*, (Oxford, Oxford University Press, 1997), p. 42.

**CHAPTER FIVE:**

**FAMILY MATTERS:  
Bastards, Christenings, Orphans, Marriages and  
Colonial Authority, 1810 - 1828**

**[the] promotion of matrimonial connexion between the unmarried people - a measure which must tend to the improvement of their morals, and is indispensibly [sic] necessary for securing the general peace and happiness of the settlement**<sup>1</sup>

Between 1788 and 1830 successive colonial administrations adhered to an unchanging rhetoric concerning convicts and the institution of marriage. Marriage was to be the forcing-house for convicts' transformation and regeneration into virtuous and industrious members of society. Precisely because of Botany Bay's foundation as a penal colony, the fostering of domestic and family relationships through marriage was regarded as essential.<sup>2</sup> This rhetoric of reformative marriage was not only heard in New South Wales. Ex-governors Admiral John Hunter (1795-1800) and Captain William Bligh (1806-1810) made use of it in their evidence to the 1812 House of Lords' Select Committee on Transportation. Hunter asserted in his evidence that he had "encouraged [marriage] upon all occasions".<sup>3</sup> Bligh pursued a similar line, but boasted that instead of mere exhortation, he provided practical inducement: "I encouraged matrimony, not by orders or proclamations, but by giving always to the married people indulgences which the others never received".<sup>4</sup>

Within this context Bligh's reference to 'indulgences' is pertinent. In the colony a heavily freighted code was concealed by the term "indulgences". These were the array of carrots by which the colonial state simultaneously rewarded

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<sup>1</sup> Despatch from Rt Hon W W Grenville to Arthur Phillip, *Historical Records of New South Wales*, [hereafter *HRA*], vol. 1. dated 10 June 1789, p. 252.

<sup>2</sup> *Sydney Gazette*, [hereafter *SG*], 10 March 1810, p. 1, gives one example of recurrent editorials promoting the benefits of marriage through this organ of the colonial government.

<sup>3</sup> 'Report from the Select Committee on Transportation', *Parliamentary Papers*, [hereafter *PP*] vol. II, (1812), Appendices, p. 20.

<sup>4</sup> *Ibid.*, Bligh's 'indulgences' in this instance referred to grants of land. Appendices, p. 32.

convicts for conduct that was regarded as meritorious and, thereby, sought to induce other convicts onto the same path.<sup>5</sup> As indulgences were not rights that convicts could demand, their award, denial or even cancellation for subsequent misconduct served to reinforce state power over the convict body. Permission for convicts to marry became an indulgence, though in this instance an indulgence that the state could not cancel, once the marriage had occurred.

Marriage was certainly the ideal proclaimed by the administrations. Nevertheless, in the early years stable *de facto* relationships, although officially frowned upon, were also recognised and accepted, in a customary sense. Bligh observed that, such a couple having lived together for a length of time and had several children, the man “provided for them as fathers do for their children”.<sup>6</sup> The condemnatory words of the Anglican Parson, substantial landowner and magistrate, Samuel Marsden were loudly broadcast both within the colony and to the Home government, condemning unmarried relationships between convict men

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<sup>5</sup> A comparative and theoretical approach of this ‘carrot’ and ‘stick’ approach can be found in S. Fenoaltea, ‘Slavery and Supervision in Comparative Perspective: “A Model”’, *Journal of Economic History*, vol. 44, (1974), pp. 635-668. Fenoaltea’s work has been successfully utilised by a number of convict historians. Among these see the recent article by Hamish Maxwell-Stewart & Bruce Hindmarsh, ““This is the Bird that Never Flew””: William Stewart, Major Donald McLeod and the *Launceston Advertiser*’, *Journal of Australian Colonial History*, 1 (2000), pp. 1-28, esp. p. 16.

<sup>6</sup> ‘Select Committee on Transportation’, *PP*, vol. 11, (1812), Appendices, p. 32.

and convict women.<sup>7</sup> Unsurprisingly, his words have been reproduced by a number of historians, albeit their subsequent interpretations have differed<sup>8</sup>

Relationships between convict men and convict women in early New South Wales have provided the foundation for an extensive and diverse historiography in the latter half of the twentieth century. Until the 1970s historians tended to accept uncritically the contemporary condemnations of the female convicts. In 1965 Lloyd Robson, going beyond his factual data (drawn from the ship's indents) was driven to comment "that a convict woman was unlikely to make a satisfactory partner".<sup>9</sup> The following year Alan Shaw concluded decisively and dogmatically that "the picture they [the female convicts] presented is a singularly unattractive one". This, however, is hardly surprising since his only cited source for this conclusion was in fact Lloyd Robson.<sup>10</sup> John Hirst's *Convict Society and its Enemies*

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<sup>7</sup> Samuel Marsden's "Female Register" of 1806 established the flawed distinction between 'married' or 'concubine' women then living in the colony. See also Michael Saclier, 'Sam Marsden's Colony', *Journal of the Royal Australian Historical Society*, Vol. 52, Pt. 2, (1966) pp. 94-114; Portia Robinson, *The Hatch and Brood of Time: A Study of the First Generation of Native-Born White Australians, 1788-1828*, Vol. 1, (Melbourne, Melbourne University Press, 1985), pp. 75-77; Robinson, *The Women of Botany Bay: A Reinterpretation of the Role of Women in the Origins of Australian Society* (Sydney, Macquarie Library, 1988), pp. 200-203; p. 244, and Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787-1868*, (London, Pan Books, 1987), pp. 247-48.

<sup>8</sup> See, for example, Katrina Alford, *Production or Reproduction: An economic history of women in Australia, 1788-1850*, (Melbourne, Melbourne University Press, 1984), p.43, p.53; p.79; Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality, and Gender in Colonial Australia*, (Cambridge, Cambridge University Press, 1997), pp. 34 - 6, p.39, p.43; Kay Daniels, *Convict Women*, (Sydney, Allen & Unwin, 1997), p. 77, p. 108, p. 146; John B. Hirst, *Convict Society, and its Enemies: A history of early New South Wales*, (Sydney, George Allen & Unwin, 1983), p. 17.

<sup>9</sup> Lloyd Robson, *The Convict Settlers of Australia*, (Melbourne, Melbourne University Press, 1965, 1976 edn) p. 142.

<sup>10</sup> Alan G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London, Faber & Faber, 1966), see esp. p. 164. Shaw referred to Lloyd Robson's article, 'Origin Women Convicts ...' in *Australian Historical Studies*, vol. xi, (1963), as well as Robson, *Convict Settlers*, *op. cit.* Clearly Shaw was content to accept, unquestioningly, Robson's conclusions regarding the female convicts.

acknowledged the then recent historiographic approach to the female convicts.<sup>11</sup> This, however, was little more than lip service, since he subsequently quoted from a nineteenth-century newspaper report remarking, “the women were particularly bad - insolent, depraved and incorrigible.”<sup>12</sup>

Contemporary critiques appearing either in correspondence or in print were rarely personal: all female convicts were collectively deemed guilty, and therefore damned in the eyes of their social superiors. Their collective failure was based on a conglomeration of social or sexual habits deemed inappropriate to the women's station in life, to their status as convicts, and indeed to their femininity.<sup>13</sup> A fundamental paradox, however, was that the convict women were, nevertheless, regarded by their social superiors as potential instruments of moral reform *via* matrimony and domesticity and consequently the increase in the colonial population. Viewed within this contradictory ideology, such hopes seemed chimerical. To illustrate this point, the 1812 Lords Select Committee accepted the important role transported convict women were expected to fulfil, as mothers of the native-born generations, despite recording “all their vices” and adopting the firm opinion that they were “of the most abandoned description”.<sup>14</sup> This opinion

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<sup>11</sup> Hirst, *op. cit.*, p. 56. Hirst acknowledged Michael Sturma, ‘Eye of the Beholder: The Stereotype of Women Convicts, 1788-1852’, *Labour History*, 34, (1978) pp. 3-10, n. 73 and Anne Summers, *Damned Whores and God's Police: The Colonization of Women in Australia*, (Ringwood, Penguin, 1975), n.74.

<sup>12</sup> Hirst, *op. cit.*, p. 206. Hirst's source was *The Sydney Times* of 1838.

<sup>13</sup> Damousi, *op. cit.*, discusses this aspect of the contemporary dominant class ideology of the authoritarian patriarchal authors. See Tina Picton Phillipps, ‘Review’ of this work in *Crime, History and Societies*, vol. 3, (1999), pp. 113-14. Daniels, *op. cit.*, raises similar points, esp. p. 82, however, see also pp. 115-6, pp. 158-9; p.162; pp. 180-182.

<sup>14</sup> ‘Select Committee on Transportation’, *PP*, vol. II, (1812) p. 12.



was upheld by Maurice Margarot, one of the “Scottish Martyrs” whose inflammatory comments matched those given by the Rev. Samuel Marsden.<sup>15</sup>

Bizarrely, contradictory official optimism/pessimism of this sort was outweighed by the sheer volume of contemporary outpourings against the convict women, from (mostly) respectable persons who resided or had resided in the colony. Some of these condemnatory voices even came from former convicts, especially men who had been political prisoners and who were at pains to differentiate themselves from the mass of criminal offenders. Good examples are to be found in the writings of the United Irishman, Michael Hayes, who advised his sister not to come to the colony in 1800. Subsequently the later *Patriotes*, rebels from Lower Canada (Quebec), Lepailleur and Le Prieur were to record a similar distaste.<sup>16</sup> The convict Frederick Fisher, who originated from London, provided his mother with a damning portrayal of the convict women, writing,

...the greater proportion of good looking females who disgrace themselves by becoming the contemptable [*sic*] of the Red-Coated officers and when discharged by the military they become Mistresses to the Masters of Vessels, after which they generally sink until pity'd or despised<sup>17</sup>

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<sup>15</sup> *Ibid.*, Appendices, pp. 42-55, esp. p. 55. See also Alan Shaw and C. Manning Clark, (eds), *Australian Dictionary of Biography*, (Melbourne, Melbourne University Press, 1966), [hereafter *ADB*], vol. I pp.206-7.

<sup>16</sup> See, for example, Michael Hayes, “Letters Written by Michael Hayes of Wexford, transported from Cove 24 August 1799 for complicity in the 1788 Rebellion”, ML A3568; David Collins, *An Account of the English Colony in New South Wales: with Remarks on the Dispositions, Customs, Manners &c., of The Native Inhabitants of that Country To Which are added some particulars of New Zealand, compiled by permission, from the MSS. of Lieut. -Governor King*, (London, T. Cadell Jun. & W. Davies, 1798); Watkin Tench, (ed. & intro. Tim Flannery), *Comprising a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson 1789 and 1793*, (Melbourne, Text Publishing Company, 1996); D. D. Mann, *The Present Picture of New South Wales*, (London, 1811); Samuel Kittle, *A Concise History of the Colony and Natives of New South Wales*, (Edinburgh, Oliver & Boyd, 1814); John Henderson, *Observations on the Colonies of New South Wales and Van Diemen's Land*, (first published Calcutta, 1832; facsimile edition 1965), pp. 18-19.

<sup>17</sup> Frederick Fisher to his mother in London, dated ‘June 1822’, ML. MSS 1895X, doc. 3.

Fisher's description was subsequently echoed, almost word for word by the Scottish Presbyterian John Dunmore Lang in his published record of the colony.<sup>18</sup>

These opinions of the convict women did not differ significantly from those of Mrs Philip Gidley King, wife of the third Governor of the colony whose journal describes her overnight change of opinion between Christmas Day and Boxing Day in 1789. Whereas on the former day she described an informal dance held on board the *Speedy*, she felt compelled to write on December 26, "my former opinion with respect to our females is very much altered NOW ... [they are] ... hardened depraved creatures".<sup>19</sup> Captain David Collins, first Judge-Advocate of New South Wales, and an array of other commentators were equally damning in their opinions. These accounts by the convict women's social superiors were uncritically reproduced in the work of the 'masculinist' and male scholars whose influence was dominant from the 1950s to the 1980s.<sup>20</sup> Thus the women were firstly damned by their élite contemporaries for their failure to conform to middle-class social agendas and practices. Then, in the mid-twentieth-century, they were damned by a generation of influential scholars, especially Manning Clark, Lloyd Robson and Alan Shaw, who neither questioned nor perceived the ideological baggage of their élite sources. Instead, they accepted these abundant sources as providing accurate descriptions of historical realities.<sup>21</sup> Nothing could better

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<sup>18</sup> John Dunmore Lang, *An Historical and Statistical Account of New South Wales Both as a Penal Settlement and as a British Colony*, (London, Cochrane & McCrone, 1834), p. 65.

<sup>19</sup> King Family Papers: 'Journal of Mrs Philip Gidley King on the Voyage from England to Australia 19 November 1789 - 15 April 1800', ML MSS. 1973X.

<sup>20</sup> Sturma, *op. cit.* provides a necessary corrective.

<sup>21</sup> See Damousi, *op. cit.*, whose cultural studies approach to her work was an examination of the underlying themes of the social élite discourses regarding convict women. See also Deborah Oxley *Convict Maids: The Forced Migration of Women to Australia*, (Cambridge, Cambridge University Press, 1996) whose work similarly deconstructs the contemporary harsh opinion of the convict  
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illustrate the limitations of the empiricist practice of 'establishing historical truth' largely by the test of correspondence between a multiplicity of sources. Where, as in the present case, the multiplicity of sources used are in fact multiple loudspeakers for broadly the same historically dominant discourse, such reliance on the test of correspondence is always likely to produce misleading conclusions. Under such circumstances, the production of history in the present is literally captive to the dominant élite voices of the past. "Can the subaltern speak?"<sup>22</sup> Certainly not, under these circumstances!

Nonetheless in the 1970s the modern women's movement began to challenge many of the assumptions made by male historians regarding the female convicts. This early literature by those scholars has become the focus of an "intergenerational debate" amongst feminist historians.<sup>23</sup> Jill Julius Matthews<sup>24</sup> drew attention to some of the problematics this division has created for historians since the appearance of the polemic and pathbreaking works carried out by Anne Summers and Miriam Dixson.<sup>25</sup> Neither Summers nor Dixson challenged their male colleagues in their final conclusions regarding the convict women; both, however, sought systemic causes for those moral judgements by their male contemporaries and subsequent male historians. Both Summers and Dixson

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women, esp. pp. 221-24 and Kirsty Reid, 'Moving On: Resolving the Convict Origins Debate', *Australian Studies*, 12, (1997), pp. 139-155.

<sup>22</sup> Gayatri Spivak, 'Can the Subaltern speak?', in Patrick Williams & Laura Chrisman (eds and introduction), *Colonial Discourse and Post-Colonial Theory: A Reader*, (London, Harvester Wheatsheaf, 1993), pp. 66-111.

<sup>23</sup> Daniels, *op. cit.*, Chp. 2, "Writing about Convict Women", pp. 31-48, esp. p. 31.

<sup>24</sup> Jill Julius Matthews, 'Doing Theory or Using Theory: Australian Historical Studies, Feminist/Women's History in the 1990s', *Australian Historical Studies*, 106, (1996), pp. 49-58. Matthews charts some of the problematics for historians adopting strictly theoretical and rigid frameworks for the convict period.

<sup>25</sup> Summers, *op. cit.*, Miriam Dixson, *The Real Mathilda, Woman and Identity in Australia, 1788 to 1975*, (Melbourne, Penguin, 1976).

claimed that convict women were essentially victims. Summers claimed, “most convict women had to put up with abduction, rape, and beatings, not just as isolated incidents ... but as part of their everyday lives”.<sup>26</sup> Dixson’s thesis rested on an unproven demographic speculation flying in the face of the economic laws of supply and demand. For her, the convict women allegedly experienced violence as a consequence of being out-numbered by men, convict or free.<sup>27</sup> An excellent and insightful challenge to these essentialised definitions of convict ‘women as victims’, was however presented by Kirsty Reid.<sup>28</sup>

Reid’s work on the female assigned servants in Van Diemen’s Land demonstrated that colonial masters and mistresses were incapable of imposing upon their female servants any preventative policy in respect of them socialising with free and unfree male companions.<sup>29</sup> Reid pointed to the assigned female servants establishing “their rights to unsupervised leisure time” and their use of the kitchen which “greatly enhanced their opportunities for refreshment and leisure”.<sup>30</sup> But beyond the household there were a number of “public houses, sly grogshops and brothels” offering a wider horizon for socialisation than that of domestic service in Hobart or Launceston.<sup>31</sup> More recently, Bruce Hindmarsh has demonstrated an equally insubstantial proscriptive policy in respect of assigned male rural workers in Van Diemen’s Land. Despite attempts by employers either

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<sup>26</sup> Anne Summers, ‘Hidden from History: Women Victims of Crime’ in Satyanshu Mukherjee & Jocelyne Scutt (eds), *Women and Crime* (Sydney, George Allen & Unwin, 1981), pp. 22-30. esp. 25; cited in Kirsty Reid, ‘Work, Sexuality and Resistance: The Convict Women of Van Diemen’s Land, 1820-1839’, unpublished Ph.D. thesis, University of Edinburgh, 1996, p. 28.

<sup>27</sup> Dixson, *op. cit.*, p. 134.

<sup>28</sup> Reid, ‘Work, Sexuality and Resistance’, *op. cit.*, pp. 23-35.

<sup>29</sup> *Ibid.*, pp. 250-53.

<sup>30</sup> *Ibid.*, p. 249.

<sup>31</sup> *Ibid.*, p. 253.

to regulate, or restrict, unofficial contact between the sexes, male and female convicts shared “a recreational culture, consisting of social gatherings, drinking, gambling and the exchange of stories”.<sup>32</sup> Reid and Hindmarsh have shown that it was not only an urban assignment which gave rise to continued social contact between the sexes, since the accommodation in huts for male assigned servants proved particularly powerful and attractive magnets, sometimes for females assigned to the same household or living in the neighbourhood. Moreover such contact was, under such circumstances, mutually congenial and hardly suggestive of victimisation of the female convicts by the men. Both Reid and Hindmarsh demonstrated that the respective employers regarded such social contacts as punishable offences. But despite the threat of physical punishment for the male assigned servants, masters and mistresses were unable to impose sexual segregation.<sup>33</sup>

Although by no means a feminist, Portia Robinson’s study, *The Women of Botany Bay*<sup>34</sup> provided an alternative perspective of the female convicts, and their sexual relationships. Rejecting the “excuse-explanation[s]”<sup>35</sup> of Summers and Dixson, Robinson posited an argument based on the various roles of the convict wives who were instrumental in the spheres of socialising their children as well as undertaking commercial ventures which were coupled with their domestic responsibilities. However, for Robinson, the opposition of “good” and “bad”

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<sup>32</sup> Bruce Hindmarsh, ‘Yoked to the Plough: Male Convict Labour, Culture and Resistance in rural Van Diemen’s Land, 1820-1840’, unpublished Ph.D. thesis, University of Edinburgh, 2001. Chapter Seven, “‘No man can keep me from a Woman unless he puts me in Gaol’: Love, Sex and Male Convicts in Van Diemen’s Land”, pp. 230-261, esp. p. 233.

<sup>33</sup> For Reid, ‘Work, Sexuality and Resistance’, *op. cit.*, see pp. 253-4; for Hindmarsh, *op. cit.*, see pp. 230-261, *passim*.

<sup>34</sup> Robinson, *The Women of Botany Bay*, *op. cit.*

<sup>35</sup> *Ibid.*, p. 8.

women was retained; it was the balance that changed. However, as Grace Karskens has disclosed, the lives for a number of the women who illustrated Robinson's thesis were hardly "simple, clear-cut, one-way paths to respectability".<sup>36</sup>

Convict colonial marriages have been analysed for their intellectual civil and religious implications within the colony.<sup>37</sup> Such approaches retain a lofty perspective, maintaining an aloof distance from revealing how convict men and women themselves experienced, or even valued their relationships with each other. Aveling's 'gendered society', for example, examines the ideological basis for the government of the colony. She asserts that, despite variations dependant upon "class and ethnicity ... all presupposed that men were the main producers, and that reproduction was women's work".<sup>38</sup> This approach had been substantially recorded in Katrina Alford's thesis.<sup>39</sup> Alford argued that the allegedly limited range of employment available to convict and ex-convict women dictated these women's personal and domestic relationships with men. Thus it was suggested that convict women selected marriage as an alternative to either assigned domestic service, or incarceration in the Female Factory.<sup>40</sup> However, as there was a high

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<sup>36</sup> Grace Karskens, *The Rocks: Life in Early Sydney*, (Melbourne, Melbourne University Press, 1997), p. 212. See also p. 77; p. 108; p. 202, and 209-210.

<sup>37</sup> Marian Aveling, 'Imagining New South Wales as a gendered society, 1788-1821', *Australian Historical Studies*, 25, (1992), pp. 1-12. David Kent & Norma Townsend, 'Some Aspects of Colonial Marriage: a Case Study of the Swing Protestors', *Labour History*, (1998), pp. 40-53; Alford, *op. cit.*; See also Sandra Wilson, 'Language and Ritual in Marriage', *Push from the Bush*, 2, (1978), pp. 92-103; Alan Atkinson, 'The Moral Basis for Marriage', *Push from the Bush*, 2, (1978), pp. 104-115.

<sup>38</sup> Aveling, *op. cit.*, p. 6.

<sup>39</sup> Alford, *op. cit.*

<sup>40</sup> See Marian Aveling, 'She only married to be free or Cleopatra Vindicated', *Push from the Bush*, 5, (1978), pp. 116-123 and the more recent critique of Aveling's essay by Norma Townsend, 'Penelope Bourke Revisited', *Labour History*, 77 (1999), pp. 207-218.

demand for convict women's labour services in Van Diemen's Land, albeit with an uneven distribution across all sectors of the colonial economy between 1820 and 1840<sup>41</sup> Alford's argument is open to question. It appears probable that some feminists have taken too literally the hostile remarks about female convict labour made by many employers in New South Wales: Van Diemen's Land employers used exactly the same rhetoric but simultaneously demanded as much female convict labour as they could get. Reid's interrogation and explanation of this seemingly contradictory feature is not only convincing, but is also substantially backed up with evidence demonstrating her arguments.

Convict women who were involved in *de facto* relationships have been represented primarily as victims of male sexual lust or else steered into such relationships by economic necessity. The Rev. Marsden fulminated against the inadequate institutional accommodation for both convict men and women in Parramatta. This inadequacy apparently resulted in the subversion of morality with transgressive sexual relationships, amongst the convicts. Alford, Hirst and Robinson have made use of Marsden's outburst.<sup>42</sup> However, a closer reading of his words is more suggestive that this particular fulmination was based on the wish to protect the neighbourhood properties. Marsden described how the female convicts, who were not assigned to private service were, apparently, forced to cohabit with "wretched men" (that is the male convicts who were working for the government in Parramatta). Writing in his capacity as a landowner, Marsden described how he and his fellow landowners were prevented from sleeping easily

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<sup>41</sup> Reid, 'Work, Sexuality and Resistance', *op. cit.* It is certainly plausible to suggest that a similar study of the data in New South Wales may well produce similar conclusions.

<sup>42</sup> Alford, *op. cit.*, p. 78 and Robinson, *Women of Botany Bay*, *op. cit.*, p. 208; Hirst, *op. cit.*, p. 17.

in their beds since neither their crops nor their livestock were safe from these “wretched men”. Their uneasy sleep was as a result of the thefts of “bushel[s] of wheat, or maize ... [the] sheep in his fold ...[the] hog in his sty” taken by the convict men whose motivation was based on supporting the “abandoned women” with whom these guilty convicts were co-habiting.<sup>43</sup> It would seem that the men were in fact ensuring that their households were adequately nurtured, rather than sexually exploiting their female partners. Subsequently, drawing on the 1838 Select Committee on Transportation, Alford asserted that “convict women preferred a union with one man in order to stem predatory advances from a host of men”.<sup>44</sup>

The portrayal of convict men in such relationships is hardly flattering. Rather, as spouses, *de facto* partners or in more casual sexual encounters, brutalised and brutalising male convicts, behaving like a rampaging ‘white male peril’, have become a historiographical cliché.<sup>45</sup> The result is a bleak depiction of male physical abuse, sexual aggression and a total lack of concern for and

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<sup>43</sup> AT. Yarwood, *Samuel Marsden: A Great Survivor* (Melbourne, Melbourne University Press, 1977) whose biography of Marsden sympathetically and uncritically describes this clergyman’s role and career in the colony. Marsden’s complaints were made prior to the opening of Hyde Park Barracks in Sydney (1819) and was a plea for an extension of institutional provision for both male and female convicts thereby protecting the livestock and crops of the free population. Marsden’s letter to Governor Macquarie was dated 19 July 1815 and appeared in Henry Grey Bennet, *Letter to Lord Sidmouth* (London, 1819) and is cited by Yarwood, n.30, p. 187.

<sup>44</sup> Alford, *op cit.*, p. 44. Her judgement was based on an unproblematised use of the ‘Report of the Select Committee on Transportation’, *PP*, Crime and Punishment, Transportation, 3, (1838), p.ix, as a source. The fairly blatant agendas behind both the evidence heard and conclusions drawn by that Committee, lay Alford open to accusations of naive innocence of theory here. As a result, this feminist scholar has more in common than she might suppose, with the ‘masculinist’ scholars, Manning Clark, A.G.L. Shaw, Lloyd Robson and their many followers.

<sup>45</sup> See Raymond Evans, ‘A Gun in the Oven: Masculinism and Gendered Violence’, in Kay Saunders & Raymond Evans (eds), *Gender Relations in Australia: Domination and Negotiation*, (Sydney, Harcourt Brace Jovanovich, 1992) pp. 197-218, for an elegant resumé of the literature, esp. p. 200-202. See also Raymond Evans & B. Thorpe, ‘Commanding men: masculinities and the Convict System’, *Journal of Australian Studies*, 56, (1998), pp. 17-34 which argues that there was an assertion of a hegemonic and ‘gentry masculinity’ by those in authority. See also Hindmarsh,

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commitment to domestic life. Alan Atkinson<sup>46</sup> argued that affection was neither a guiding principle nor an element in convict marriage choice: an argument which has been substantially bolstered by the neglect of serious empirical research on the male convicts' affectionate and domestic relationships in New South Wales. This has resulted in the essentialised impression of a physically abusive and sexually exploitative male figure. The overall imagery is of "a ubiquitous violence, inside and outside the home".<sup>47</sup>

Exceptions to the earlier essentialised impressions of convict men are, however, to be found in Karskens' study of early Sydney.<sup>48</sup> Bruce Hindmarsh's work on male convicts in rural Van Diemen's Land shows what might be done on male convicts in rural New South Wales,<sup>49</sup> rather than further hackneyed reproductions of already stale clichés. Nor, indeed, do either of these scholars commit the reverse error of denying any significant male violence against women and children. For example, Karskens<sup>50</sup> discusses wife beating and rape and

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*op. cit.*, pp. 234-7; Robinson, *op. cit.*, devotes 4 pages to the "role of convict husbands", pp. 131-2 and 145-7.

<sup>46</sup> Atkinson, 'Convicts and Courtship', in P. Grimshaw, C. McConville, and E. McEwen (eds), *Families in Colonial Australia*, (Sydney, Allen & Unwin, 1985) pp. 19-35, esp. p. 25.

<sup>47</sup> Miriam Dixon, 'The "Born-Modern" Self: Revisiting The Real Mathilda: An Exploration of Women and Identity in Australia', *Australian Historical Studies*, 27, (1996), and quoted in Daniels, *op. cit.*, p. 46. Gordon A. Carmichael, 'So Many Children: Colonial and Post-Colonial Demographic Patterns' in Saunders & Evans (eds), *op. cit.*, pp. 103-143, added his comment, remarking that "Rape, prostitution, sexual harassment and general physical abuse became the lot of many [women]" as "so many men were of dubious character", p. 107.

<sup>48</sup> Karskens, *op. cit.*, esp. pp. 80-125, *passim*.

<sup>49</sup> Hindmarsh, *op. cit.*, pp. 230-261, demonstrates, through a number of case studies, the presence of mutually valued consensual relations between convict men and women in Van Diemen's Land. In this respect Hindmarsh's work complements the earlier study carried out by Reid, 'Work, Sexuality and Resistance', *op. cit.*, addressing similar issues between convict assigned servants, male and female.

<sup>50</sup> Karskens, *op. cit.*, discusses both 'wife-beating', (pp. 94-5) and 'rape', (pp. 64, 74, 76, 225, 226-7 and 231).

Hindmarsh, the gang rape of a little girl by three of her father's assigned convicts.<sup>51</sup>

Since the mid-1970s the many scholarly studies which address early colonial women and especially women convicts in the colonial period, have substantially neglected transported convict men who were husbands or partners and fathers: or more precisely, have commonly essentialised them as dreadful brutes, without systematic research into the available evidence. It has been easy enough to produce apparent verification of such essentialisations, by selectively highlighting evidence of horrifying male convict brutality to wives, partners and children. These brutalities are not fictive. Indeed, diligent enquiry into sources such as the archives of the colonial lower courts can certainly assemble evidence of male convict violence to women and children beyond the usual stock of old chestnuts. This possibility is exemplified by Paula-Jane Byrne's thoughtful study, *Criminal Law and Colonial Subject* which nevertheless also reveals ordinary women in early New South Wales as exercising agency in marital disputes, through the lower courts.<sup>52</sup> The practice (not Byrne's) of lop-sidedly deploying evidence of male convict brutality to their convict women partners, while passing over evidence of mutually supportive and even affectionate relationships, is self-evidently defective.

What was neglected in a number of the earlier works was the evidence of convict men and women might ever, on occasion, form a united front against

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<sup>51</sup> Hindmarsh, *op. cit.*, pp. 256-60.

<sup>52</sup> Paula Jane Byrne, *Criminal Law and the Colonial Subject: New South Wales, 1810-1830*, (Cambridge, Cambridge University Press, 1993), see esp. Chapter 4, "The Body", pp. 106-126, *passim*. See also Byrne, 'Economy and Free Women in Colonial New South Wales', *Australian Feminist Studies*, 11, (1996), pp. 89-97, which also demonstrates, through the court records, instances of personal betrayal by both women and men.

authority.<sup>53</sup> A shared moral universe can be traced in the words of the assigned convict servant Robert Lane.<sup>54</sup> Lane had, unwittingly, witnessed the rape of Elizabeth Burnsides, “a very small girl”, by the soldier Michael Murphy. Lane’s first action was to go to his fellow assigned servant, the cook Elizabeth Coaney. Having discussed the matter with Coaney the events were *then* described to their master, John Palmer. Clearly distressed, Lane had nonetheless expected the support and advice of Coaney in the immediate aftermath of this traumatic incident.

A more public display of solidarity between men and women was shown in the statements made by Constable James Lane who, with his fellow constable William Thorn, was attempting to arrest the “disorderly woman Mary Hopkins” in a Sydney thoroughfare in December 1817.<sup>55</sup> Their attempts were, however, foiled by two onlookers in the street, Edward Whitehouse and Archibald Wood. Wood had staunchly defended Mary Hopkins stating that unless Constable Lane “had a Warrant... she was a free person”, and that Lane had no business to confine Hopkins without such a Warrant.<sup>56</sup> According to the testimony given by the Constables a large crowd had gathered offering mutual support to the actions of Wood and Whitehouse, and who clearly shared their views of the Constables’ attempts.

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<sup>53</sup> See above, n.33, p. 63 and n. 35, p. 64.

<sup>54</sup> SRNSW SZ 785, COD 445, ‘Court of Criminal Jurisdiction, October-December 1818’, pp. 365-9, esp. p. 365-6.

<sup>55</sup> SRNSW SZ 785, COD 441, ‘Court of Criminal Jurisdiction, January-February 1818’, pp. 293-307.

<sup>56</sup> *Ibid.*

The Bailiff William Evans went in search of an absconder, John Laurie.<sup>57</sup> On the basis that he may have returned to his family house, Evans firstly went there on an unsuccessful mission to find the absconder. He then attempted to search the house of Laurie's neighbour Mary Walls. Despite carrying his "Authority" [stick of office] with him Mary Walls strongly resisted Evans' attempt with physical rather than verbal means: "She knocked me down with a Stick, threw Stones at me and threw hot Water on me". Adding further to this display of strength, Walls then snatched his 'authority' from Evans, no doubt adding a number of insults omitted from the official statement given to the court.<sup>58</sup>

*Convict Workers*<sup>59</sup> was largely concerned with convict men as a labour force and thus with the skills they brought to the colony. Some feminist studies have also sought to locate the female convicts as economic agents in the colony, or as resisters to the 'system', especially within the Female Factories. Studies which concentrate on convict women in the colonial workforce to the neglect of their domestic lives, by definition also excludes consideration of convict men as husbands or partners and fathers. Such historiographical exclusion of male convicts from their domestic spheres has reified the gendered division of public and private spheres, so typical of the late Georgian and early Victorian British middle-class ideology of femininity.<sup>60</sup> That reification does indeed lend credibility

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<sup>57</sup> SRNSW SZ 785, COD 445, 'Court of Criminal Jurisdiction 1820', p. 103.

<sup>58</sup> See also Reid, *op. cit.* Karskens, *op. cit.*, who describes David Lloyd's protection of a fellow servant, Mary Poole, who was "menaced... [by a]...drunken seaman", p. 180.

<sup>59</sup> Stephen Nicholas (ed), *Convict Workers: Reinterpreting Australia's Past* (Cambridge, Cambridge University Press, 1988). If initially subject to much hostile criticism, in the longer run this work has had considerable influence concerning the convict men as workers.

<sup>60</sup> Leonora Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1789-1850*, (London, Century Hutchison, 1987), does not, of course, discuss transported convicts, male or female, but is an influential pioneering work on the gendering of the 'two spheres' and the middle-class ideology of femininity; and also on the way this ideology and its

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to a gendered, highly negative, convict male stereotype, which is long overdue for revision. For example, Alastair Davidson, content with the evidence of Henry Mayhew, described the male convicts as indulging in “human relationships [which were] brutal and temporary”.<sup>61</sup> However, as Tamsin O’Connor demonstrates, concerns expressed by male convicts at the secondary penal stations were clearly related to their domestic relationships.<sup>62</sup>

Convict men did leave their wives or partners and children; physical abuses can be traced through the court records; women were exploited and predatory sexual relations did occur. However, these occurrences were not specific to the Australian penal colonies,<sup>63</sup> nor were they universal throughout the colonies.

There was a repeated condemnation by some influential colonial figures of *de facto* relationships and their resultant illegitimate children. On one occasion Rev. Samuel Marsden alleged the relative ease with which men who had completed their sentences could leave the colony. On this occasion he drew particular attention to those women who, having borne these men’s children, were

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related practices served to posit the many lower class working women who perforce could not live secluded ‘domestic sphere’ lives, as unfeminine and immoral.

<sup>61</sup> See Alastair Davidson, *The Invisible State: The Formation of the Australian State, 1788-1901*, (Cambridge, Cambridge University Press, 1991) pp. 30-34. See also the earlier work by M.B. Schedvin & C.B. Schedvin, ‘The Nomadic Tribes of Urban Britain: A Prelude to Botany Bay’, *Australian Historical Studies*, 18, (1978-79), pp. 254-76, who claimed male convicts “found extreme difficulty in forging any close interpersonal links”, p. 255. Other scholars have also been reliant on the four-volume work of Henry Mayhew, *London Labour and the London Poor*, first published in 1851, selected and introduced by Victor Neuberg, (London, Penguin, 1985).

<sup>62</sup> Tamsin O’Connor, ‘Raising Lazarus’ in Lucy Frost & Hamish Maxwell-Stewart, (eds), *Chain Letters: Narrating convict lives*, (Melbourne, Melbourne University Press, 2001), pp. 148-161, see esp. p. 157.

<sup>63</sup> See Barbara Potthast-Jutkeit, “‘The Ass of a Mare and Other Scandals’: Marriage and Extramarital Relations in Nineteenth-century Paraguay”, *Journal of Family History*, vol. 16, No. 3, 1991, pp. 215-239; also, Elizabeth Anne Kuznesof, ‘Sexual Politics, Race and Bastard-bearing in Nineteenth Century Brazil: A Question of Culture or Power?’ in *ibid*, pp. 241-260. See also. A.T. Hammerton. *Cruelty and Companionship: Conflict in nineteenth-century married life*, (London, Routledge, 1992).

abandoned.<sup>64</sup> Undoubtedly the presence of these unsupported women and children created economic and social problems for the early administrations.<sup>65</sup> However, Daniels claimed that during this period it was assignment that created problems with “numbers of women and children being left for the government to support”.<sup>66</sup>

In his evidence to the 1812 House of Lords Select Committee on Transportation, Bligh drew attention to ‘accidental’ pregnancies caused by casual sexual relations between convict men and women, distinguishing these pregnancies from those resulting from long-term co-habitation.<sup>67</sup> He deplored time-served convict men who avoided their paternal responsibilities by opportunistically departing on a passing ship.<sup>68</sup> This understanding of casual sexual relations was thus determined by the father’s abrogation of his parental responsibilities by department, rather than his impregnation of a woman in the first place. It perhaps also assumes that such men were motivated to depart by the prospect of a mother and infant with claims to their husbandly and fatherly care and material support. There are, however, indications that it was not always the case that the men who deserted pregnant partners departed from the colony.

Between February 1810 and March 1814, seventeen women who gave birth to illegitimate children appeared before the Bench of Magistrates in Sydney. These documents have been gathered together and given the uncompromising

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<sup>64</sup> Sacleir, *op. cit.*, p. 100.

<sup>65</sup> John Rarnsland, *Children of the Back Lanes: Destitute and Neglected Children in Colonial New South Wales* (Sydney, University of New South Wales Press, 1986). Rarnsland’s work is mainly concerned with the involvement of the administration in the provision of institutional care for the children and does not critically examine his official sources. See his first chapter “A Suitable Degree of Plain Education: Rescuing children in the early convict era, 1788-1826”, pp. 1-23 esp. pp. 11-12.

<sup>66</sup> Daniels, *op. cit.*, p. 77.

<sup>67</sup> ‘Select Committee on Transportation’, *PP*, vol. II, (1812), Appendix 14, p. 32.

<sup>68</sup> *Ibid.*, p. 32.

reference title “Bastards, 1810-1814”. Evidence and personal statements naming the father from each of these seventeen women were provided to the Bench,<sup>69</sup> evidence in itself that the children were not born as a result of brief couplings with a nameless stranger. Fifteen of these women applied to the Bench for financial assistance by having each child “placed on the stores” since the fathers had failed to provide maintenance. In 1810 only one woman, Ann Kinsela, appeared before the chief magistrate, Ellis Bent.<sup>70</sup> She named Christopher Carnostan, of the brig *Experiment*, as her son’s father.<sup>71</sup> In 1811 Hannah Gaggin swore that her son’s father was Phillip Bass, “seaman on board the ship *Indispensable*.”<sup>72</sup> Two women appeared before the Bench in December 1812: Letitia Reynolds and Elizabeth Thompson.

Letitia Reynolds, described as a “free” woman in the 1811 *Muster*<sup>73</sup> had given birth to a daughter in October 1810, she named the Sydney emancipist and merchant, James Underwood<sup>74</sup> as the father.<sup>75</sup> Elizabeth Thompson,<sup>76</sup> appearing six days later on 14 December 1812, stated that the father of her daughter, born the previous month was the child of the Sydney merchant and emancipist, William Mansell, who arrived on the *Rolla*, in 1800.<sup>77</sup>

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<sup>69</sup> SRNSW SR 5/1153, ‘Bench of Magistrates, 1801-1814’.

<sup>70</sup> See *ADB*, vol. I, Ellis and Jeffrey Hart Bent, pp. 87-92.

<sup>71</sup> SRNSW SR 5/1153, ‘Bench of Magistrates, 1801-1814’, p. 427.

<sup>72</sup> *Ibid.*, p. 429.

<sup>73</sup> Carol J. Baxter (ed.). *General Musters of New South Wales and Norfolk Island and Van Diemen’s Land, 1811*, (Sydney. Australian Biographical and Genealogical Record and Society of Australian Genealogists, 1987) [hereafter *1811 Muster*], ref, no. 4904, p. 106.

<sup>74</sup> *Ibid.*, ref. no. 5935, p. 128.

<sup>75</sup> SRNSW SR 5/1153, ‘Bench of Magistrates, 1810-1814’, p. 444.

<sup>76</sup> *Ibid.*, p. 446.

<sup>77</sup> Although it is not possible to trace Elizabeth Thompson, William Mansell can be identified through the 1811 *Muster*, *op. cit.*, ref. no. 3766, p. 82. See Carol J. Baxter (ed.), *General Muster*  
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In the following year, 1813 several women gave evidence to the bench, of these only two named mariners as the fathers. Margaret Kelly claimed “Thomas Angelo a mariner”<sup>78</sup> was the father of her son, and Mary Collins stated that “Joseph McGregor”, also a mariner, had fathered her daughter.<sup>79</sup> Jane Duff stated that the Sydney baker, Samuel Forster, was the father of her daughter who had been born in August 1812.<sup>80</sup> Whereas Margaret Kelly and Mary Collins had applied for assistance within six weeks of the birth of their children, Jane Duff’s appearance was not until her daughter was six months old. In none of these cases was their alleged paternity challenged by the men concerned, though of course in the case of the seamen, they were in all probability over the seas and far away by the time the cases were heard. Indeed, it is significant that the fathers in these cases were so often seamen rather than convicts. These bastardy cases involving seafarer fathers were no different from the many similar ones in, say, Bristol, London or any other British port, rather than reflecting on the male convict population as rotten partners and irresponsible fathers. Similarly, as will be seen, some of the women had given birth to the children of soldiers: again, these births were a by-product of garrison town and barracks culture, hardly of male convict heartless irresponsibility. The assumption by contemporary high officials and some present day historians alike, that the fathers in such cases would, typically, be convicts, is not only mistaken. It also reveals ideologically founded prejudices

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*and Land and Stock Muster of New South Wales, 1822*, (Sydney, Australian Biographical and Genealogical Record and Society of Australian Genealogists, 1988) [hereafter *1822 Muster*], for ‘Elizabeth Mansell’ aged 10, ‘child of D. Thompson’, ref. no. A14221, p. 323. There is, however, no entry for a ‘D. Thompson’.

<sup>78</sup> SRNSW SR 5/1153, ‘Bench of Magistrates, 1801-1814’, p. 408.

<sup>79</sup> *Ibid.*, p. 410.

<sup>80</sup> *Ibid.*, p. 406.



against the convict men as a body: in the case of the officials, a class prejudice and in the case of some modern feminist scholars, a gendered prejudice.

Margaret Costello named Peter Walsh as the father of her 3-years old son, Owen. This was one of only two of these seventeen cases to be challenged by the man in question. In her petition to the Bench, dated 23 January 1813, Margaret Costello claimed that Peter Walsh, despite his financial ability to support her “Unfortunate offspring”, had never contributed “one penny towards his Maintenance or cloathing”. In his denial of paternity, Peter Walsh named Owen McMannaman, with whom Walsh alleged Margaret Costello had been cohabiting since “her arrival in this Colony” as the father. In substantiating his testimony, Walsh pointed out to the Bench that Margaret Costello’s claim was fraudulent since she had only been in the Colony for 3 years and 8 months.<sup>81</sup> Whilst neither Margaret nor her infant Owen appear in the 1811 *Muster*, both Peter Walsh and Owen McMannaman (the man named by Peter Walsh) do.<sup>82</sup>

In 1812 William Wade challenged the statement given by Sarah Yates in the case of her son. Yates’ original appearance before the Bench in July 1812 referred to her son’s birth in 1811. Wade’s denial of paternity was couched in language designed to appeal to the men sitting on the Bench.<sup>83</sup> It was a tacit acknowledgement of a shared sexual prejudice, including as it did a character assassination of the woman who had named him as the father of her child. Wade’s appeal to the Bench was based on their shared frailty as men when lured by a

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<sup>81</sup> *Ibid.*, p. 400-405 and p. 448.

<sup>82</sup> 1811 *Muster*, Owen McMannaman, from Co. Donegal, had arrived on the *Marquis of Cornwallis* in 1791 with a life sentence, ref. no. 4045, p. 88. *Ibid.*, Peter Walsh had arrived on board the *Rolla*, also with a life sentence, ref. 6130, p. 132.

<sup>83</sup> See Karskens, *op. cit.*, who describes this case, pp. 78-9.

'bad' woman. Perhaps to overcome any class bias, which may otherwise have been directed against him by the Bench, he described Sarah Yates "as a common prostitute" whilst admitting to "transient illicit intercourse" with her. With such a damning portrayal Sarah could not "possibly ascertain him as the Father".<sup>84</sup> Despite this, Wade's name had been recorded alongside Yates's when the infant, Thomas, was christened in St Phillips' Church in Sydney on 30 March 1812, four months before Wade's denial of paternity.<sup>85</sup>

Three women transported on the *Archduke Charles* gave birth to a child on arrival in the colony. Each named a crewman as the father of her child. Sarah Ayres laid her claim of paternity on the mariner John Tate.<sup>86</sup> Ann Tewick stated John Novell was the father.<sup>87</sup> The third woman, Rose Kenny named Barth Houlson, the ship's carpenter on the *Archduke Charles*, as the father of their son. Houlson wished to make some provision for both Rose and his son but the captain of the *Archduke Charles* who refused Houlson his pay, frustrated this wish. Rose Kenny's second application to the Bench was to request its intervention between Houlson and the captain of the *Archduke Charles*. The couple desired to establish themselves in the colony and to raise their child together. As a skilled carpenter Houlson would have experienced no difficulty in finding employment.<sup>88</sup> The

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<sup>84</sup> SRNSW SR 5/1153, 'Bench of Magistrates, 1801-1814', pp. 441-443.

<sup>85</sup> SRNSW SR 2/8293, 'Return of Births, Deaths, and Marriages 1811-1825', quarter 1 January – 31 March 1812, signed by Rev. William Cowper and countersigned by Rev. Samuel Marsden.

<sup>86</sup> SRNSW SR 5/1153, 'Bench of Magistrates, 1801-1814', p. 414.

<sup>87</sup> *Ibid.*, p. 416.

<sup>88</sup> The case of Rose Kenny and Barth Houlson appears in Robinson, *op. cit.*, pp. 116-117. See Barrie Dyster, *Servant and Master: Building and Running the Grand Houses of Sydney 1788-1850* (Sydney, New South Wales University Press, 1989) who provides a comprehensive survey of the opportunities for skilled craftsmen in the colony. Dyster was primarily concerned with demonstrating the input by convict labour into the establishment and maintenance of the 'grand houses' of the colonial gentry, emancipist and free, see chp. 3, 'Villas for their own sakes: the late 1820s', which describes more fully these opportunities for convict labourers.

impression given at this second hearing was of the two parents having agreed on a shared future. Houlson, unable to extract any wages from the ship's captain had instructed Kenny to request the bench to intervene on his behalf with the captain in order to obtain financial support for herself and their child.<sup>89</sup>

Two of the seventeen women had been attached to men serving with the 73<sup>rd</sup> Regiment, which was eventually under orders to leave the colony for a tour of duty in India. In February 1814 Mary Buchan who had cohabited with Robert Young for some time expressed concern as to how she could support her "infant daughter" of fifteen months.<sup>90</sup> The Rev. William Cowper had christened Mary Ann, born in September 1812 in St Phillip's Church the following month.<sup>91</sup> Young had again impregnated his partner prior to the 73<sup>rd</sup> Regiment's departure. Mary's name reappears in the same Parish Register in connection with the christening of their son, Robert Young on 27 March 1815.<sup>92</sup> In the parochial return of baptisms, deaths and marriages, alongside her own name Robert Young's name – that is, the father – has been appended. Ann Dickson, by contrast, merely claimed that John Croker of the 73<sup>rd</sup> was the father of her "Female bastard child" on March 14, 1814.<sup>93</sup>

Mary Picket applied to the Bench in October 1814 for its intervention and pursuit of the man with whom she had cohabited for the previous six years. Henry

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<sup>89</sup> SRNSW SR 5/1153, 'Bench of Magistrates 1801-1814', pp. 450-53.

<sup>90</sup> *Ibid.*, p. 421. See also Macquarie's letter at 'Select Committee on Transportation', *PP*, vol. 11 (1812), Appendix No. 33, dated 30 April 1810 relating to the soldiers in the 102<sup>nd</sup> Regiment and the women "who had lived for many years with and had children by soldiers". Macquarie had given the women free pardons in order that they might marry and return home with the men of this Regiment.

<sup>91</sup> SRNSW SR 2/8293, 'Returns of Births, Deaths, and Marriages 1811-1825, 4<sup>th</sup> quarter 1812' signed by Rev. William Cowper.

<sup>92</sup> *Ibid.*, 1<sup>st</sup> Quarter, 1815, signed by Rev. William Cowper.

<sup>93</sup> SRNSW SR 5/1153, 'Bench of Magistrates, 1801-1814', p. 423.

Major had “forsaken her and her family” despite his being in the way “of great earnings being Owner and Master of Colonial Vessels”. Her appeal was only for “a Weekly maintainance” for her infant son aged two, who had been left without “any provision” by his father.<sup>94</sup> Susan Roberts made a similar appeal on behalf of her son Alexander McGuiggan. She and the father, Simeon McGuiggan, had cohabited for two years. Although the couple had apparently separated, Susan’s claim suggests that Simeon had, for a time, given intermittent and irregular financial support for his son. She requested that this support be reinstated and that the Bench would be “pleased to order the child Such Support”.<sup>95</sup> Mary Dougherty added nothing to her claim that the convict, John Coffee was the father of her recently born child.<sup>96</sup>

Although these seventeen cases could hardly be regarded as a conclusive corpus of evidence, the impression given, with so few cases appearing in four years, suggests that there were less numbers of ‘deserting fathers’ than the contemporary statements of immorality and irresponsibility convey. There were cases of mariners, soldiers and men of substantial property who had left children unsupported and collectively they well outnumber common convict and ex-convict men. Further, these cases are not restricted either to casual relationships or flight occasioned by the prospect of having to maintain an infant child. In the case of the mariners and soldiers, it was a requirement of their callings that they should ‘move on’. The soldiers, in particular, had not option but to do so when their regiment was under orders, or be in serious breach of military law. Quantitative evidence in

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<sup>94</sup> *Ibid.*, p. 418.

<sup>95</sup> *Ibid.*, p. 425.

<sup>96</sup> *Ibid.*, p. 424.

support of the implications of these seventeen bastardy cases can also be traced in another set of documents.

The baptismal records for the colony between 1811 and 1825 differentiate between married and unmarried mothers.<sup>97</sup> The unmarried couples' names were separately recorded on the same sheet for baptisms for most quarters, and for most of these years.<sup>98</sup> There are, however, discrepancies in the recording procedures by the clerical officers across this period.<sup>99</sup> It should also be noted that although these recorded baptisms apply only to the Church of England they remain the only official source recording births available to historians studying this period.

Between the years of 1811 to 1825, the local clergymen recorded a total of 3,608 baptisms of children born to married and unmarried couples. Of those baptisms, 473 (13.10% of the total number) were born to women, who were described as "unmarried".<sup>100</sup> This, in itself, suggests that Alan Grocott was relying on unsubstantiated figures when he stated that "the great majority of children born in New South Wales up to 1821 were still illegitimate".<sup>101</sup> Basing

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<sup>97</sup> See Hilary Rumley, 'A Missionary's Moral Burden', *Push from the Bush*, No. 16, (1983), pp. 33-38. Rumley's article refers to the 1840s in Fremantle where a similar problem occurred when single mothers requested the religious ceremony of 'the Churching of Women'. Their requests were refused by the officiating clergyman, Rev. George King, see esp. p. 36.

<sup>98</sup> SRNSW SR 2/8298, 'Returns of births, deaths and marriages Windsor and Hawkesbury District, 1811-1820'; SRNSW SR 2/8296, 'Returns of births, deaths & marriages, Parramatta, St John's 1811-1820'; SRNSW SR 2/8297, 'Returns of births, deaths and marriages, Parramatta, 1821-March 1825'; SRNSW SR 2/8293, 'Returns of births deaths and marriages, Sydney, St Phillips, 1811-1825'.

<sup>99</sup> Rev. Marsden's return for Parramatta is missing for the entire year of 1811; in the first quarter of 1812 Rev. Marsden only gave the child's surname. In contrast, the records from the Windsor and Hawkesbury parishes for those quarters gave full details. In the second quarter of 1813 there are no returns from either Sydney or Parramatta.

<sup>100</sup> Kay Daniels and Mary Murnane, (eds), *Uphill all the Way: A Documentary History of Women in Australia* (St Lucia, University of Queensland Press, 1980) draw attention to the reportedly 'high incidence of illegitimacy...', p. 4.

<sup>101</sup> Alan Grocott, *Convicts, Clergymen and Churches: Attitudes of convicts and ex-convicts towards the churches and clergy in New South Wales, from 1788-1851*, (Sydney, Sydney University Press, 1980), p. 74. Grocott's evidence for this statement was taken from Russell Ward *Australia*, p. 25

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his statement, as he does, on the work of previous scholars points to the validity of Norma Townsend's cogent and pithy article based on the public 'mooning' by female convicts during a church service in Hobart which has been faithfully reproduced in a number of studies.<sup>102</sup>

Moreover account needs to be taken of the 68 unmarried partnerships appearing more than once in the period of 1811 to 1825. These 68 partnerships suggest continuing relationships between the parents concerned; the numbers of children baptised by these 68 couples account for a total of 168 "bastard" children. Of the remaining 305 entries there are a number of women's names that appear more than once. It cannot be assumed, however, that 'same name' means the same woman, in a society with a limited range of female forenames, often found in combination with common surnames. Similarly, problems of data-linkage obviously occur with those men, named by these women.<sup>103</sup> Of the 403 women who did not appear to have more than one child with the same father there were only 4 women who failed to identify the father. Of these 4 women, three could not and one *would* not. To what extent the "named" fathers were present and consenting to their naming cannot be extracted from this data.<sup>104</sup> Whether or not

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and Greenwood (ed) *Australia*, p. 41. See Karskens, *op. cit.*, Chp. 12, pp. 103-140 *passim* for an alternative perspective on illegitimate children in the period.

<sup>102</sup> Norma Townsend, 'Provenance or Read the Footnotes Carefully', *Australian Historical Studies*, 50, (1996), pp. 154-56. Townsend shows the enduring strength of this incident has its own logic for historians concerned with female resistance. See in this instance, Damousi, *op. cit.*, p. 59 and Daniels, p. 149. However, Grocott, *op. cit.*, uses the same scene to reinforce his interpretation of the female convicts as 'utterly depraved'.

<sup>103</sup> See E.A. Wrigley (ed. & introduction) *Identifying People in the Past* (Edward Arnold, London, 1973), who draws attention to criteria for 'Identifying Individuals' which is a process of diminishing or eliminating 'false' links rather than the creation of 'true' links. Thus it is the absence of false links which results in the hypothesis of 'true' links. Wrigley stresses the importance of the correlation of a greater set of record correlation than those being used here to be certain of identification, see pp. 5-8.

<sup>104</sup> Cf. the case of Sarah Yates and William Ward above, n. 83. See also Ursula Henriques, *Before the Welfare State*, (New York, Longman, 1979), 'the woman could be urged to name the father so  
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women made a cynical use of ‘baptisms’ as a means of publicly “naming and shaming” is also undisclosed by these records. However the fact that only 3 women were unable to provide the full name of their child’s father is, in itself, suggestive of a prevalence of relationships which were more substantial than “one night stands” with utter strangers. Michael Mason<sup>105</sup> argued that “an illegitimate birth was usually, the result of a disruption of marriage intentions, when a courtship involving intercourse and pregnancy issued in an unmarried mother rather than a pregnant bride”. Whilst these baptismal records contain a number of couples who did not marry subsequent to the birth of their first child the reappearance of their names as a couple indicates established *de facto* relationships.

However, when these baptismal records are correlated with the earlier evidence of the women appearing before the Bench of Magistrates in the years between February 1810 and March 1814 a possibly surprising picture emerges. The mechanism for child support was a formal application for women to have their child put “on the stores” in the absence of paternal maintenance. A minority of the women appears in both sets of data; since only four of the mothers who applied to the Bench for maintenance had their child baptised.<sup>106</sup> Between 1811 (when these baptism records begin) until the first quarter of 1814: (when these records from the

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that he could be arrested and compelled to give a bond’, p. 16. A comparative study by Cissie Fairchilds, ‘Female Sexual Attitudes and the Rise of Illegitimacy: A Case Study’, *Journal of Interdisciplinary History*, VIII, (1978), pp. 627-67 describes the French *Déclarations de Grossesses* made by single pregnant women. Fairchilds’ evidence suggests that of her sample of 3,001 cases registered in Aix-en-Provence between 1727-1789 only 13 women (1.6%) claimed they had been raped, p. 635 and also p. 649.

<sup>105</sup> See Michael Mason’s argument in this respect in *Making of Victorian Sexuality*, (Oxford, Oxford University Press, 1994), pp. 64-72, esp. 67.

<sup>106</sup> Rose Kenny and Barth Houlson, Jane Duff and Samuel Forster; Mary Buchan and the soldier Robert Young; Sarah Yates and William Wade.

Bench of Magistrates ends) 149 children were recorded as being born to unmarried mothers and subsequently baptised. The inference can only be that the great majority of these children were in no need of public support and that their needs were being met, possibly by their natural fathers.<sup>107</sup>

The opening of the Male Orphanage institution in 1818 gave rise to a number of applications.<sup>108</sup> This institution was the first to offer shelter to young boys. The female orphanage had had a longer history, having been started in 1803 by Governor Phillip Gidley King. Twenty-eight applications on behalf of boys, presented by the clergy and magistrates from the Hawkesbury, Liverpool and Sydney districts, described the children as “objects of charity”. By definition the institution was a place where boys, under circumstances beyond their control, could be placed in care.<sup>109</sup> Damousi has drawn attention to the numbers of women who deserted the marital home and children, and who caused the administration some concern.<sup>110</sup> In contrast to that analysis, moral issues are not to the forefront of the “remarks” column forming a part of the official application forms. Indeed where these appear the comments do not, for this period, suggest that those

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<sup>107</sup> Karskens, *op. cit.*, discusses this “blending” of children into a new household, p.111.

<sup>108</sup> See SRNSW SR4/400 ‘Rules & Regulations Established for the Management of ‘the Male Orphan Institution Commencing from its Establishment at Sydney on the First of January 1819’, Reel. No. 6040. See also Ramsland, *op. cit.*, p. 12.

<sup>109</sup> SRNSW SR 4/400. ‘Rules & Regulations ...’, pp. 1-10. The long-term aims and principles of both the male and female orphanages were to provide training and apprenticeships for the boys and girls raised in these institutions. The regulations of each institution were explicit that each was not to be regarded as providing temporary accommodation for the children by parents who were experiencing a short-term period of hardship. Applications for the removal of children by parents feature in the correspondence of these institutions. Official penalties of £100.00 were imposed on parents who wished to remove their children prior to the child reaching 21 or having become married, see Regulation 10, p. 5. See Elizabeth Windschuttle, ‘Discipline, Domestic Training and Social Control: The Female School of Industry, Sydney, 1826-1847’, *Labour History*, No. 39, (1980), pp. 1-14.

<sup>110</sup> Damousi, *op. cit.*, Chapter 7, “Abandonment, Flight and Absence: Motherhood and Fatherhood during the 1820s and 1830s”, pp. 154-170.



involved in the process of applying on behalf of the boys were overwhelmingly in favour of Samuel Marsden's proposal to "remove them completely from the control and influence of their 'immoral' parents...".<sup>111</sup>

The word 'orphan' certainly conveys the 'fatherless' state of some of these children. What is also apparent is however the inapplicability of the modern understanding of the word 'orphan', which would rather assume the death of both parents lay behind a number of these applications. Often, one parent had died and the survivor frequently pled poverty, either implicitly or explicitly, in these applications. Such poverty was not, however, restricted to women who had been left alone to raise 'deserted', or 'abandoned' children. The pro-forma nature of the applications curtails the scope and depth of the evidence. Nevertheless, the impression given is more of external circumstances causing the break-up of the family unit rather than an irresponsible father wilfully choosing to leave his wife and children. An informal and neighbourly welfare in the parishes preceding the opening of the institution can also be traced in these applications.<sup>112</sup>

James Martin, aged seven was the son of Mary Allen. James's father was no longer alive. Poverty was the main factor cited in this 1818 application; James was described as "a very fine boy".<sup>113</sup> Matthew Ralph's father was alive but his mother was dead. Luke Ralph, the remaining parent, "a very old Man" was described as "a good parent and brings up his children orderly & regular to

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<sup>111</sup> Ramsland, *op. cit.*, p. 3.

<sup>112</sup> *cf* Karskens, *op. cit.*, identified that in the case of orphans, "if there was no family in Sydney or elsewhere in the colony, they were often taken in and fostered by Rocks neighbours", p. 53 as well as p. 123.

<sup>113</sup> SRNSW SR4/1740, 'Return of Male Children in the Several Districts of the Hawkesbury – recommended by the Clergy and Magistrates of the same, as objects of Charity for the intended school agreeable to His Excellency the Governor's Direction of 13 July 1818', p. 254.

church".<sup>114</sup> Nine-year old William Davis was the child of a blind father whose wife was still alive. This family had six other children, three younger than William. None in the family were receiving government rations.<sup>115</sup> These three boys could all 'tell their letters'. By contrast to these families, Mary Long's three sons, James, William and John were regarded somewhat differently. Mary's long-term partner, Edward, was dead. Mary herself was described as "a very bad character" who neglected her children. Although the application was made for all three of the brothers to be placed in the orphanage the signatories recommended that the two younger boys, William and John Ward should be given precedence if there was an objection to "so many of a family".<sup>116</sup> Mary Long and the children's father, Edward Ward, had seen that the two elder boys were christened some years earlier.<sup>117</sup> Mary Long's 'neglect' of her children is unspecific, as is the description of her as "a very bad character". Edward Ward's death may well have given rise to grief, expressed in conduct containing its own bereavement logic, or even causing clinical depression, albeit a logic or illness beyond the magistrates' comprehension. Karskens makes a similar point that "she [Mary Long] was the kind of convict woman that typically confounded her educated betters".<sup>118</sup>

Sophia Gardner, a single mother, was described as "a good character" whose son Richard, aged eight years, had been fathered by a soldier belonging to

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<sup>114</sup> *Ibid.*, p. 254.

<sup>115</sup> *Ibid.*, p. 254.

<sup>116</sup> *Ibid.*, p. 254.

<sup>117</sup> SRNSW SW2/8298, 'Returns of Births, Deaths, and Marriages 1811-1825, 1<sup>st</sup> Quarter 1812'.

<sup>118</sup> See Karskens, *op. cit.*, p. 110. Karskens describes Long's subsequent "stable household relationship" with Thomas Bristow, p. 92. Karskens also traces the reunion of her three adult children living with their mother, p. 110.

the 73<sup>rd</sup> Regiment which had departed from the Colony for Ceylon.<sup>119</sup> It was her poverty, rather than her status as a single mother, which prompted this application. John Lane's natural father was no longer living; his mother had married John Sherwood who could not support his step-son despite his officially recorded industriousness. As a widower, John Sherwood, felt his responsibilities were to his own children, not Lane's.<sup>120</sup> The father of James Scott, aged six years, had been found guilty of thieving and sent "to the Coal River". James Scott, from Scotland, had accompanied his mother to join his father in New South Wales.<sup>121</sup> Mrs Scott had died on the voyage and young James was "quite destitute".<sup>122</sup> The five Justices of the Peace signed these applications, all from Richmond, in the Hawkesbury district. The Orphanage regulations gave no indication that preference would be given to "well-behaved" children.<sup>123</sup> The recommendations and character assessments of the boys themselves were, in such respects neutral.

Seven applications for nine boys were placed before the orphanage committee from the Liverpool Justice, Mr Thomas Moore.<sup>124</sup> In contrast to the Hawkesbury magistrates, Mr Moore passed no moral judgements on either parents or the conduct or ability of the children who appeared in his applications. In two of these seven applications, both parents were dead: the boys in question were Edward Travers and William London, both aged 9. The mother of the two Cragan

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<sup>119</sup> SRNSW SR 4/1740, 'Return of male children', p. 254, cf Mary Buchan and Ann Dickson above, n. 90 and 93 respectively.

<sup>120</sup> SRNSW SR 4/1740, 'Return of male children', p. 254.

<sup>121</sup> It is possible that Mrs Scott and James had been given free passages to join Mr Scott.

<sup>122</sup> SRNSW SR 4/1740, 'Return of male children', p. 254.

<sup>123</sup> *Ibid.*, p. 254. See also SRNSW SR4/400, 'Rules and Regulations...', regulations nos. 6-10 under the heading 'Admissions', pp. 3 -5. These admission procedures appear more concerned with 'unnatural parents' who had abandoned their children.

<sup>124</sup> SRNSW SR 4/1740, 'Return of male children', p. 255.

boys, Michael and Edward was in “distress” following the death of their father, Nicholas Cragan. A similar situation prevailed for Mary Cogan, the mother of John and Richard Fry, whose father Richard Fry was dead. Amelia Hatfield, the mother of John Hatfield, was a prisoner who had four children. An application was made for her youngest child, whose father John was dead. Richard Podmore, whose wife Phoebe had died, was in “great distress” and an application was made for his son to be placed in the care of the orphanage. In only one instance amongst these seven applications had the male partner left the Colony. This was John Warrenton, the father of Thomas Warrenton, who had abandoned Thomas’s mother, Catherine Malone in Sydney. The child, Thomas, was apparently residing with David Nowland in Airds. Catherine Malone, who was supporting three other children, was in “great Distress”.<sup>125</sup>

Fourteen similar applications were presented on behalf of boys living in Sydney. In a similar manner to those presented by the Liverpool Justice the information given is limited but, again, ‘poverty’ and ‘death’ are the predominant features. Neither James Flood nor John Murray, both aged 10, had a living parent. James Flood was living at Patrick Caffrey’s house. Caffrey was described as a ‘poor man’. John Murray was living at Dennis McAnally’s house. There is no explanation as to why the two lads were being housed with these two men; perhaps we can infer humane kindness by these men, tempered by limited means. Two other boys, both aged eight years old, shared more than the experience of having fathers who had “left the Colony”. In the case of John Pounds, aged 8, his mother had subsequently died and he was living with “Widow Shrieves”, a poor woman.

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<sup>125</sup> *Ibid.*, p. 255-257.

Thomas Dawcey's mother had also died and he was being accommodated in the "General Hospital". In the remaining ten cases the father was described as "dead, Mother in Sydney", with the subsidiary cause of "poor". Only Catherine Connelly, mother of Thomas Bowman carried any prejudicial comment. She was described as "very poor & bad Character".<sup>126</sup>

These twenty-eight applications, squashed as they are into four pages, and coming from three separate administrative districts in New South Wales can hardly be regarded as providing conclusive evidence. However the overall impression given is one of misfortune: deaths and poverty rather than one of irresponsible parenting. Both sets of records are, at least, suggestive that convict male irresponsibility was not the prime cause of the distress revealed. There are evidently more complex circumstances surrounding 'bastards' and 'orphans' than the assumption that either 'casual' or indeed deliberate 'desertion' on the part of male parents, is the overwhelming root cause. If the evidence is only from Sydney and some neighbouring magisterial districts, at least that is the region of the colony where most convict women resided.

Prior to Governor Macquarie's administration in January 1810, events in the colony, unrelated to matrimony, were to raise questions as to the legality of civil marriages.<sup>127</sup> The Rev. William Cowper sought clarification from the newly-arrived Macquarie about the status of marriages performed "by Magistrates at such times as there were no Clergymen to perform them". In response Macquarie assured Cowper that all such marriages were "perfectly valid provided there

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<sup>126</sup> *Ibid.*, p. 258.

<sup>127</sup> The deposing of Governor Bligh and the 'interregnum' under the self-appointed Military Officers who took it upon themselves to control the administration and the civil affairs of the colony.

existed no legal objection to their union” and that “the issue of such marriages are legitimate”. However, Macquarie expressed his devout wish “that all persons who have been married by a civil Magistrate should embrace the earliest opportunity of having that ceremony repeated by a regular licensed Clergyman”. Here, Macquarie adhered to the same line as Governor Phillip Gidley King (1800-1806).<sup>128</sup>

Administrative changes to the procedures to be followed by the colonial clergy were implemented between 1810 and 1818. A couple intending to marry between the years 1810 to 1816 were obliged to request their banns to be called by a Protestant clergyman, even if one, or both intending spouses were not Protestants. In this period there was no apparent difference to the pre-nuptial formalities of an intended marriage with those established in Britain.<sup>129</sup> Exceptions to this rule were mainly applied to those who were not Protestants.<sup>130</sup> The clergyman called the banns and forwarded a list of these applications to the Colonial Secretary for civil approval after the banns had been called in church. If approval were granted the wedding ceremony would occur.<sup>131</sup> By 1816 a significant change had taken place in this procedure.<sup>132</sup> Convicts intending to

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<sup>128</sup> SRNSW SR 4/3490B, ‘Copies of letters sent 28 December 1809-13 April 1810’, from Governor Lachlan Macquarie to Rev. William Cowper, dated 23 January 1810, p. 43.

<sup>129</sup> Kent & Townsend, *op. cit.*, who state that “it was not until 1828 that an English marriage act applied, at least in principle to New South Wales”, p. 40.

<sup>130</sup> See Grocott, *op. cit.*, who draws attention to the numbers of Roman Catholics who were unrepresented by any official presence until 1820. pp. 72-4. See also J. S. Levi & G.F.J. Bergman, *Australian Genesis: Jewish Convicts and Settlers 1788-1850*, (Adelaide & Sydney, Rigby Limited, 1974) pp. 225-27.

<sup>131</sup> SRNSW SR 4/3490C, ‘Letters sent local and overseas 14 April -24 September, 1810’, from John Thomas Campbell, Colonial Secretary to Rev. Robert Cartwright, Hawkesbury, dated 23 April 1810, p. 8. See also SRNSW SR 4/3490D, ‘Letters sent local and overseas 25 September 1810 - April 1811’ from Governor Macquarie to Rev. Cartwright, dated April 5 1811, p. 148.

marry were now required to obtain the administration's permission *before* the banns were called. In other words, eligibility to marry under canon law was no longer in itself sufficient. Henceforward, in the first instance the state gave or withheld permission to marry, the former as an indulgence, the latter as a reprisal for being undeserving by the state's criteria.

The clergy were required to forward requests for permission to marry on behalf of intending spouses, whenever at least one of them was a convict, as well as ascertaining in all instances "any impediment to prevent their lawful union".<sup>133</sup> The requests for permission to marry contained the sparse information of the names of the applicants, their civil status and, if either of the couple had been a convict, the name of the ship on which they had arrived.<sup>134</sup> Requests were then forwarded to the Colonial Secretary in letter form as and when the clergy had been approached by the couples concerned. Responses by the Colonial Secretary were also given in the form of a letter to the relevant clergymen. The Rev. Samuel Marsden, in February 1818, presented a more extended list containing information on the ages of each applicant as well as their occupation.<sup>135</sup> His extended categories were not imitated by his fellow clergymen and indeed by the following month Rev. Marsden's communications had reverted to giving only the names,

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<sup>132</sup> *Report and Accounts*, 'Commissioner Bigge's Enquiry into the State of New South Wales I', *PP*, vol. XX (1822). pp. 104-5. This measure was to enable the Superintendent of Convicts, Mr Hutchinson to check the records. According to Bigge this 'inspection' was not regarded as either comprehensive or thorough.

<sup>133</sup> SRNSW SR4/3498, 'Colonial Secretary's Incoming Letters', Reel 6006, letter from Robert Cartwright, Assistant Chaplain at Windsor, to Colonial Secretary dated 26 January 1818, p. 25. See also SRNSW SR 4/3498, 'Colonial Secretary's Incoming Letters', Reel 6006, letter from the Rev. William Cowper dated 2 February 1818, "Having inquired into the Characters ...", p. 29.

<sup>134</sup> This applied particularly to those who had settled in the colony at the conclusion of their sentence. Thus emancipists were still required to furnish particulars of their ship of arrival to the state, if they wished to marry a convict still under sentence.

<sup>135</sup> SRNSW SR 4/3498, 'Colonial Secretary's Incoming Letters', Reel 6006, from Rev. S. Marsden to Colonial Secretary dated 2 February 1818, p. 7.

status and ships of convict applicants.<sup>136</sup> At the administrative level the numbers of applications presented suggest that a significant number of couples put forward their requests, since the clergy were instructed to restrict applications forwarded to a once-monthly communication.<sup>137</sup> This procedure was further formalised with the introduction of a *pro forma* for the clergy to complete in respect of each couple. Until 1818 little information was given relating to either partner. By 1828 an incremental rise in biographical details had to be submitted for each applicant.<sup>138</sup>

By 1828 the role of the Superintendent of Convicts, then Frederick Hely, had become central to this process of granting or rejecting any of these applications to call the Banns. Mary Ann Lloyd, a convict and spinster aged 23, was described as having arrived on the transport *Harmony*. At the time of her application she was in the Female Factory at Parramatta. She and John Wilson, a bachelor who was a shoemaker in Parramatta and who had become free by servitude, applied to have the Banns called. The Committee of Management at Parramatta had sanctioned the proposed marriage, which was a requirement. Wilson's self-assessment was that he could "Earn a Comfortable livelyhood for a family". Hely's annotation beneath the application stated "Not allowed, there being no such name as Mary Ann Lloyd per *Harmony*." On the same application form Charles Castles applied to marry a native of the colony, Elizabeth Owens. At the time of this application Castles was

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<sup>136</sup> SRNSW SR 4/3498, 'Colonial Secretary's Incoming Letters', Reel 6006, from Rev. S. Marsden to Colonial Secretary dated 6 March 1818, p. 135.

<sup>137</sup> SRNSW SR4/3498, 'Colonial Secretary's Correspondence', Reel 6006, letter from Colonial Secretary to Henry Fulton, dated 13 October 1818, p. 103.

<sup>138</sup> This was not always the case. See SRNSW SR 4; 1913.2, 'Colonial Secretary's Incoming Letters, 1826'. Rev. Henry Fulton reverted to the previous practice in his letter dated 25 January 1826, in which he gave only the names, the status and the ship of the transportee, Joseph White.



employed as an “Overseer of Gang of Men”. He had arrived in the colony on board the *Recovery I* in 1819 with a life sentence; at the time of this application he was anticipating his ticket of leave. The minute to the application recorded three occasions between August 1820 and November 1821 when Castles had received twenty-five lashes for misconduct.<sup>139</sup> It was not, however, these incidents of misconduct which attracted the rejection to the application; rather it was the fact that Castles had not yet received his ticket of leave.

Examination of those couples wishing a clergyman to ‘call the Banns’ was not restricted to the past history of either party. The consent of convicts’ Master or Mistress was taken to indicate that they would continue to employ at least one of the engaged couple. The non-appearance of this guarantee by a master of mistress was sufficient in itself to block permission to call the Banns. John Hewett, aged 30 who had been given a life sentence and had arrived in 1825, was employed with Messrs Cooper and Levy. His intended wife Elizabeth Terry had arrived in the colony in 1808. Elizabeth was a widow and considerably older than John Hewitt. Both parties were given good references. John was described by his employers as “Well conducted” and Mr William Hill, a local magistrate, testified to Elizabeth being “Sober, honest etc.”. Hely’s trawl through the records disclosed that John had been involved in “Fighting in his Master’s house” in July 1826 and that the following month he had been punished “for being out after hours” and spent three days on the treadmill. These events were not regarded as any impediment to the proposed union. Permission was withheld unless and until “Messrs Cooper &

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<sup>139</sup> SRNSW SR 2008, ‘Applications for Publication of Banns 1828’, doc. 39, from Rev. Samuel Marsden, dated 13 September 1828. This application form contained the names of three other couples.

Levy enter into a written obligation to keep both in their Service until Hewett obtains his freedom or a Ticket of Leave.”<sup>140</sup> Here, the determination of the Superintendent of Convicts not to have this (or any similar) couple a financial drain on the state, by their requiring subsistence from the Commissary Store through their lack of private employment is only too evident.

Thus those involved in the process of permitting a marriage to take place had become extended beyond the governor and the administration. In 1815 little more had been required than the clergyman’s agreement to ‘call the Banns’, an agreement rarely challenged by the administration. By 1828 the process had become more complex.<sup>141</sup> When one partner was or had been a transportee the scrutiny of applications to call the banns was more intense. Previously the clergy’s testimony as to the character of either partner had been regarded as sufficient. On that basis alone the role of the clergy had been significantly reduced to that of recording the names of applicants. Grocott erroneously privileged the role of the clergy in this process. His statement that “the influence of the chaplains seeped into most corners of early colonial life”,<sup>142</sup> was only partially correct in respect of the processing required for a marriage ceremony to take place. Although the clergy could certainly prevent the names of applicants being forwarded for examination, the Superintendent of Convicts held the ultimate authority to overturn the clergy’s support for individuals. Colonial punishments were recorded and

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<sup>140</sup> SRNSW SR 2008, ‘Applications for Publication of Banns 1828’, doc. 33, applications presented by Rev. William Cowper, dated 16 July 1828.

<sup>141</sup> By 1828 there was a Roman Catholic priest (Fr. Therry) and a Presbyterian (Rev. John Lang) to perform this role for members of these congregations. See J. S. Levi & G.F.J. Bergman, *op. cit.* The Jewish minority in the colony did not then have a Rabbi to process their applications or, indeed, to perform the marital ceremony since the “first completely Jewish wedding” did not take place until 1832, p. 226.

<sup>142</sup> Grocott, *op. cit.*, p. 228.

could easily be accessed by the Superintendent of Convicts,<sup>143</sup> and employers were required to provide character testimonials. Such testimonials were to be coupled with promises of continued employment. The governor's role had, in fact, been substantially reduced to that of rubber stamping applications on the basis of information given, or withheld, by others, although it remained open for a zealous governor to intervene in individual cases. As the number of convicts in the colony grew, the proportion of cases in which even a zealous governor could intervene, necessarily declined for reasons of time.

The fully developed form of the permission to marry process suggests that any emotional commitment held by the parties desiring marriage, had a low priority in the process. Although the rhetoric of encouraging marriage may indeed have remained fairly constant between 1788 and 1830, the increased number of official and unofficial interventions in the process of obtaining permission to marry tells another story. Over time, convicts' permissions to marry were subject to ever tighter regulations, in the interests of state power, social control and fiscal restraint.

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These official records may indeed demonstrate the convict male figure in colonial 'family matters'; however these men remain little more than names: their presence is restricted to a few inked words of sheets of parchment. However, more substantial evidence can be traced of individual husbands and fathers through their petitions appealing for the reconstitution of their familial and domestic world,

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<sup>143</sup> Unfortunately, the Superintendent of Convicts' Records were destroyed by the New South Wales authorities in the early 1940s, in a sad instance of the history of attempts to place the convicts in an historical silence. Among other losses were the punishment records, though the wealth of detail can be perceived *via* information held in the Archives Office of Tasmania, in the records of convicts transferred there from New South Wales. It is evident that wherever in New South Wales a convict served, details of his or her offences and punishments were forwarded to headquarters in Sydney for central collation.

through their stranded wives and families in Britain being granted a free passage to New South Wales. Status as a married man conferred potential access to that indulgence, irrespective of the crimes which had resulted in their transportation. Grant of this indulgence was predicated on the assumption that he, with his wife and child[ren], would remain in the colony, once his transportation sentence had been served. The presence of his wife, and child[ren], were also regarded as vital ingredients in his subsequent reform.<sup>144</sup> If his application was approved by the authorities in both London and Sydney, and his wife did eventually arrive in New South Wales then, in principle at any rate, he would be assigned to his wife as her convict servant.

The opportunity to take advantage of the indulgence offered to married male transportees was, however, dependent upon an individual's initial approach to the colonial administration, since as has been said, an indulgence was not a right. If, in a formal sense an applicant received special consideration from the Home and Colonial administrations, his proactive approach to the administration in the colony was necessary to initiate the process. Those who pined but did not apply, received no windfall benefits. Those who did apply had no chance of succeeding, unless they could provide evidence, verified by a respectable free colonial patron, of ability to support a family in the colony. This needed to come in the form of supportive references from officials, clergy and respectable employers in the Colony, plus similar references from social superiors in Britain.

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<sup>144</sup> 'Report from the Select Committee on Transportation', *PP*, vol. II (1812) p. 20; *Report & Accounts*, 'Commissioner Bigge's Enquiry into the State of New South Wales, I', *PP*, vol. XX, (1822), pp. 104-5.

The married male transportee has been largely overlooked in the scholarly literature.<sup>145</sup> It is not that he is excluded entirely from the historiography. His appearances in the scholarly literature are, however, ambiguous. Karskens has identified 23 families, where “husbands, wives and children” had joined the transported spouse. In the majority of these cases it was the women who joined their husbands.<sup>146</sup> Hirst identifies the relationship between the individual male convict’s conduct in the colony and the grant or refusals of the indulgence of that man’s wife and family being sent out to him at government expense.<sup>147</sup> Such men also appear as a statistic in demographic analyses of the colony as the member of a specific group. Robson’s figures suggest that both married men and women together amounted to approximately 25% of his total of 145,000 transported souls sent to New South Wales and Van Diemen’s Land.<sup>148</sup> Robson also estimated that a man’s age on arrival in either colony could be broadly assumed as an indicator of a married man with a wife and family ‘at home’. Robson’s age calculations were based on the man’s age on arrival in the colony.<sup>149</sup> Nicholas, on the other hand, suggests that 28% “of the men [arriving in New South Wales] admitted to being married or widowed”. Both Robson and Nicholas relied on transport ships’ indents for their data.<sup>150</sup> Neither Robson nor Nicholas demonstrated how they reached

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<sup>145</sup> A major exception to this generalisation can, however, be found in Robinson, *Women of Botany Bay*, *op. cit.*, see Chapter 7, “She sang her toil and trouble”, pp. 271-231.

<sup>146</sup> Karskens, *op. cit.*, p. 80. Karskens’ study was, of course, restricted to ‘The Rocks’, where the population was predominantly plebeian.

<sup>147</sup> Hirst, *op. cit.*, p. 80.

<sup>148</sup> Robson, *op. cit.*, pp. 9-10.

<sup>149</sup> *Ibid.*, p. 9.

<sup>150</sup> Nicholas, *op. cit.*, p. 48.

these conclusions.<sup>151</sup> However, these indents are an insecure foundation for ascertaining male marital status until 1826.

An examination of the Principal Superintendent's bound convict indents accompanying the transport ships arriving at Port Jackson between 1820 and 1829 reveals that of those 153 ships, less than 40% disclose marital information for the individual men being transported. It was not until 1826 that either male or female convicts arriving in New South Wales were questioned as to whether or not they were married and, if so, whether or not they had any children.<sup>152</sup>

Information relating to marital status, let alone marital affections and sense of marital duty, of the New South Wales convict men cannot be assessed from the official profiles collated in the *Indents of Convict Ships* for most of the period addressed by this study. However, there is certainly crucial and hitherto neglected evidence among the family reunion petitions and associated other correspondence concerning some of the men themselves, as will be seen in the next chapter.

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<sup>151</sup> *Report & Accounts*, 'Commissioner Bigge's Enquiry into the State of New South Wales, I', *PP*, vol. XX (1822). Commissioner Bigge proposed that information regarding marital status should be included in the personal profiles of convicts prior to departure from Britain, p. 105. Such information was intended to check colonial bigamy.

<sup>152</sup> See Appendix 1, showing the relevant male convict ships arriving in New South Wales between 1820-1829 taken from the 'Principal Superintendent of Convicts: Bound Indents', demonstrating the presence of a column for marital status.

**CHAPTER SIX:**

**FAMILY MEN:  
Petitioning Husbands in New South Wales**

***stimulated by the presence and charge of his family he may learn to control his propensities***<sup>1</sup> ...

John Good was a Galway man who received a life sentence of transportation in September 1799, possibly for a political offence in that decade.<sup>2</sup> Transported on the *Atlas*, he appears in the printed records of the 1811 *Muster*. This entry shows that he had married Ann, a native-born woman, since his arrival.<sup>3</sup> By 1822 having received a conditional pardon, he had become a “licensed victualler” in Parramatta where he, Ann and their four children lived.<sup>4</sup> The couple had taken on an assigned servant, John Kilduff, who had arrived on board the *John Barry* 2. John Kilduff, who was aged twenty-four was a native of County Roscommon, had been given a fourteen year transportation sentence in the spring of 1821 at the Tipperary court, and who arrived in New South Wales in December 1821.<sup>5</sup> Under his entry on the ship’s indent John Kilduff’s trade was indicated by that unhelpful word “labourer”, concealing as it does more than it reveals.<sup>6</sup>

John Kilduff remained as an assigned servant to John Good and no doubt helpfully participated in that family’s move from Parramatta to Sevenhills where Good re-established himself. By 1828 John Good was a “farmer”, owning 415

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<sup>1</sup> Principal Superintendent of Convicts, William Hely to Colonial Secretary, Alexander McLeay, in respect of the convict Patrick Casey, the husband of Rose Casey. SRNSW SR 4/7084, ‘Petitions from Wives of Convicts to have their Husbands Assigned to them’, document dated 20 April 1826, (emphasis in text).

<sup>2</sup> R.F. Foster, *Modern Ireland 1600-1972*, (Harmondsworth, Penguin, 1988). Chapter Twelve, ‘Enthusiasm defying Punishment: Revolution, Republicanism and Reaction’, pp. 265-286, esp. 279.

<sup>3</sup> Carol J. Baxter, (ed), *General Musters of New South Wales, Norfolk Island and Van Diemen’s Land, 1811*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1987), [hereafter 1811 *Muster*], ref. nos. 2293 and 2294, p. 50.

<sup>4</sup> Carol J. Baxter, (ed), *General Muster and Land and Stock Muster of New South Wales 1822*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1988), [hereafter 1822 *Muster*], ref. nos. A08241-A08246, p. 189.

<sup>5</sup> SRNSW SR, 4/4007, ‘Principal Superintendent of Convicts Bound Indents’, Fiche No. 646, p. 415.

<sup>6</sup> David Kent & Norma Townsend, ‘Some aspects of Colonial Marriage: A Case Study of the Swing Protestors’, *Labour History*, 74., (1998), pp. 40-53, esp. p. 40.



acres of land, more than a quarter of this land had been cleared and 65 acres were under cultivation; in addition, Good possessed 35 head of cattle and 4 horses.<sup>7</sup> Possibly John Kilduff had been involved in the heavy work of clearing the land as well as caring for the livestock. He had apparently conducted himself in a manner to meet with his master's approval. John Good's appreciation of his convict assigned servant was formally expressed on 22 May 1826. John Kilduff's behaviour was described as "exemplarily [*sic*] in every respect".<sup>8</sup> Another person's appreciation of Kilduff was conveyed to the Governor, Ralph Darling, in that month. Kilduff had also impressed the Roman Catholic priest Father Therry, who commended him to the governor as a "sober, honest and industrious man".<sup>9</sup> These testimonials were appended to a petition from Mary Kilduff, a recent arrival in New South Wales. She had arrived in the Colony in April 1826 on board the female transport ship the *Thames*. This woman, as well as a number of other convicts' wives aboard the same ship, had been successful in seeking a free passage in order to join her husband in the colony. Mary now sought to have her husband's assignment services transferred from John Good to herself.<sup>10</sup>

Her petition for the reassignment of her husband was addressed to Governor Darling who answered in September 1826. Despite the glowing testimonials from the master and the priest, the governor was not entirely satisfied

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<sup>7</sup> Malcolm Sainty & Keith Johnson, (eds), *Census of New South Wales November 1828*, (Sydney, Library of Australian History, 1985), [hereafter *1828 Census*],. ref. no. G0654, p. 164 and Appendix 3, ref. no. G654, p. 429. See also the elegant article by Anne-Maree Whitaker, 'Swords to Ploughshares? The 1798 Irish Rebels in New South Wales', *Labour History*, 76, (1998), pp. 9-21.

<sup>8</sup> SRNSW SR 4/7084, 'Petitions from Wives of Convicts', doc. dated 22 May 1826, appended to Mary Kilduff's petition to Governor Darling.

<sup>9</sup> *Ibid.*, doc. dated 22 May 1826, appended to Mary Kilduff's petition to Governor Darling.

<sup>10</sup> *Ibid.*, doc. dated 22 May 1826, from Mary Kilduff to Governor Darling.

that the Kilduff couple deserved his approval. Further information was required. To that end the Superintendent of Convicts, Frederick Hely, was instructed to search through the records to trace what was known about the convict John Kilduff. Reporting back to the governor, Hely stated that “nothing prejudicial” attached to John Kilduff’s colonial reputation. A scrawl from the colonial administration was penned on Mary’s petition, “Allowed” with the date 11 September 1826.<sup>11</sup>

By 1828 John and Mary Kilduff, with their one-year old daughter, were living at Wilberforce on the North Shore of Sydney Harbour. John Kilduff was then working as a government servant assigned to Daniel Kelly.<sup>12</sup> This man, also from Ireland, had arrived in New South Wales on board the *Tellicherry* in 1806, having been tried in Dublin in 1804 and given a transportation sentence of seven years.<sup>13</sup> Daniel’s wife Margaret had arrived in the colony as a convict in 1815, disembarking from the *Broxbornebury*, apparently single and with a transportation sentence.<sup>14</sup> By 1828 Daniel Kelly had accumulated 50 acres of land and stock of 38 cattle and 2 horses. He and his wife Margaret had two children living with them at Wilberforce. Daniel’s 50 acres not only supported his livestock, since 14 of the 30 cleared acres were under cultivation.<sup>15</sup> John Kilduff retained his status as government servant; the *Census* does not indicate any indulgences beside his name.

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<sup>11</sup> *Ibid.*, minute to the above document dated 11 September 1826.

<sup>12</sup> 1828 *Census*, ref. nos. K0764-K0765, p. 225.

<sup>13</sup> 1811 *Muster*, ref. 3297, p. 72.

<sup>14</sup> No certain reference appears for the couple in the 1822 *Muster*.

<sup>15</sup> 1828 *Census*, ref. no. K0433, p. 221; Appendix 3, ref. K433, p. 431.

Kilduff's assignment to his wife could have prevented him from applying for a ticket-of-leave. John Kilduff had been in the colony for six years when new regulations governing tickets of leave were broadcast in the *Sydney Gazette*. Applications, for this indulgence, were regulated by a timetable of labour service in the colony. Convicts under fourteen-year sentences were required to spend a minimum period of six years assigned to one master. Convicts who had served more than two masters were restricted from applying for the indulgence until eight years of their sentence had been completed. This proviso was modifiable according to the circumstances surrounding an assigned convict's departure from his master's service. The administration was prepared to consider an early request for the indulgence if such departures were not related to misconduct.<sup>16</sup>

Clearly John and Mary Kilduff had successfully negotiated the formalities required for their reunion and the resumption of their married life in the colony. Which of the couple had raised the initial petition for a free passage is not clear from the documents. The dates on Mary's petition point to an intervening period between her arrival on the *Thames* in April 1826 when the ship docked at Sydney and the presentation of her petition to Governor Darling in the following September.<sup>17</sup> Mary's petition and the appended testimonials were all dated 22 May 1826.

Whether John Kilduff expected his wife's arrival and had been given permission to meet the *Thames* is neither an impossible nor an implausible

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<sup>16</sup> Government & General Orders, *Sydney Gazette*, [hereafter *SG*], January 2<sup>nd</sup> 1827, p. 1.

<sup>17</sup> SRNSW SR 4/7084, 'Petitions from Wives of Convicts', from Rose Casey to Alexander McLeay, Colonial Secretary, doc. dated 18 April 1826. See also Portia Robinson, *The Women of Botany Bay: a Reinterpretation of the Role of Women in the Origins of Australian Society*, (Sydney, Macquarie Library, 1988), esp. chapter 11, 'She sang her toil and trouble', pp. 215-231, who discusses a number of other wives who arrived on board the *Thames*, esp. pp. 223-24.

scenario. John Good had recorded his approval of his convict servant and was in a position to give John Kilduff the necessary pass to travel into Sydney from Sevenhills on such a mission. The possibility of Mary Kilduff's prior knowledge of these favourable circumstances, however, would depend, among other things, on the amount of notice Mary had been given before embarking on the *Thames* in Cork. Another convict's wife, Rose Casey, accompanied by her two children, had received the necessary permission to sail to New South Wales; she had been given "but Two Days Notice" to reach Cork and embark. like Mary Kilduff, on the *Thames*.<sup>18</sup>

Whether wives arriving in 1826 had undergone the administrative procedures carried out from 1829 is not clear. Thenceforward, the arrival of convicts' wives evidently involved the Colonial Office as well as the Principal Superintendent of Convicts in Sydney. The transport *Edward* carried documents from Dublin Castle; one of these was headed, "wives and Children of Convicts in New South Wales". This was subsequently minuted, "Send these papers to W. Hely and request him to report where the respective husbands and fathers are and also to give them notices of their Wives and Daughters having arrived".<sup>19</sup> Hely's response to this was "the Masters of these men respectively have been apprised in the usual way and I have reason to believe that some of the women have already

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<sup>18</sup>, SRNSW SR 4/7084, 'Petitions from Wives of Convicts', from Rose Casey to Mrs Fox, dated 26 August 1825. Mrs Fox had been Rose Casey's employer in Ireland. Rose had written to Mrs Fox before departing on the *Thames* at Cork. A number of additional documents were handed over by Rose Casey to the colonial administration which were attached to her original petition for her husband's services to be re-assigned to her.

<sup>19</sup> SRNSW SR 2/8256, Reel No. 2420, 'Colonial Secretary Incoming Correspondence', doc. dated 29 November 1828, p. 249; minute dated 27 April 1829, p. 310.

joined their husbands.”<sup>20</sup> Hely’s answer certainly suggests that some of the newly arrived women and their husbands had not waited for the completion of the bureaucratic formalities.

Regulations, applying to the convict population still applied to transported married men whose families were given free passages to join them in the colony. The introduction of social control mechanisms thus affected those married couples who had successfully achieved reunion. The opening of Hyde Park barracks in 1819 put an end to the previous practices of both task-oriented labour services for male convicts whose work was with private masters who did not provide accommodation and for those who worked on government infrastructure projects in Sydney. Commissioner Bigge reported on the consequence of permitting men, married or cohabiting, with family responsibilities who were given the indulgence of sleeping out of barracks. Their condition, he commented, “cannot be considered as one of hardship, except as it imposes the necessity of greater labour and caution”.<sup>21</sup>

Material success and settlement in New South Wales are dominant features in the cases of the Goods and the Kellys. The evidence suggests that each man had married in the colony; their narratives demonstrate the external and material opportunities for both couples in capital accumulation through land and stock. By contrast, the evidence for John and Mary Kilduff who had achieved their marital reunion in the colony through the petitioning process, does not suggest a similar trajectory of material progress in their three early years of settlement in New South

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<sup>20</sup> SRNSW SR 8256, Reel No. 2420, ‘Colonial Secretary Incoming Correspondence’, Principal Superintendent’s Office, W. Hely to Col. Sec. dated 6 May 1829, p. 365.

<sup>21</sup> *Report & Accounts*, ‘Commissioner Bigge’s Enquiry into the State of New South Wales, I’, *Parliamentary Papers*, [hereafter *PP*], vol. XX (1822), p. 36.

Wales. This chapter looks at some of the petitions raised by husbands and fathers who had arrived in the colony and who subsequently applied to the colonial administration for one of the free passages offered by the government. This approach is in contrast to some of the academic literature which has focussed on the successful outcome of similar petitions, in that wives and families had arrived in the colony.<sup>22</sup>

Adopting a determinist position, Lloyd Robson suggested that a majority of the wives, (married to convicts), who arrived free in the colony came from a superior social class since their husbands “nearly always did well” because the women had probably brought money with them.<sup>23</sup> Robson’s approach overlooks those men whose petitions failed to achieve the ultimate aim of family reunion. Upholding his misogynist approach, Alan Shaw maintained, without a shred of evidence, that of the transported married male convicts, “some doubtless had no wish to see their wives again”.<sup>24</sup> Ignoring the majority of those men who failed in their pursuits to be reunited through the petitioning process, Shaw contentedly observed that this process “satisfied nearly a sixth of the prisoners who had families”.<sup>25</sup>

John Hirst comments that “It was the Irish who took most advantage of the opportunity of bringing their wives and children to the colony”.<sup>26</sup> Such a nuanced

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<sup>22</sup> Lloyd Robson, *The Convict Settlers of Australia*, (Melbourne, Melbourne University Press, 1976), and J. B. Hirst, *Convict Society, and its Enemies*, (Sydney, Allen & Unwin, 1983). Robinson, *op. cit.*; A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London, Faber & Faber, 1966).

<sup>23</sup> Robson, *op. cit.*, p. 126.

<sup>24</sup> Shaw, *op. cit.*, p. 229.

<sup>25</sup> *Ibid.*, p. 229.

<sup>26</sup> Hirst, *op. cit.*, p. 144.

statement suggests that there was little formality attached to the process and hardly engages with the intricacies of the bureaucratic administrations of both the Colonial Secretary in New South Wales and the department of the Secretary of State for the Colonies. However, Hirst does reproduce a copy of the 1833 form for “wife and children to be sent out”, and adds that only those husbands “eligible for a ticket-of-leave” could apply at that time.<sup>27</sup>

In contrast to these three scholars, Portia Robinson draws attention to the active role played by husbands who articulated the ambition for family reunion, commenting on the consequences for those in Britain whose husband and the father of their children had been transported.<sup>28</sup> Robinson is, however, more concerned with those husbands and wives who successfully achieved reunion.

Overall, these approaches have therefore been far more concerned with ‘settlement’, rather than looking at petitioners themselves or, indeed, how the process of petitions was handled by either home or colonial administrations.

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<sup>27</sup> *Ibid.*, pp. 130-31.

<sup>28</sup> Robinson, *op. cit.*, pp. 131-2; and p. 147.

**not one application in ten has usually been successful**<sup>29</sup>

Married male transportees featured in a number of contemporary despatches between the Colonial and Home administrations.<sup>30</sup> These despatches enclosed lists from men applying for their wives and families to be sent out at government expense. Based on these lists, a conservative estimate suggests that there were over 300 such applications between 1817 and 1823. These lists included applications from both New South Wales and Van Diemen's Land, as the latter was still a dependency of New South Wales in this period so no attempt was made to show any division between the two penal colonies. The benchmark year of 1817 relates to the "Government and General Orders" published in March,<sup>31</sup> which notified that:

... Returns should be occasionally sent home of such Convicts who may have applied for permission for their Wives to join them and it should be therein stated whether such Persons have the Means of maintaining their Wives and families...<sup>32</sup>

This was the first formal public notification of the indulgence being offered to transported married men who were also, in some cases, fathers and whose families remained in Britain, or Ireland. As far as can be ascertained the onus for reunion had previously lain with the wives in Britain. In 1817 the enclosed list numbered 22; in 1819 no numbers were given but 5 lists were forwarded from the two colonies. In 1822 a list containing 100 applications was forwarded and in 1823 two separate lists totalling 134 names were forwarded to the Home Department. As a source, these printed records of the relevant despatches are not wholly

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<sup>29</sup> Lt.-Governor Arthur to Lord Goderich, 27 December 1827, *Historical Records of Australia* [hereafter *HRA*], Series III, vol. VI, p. 401.

<sup>30</sup> *HRA*, Series II, vol. IX, p. 543; vol. X, pps. 135, 288, 441; 623; vol. XI, pps. 25, 178, 417.

<sup>31</sup> See chapter 4 above, 'Items in the Sad Ledger of Despair', n. 62, p. 116.

<sup>32</sup> *SG*, 17 March 1817, p. 1, i. See also *SRNSW SZ756*, p. 383.



reliable, since they are part of an editorial selection for the *Historical Records of Australia*, from all exchanges between the Home and Colonial Governments. Nevertheless, the rising number of applications revealed is what would be expected in a period when rising numbers of men were being transported annually. As no names were given in these sources, it is not possible to trace from them whether or not some duplicated applications were forwarded.<sup>33</sup> Samuel Dell's unforeseen and unfortunate experience with his petition demonstrates that duplication could and did occur.

Dell, a Londoner, was 37 years old when he was transported in 1820. He had received a fourteen-year transportation sentence in 1819 and, as part of the Middlesex Gaol Delivery was tried at the Old Bailey, subsequently embarking on the transport ship *Neptune 3* in March 1820, arriving in New South Wales the following July.<sup>34</sup> As an "attorney's clerk"<sup>35</sup> Dell was assigned as the chaplain's clerk and schoolmaster at Newcastle,<sup>36</sup> duties which he was certainly literate enough to perform.

In December 1825 Dell wrote an aggrieved letter to colonial secretary, Frederick Goulburn in Sydney.<sup>37</sup> He began, reasonably enough, by relating his services in the colony, pointing out that he had caused no complaints to be raised against him in the five years since his arrival. These *bona fides* duly delivered, he came to the nub of the matter. In 1822 he had lodged an application for the

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<sup>33</sup> See chapter 4 above, the case of Mr Adam Murray and his family, pp. 126-7.

<sup>34</sup> SRNSW SR 4/4007, 'Principal Superintendent of Convicts, Bound Indents', Fiche No. 644. Indent for the *Neptune* starts p. 137, S. Dell's entry, p. 143.

<sup>35</sup> This appears under Samuel Dell's entry on the *Neptune's* indent, see SRNSW SR 4/4007, 'Principal Superintendent of Convicts, Bound Indents', Fiche No. 644, p. 143.

<sup>36</sup> 1822 *Muster*, ref. no. AO5663, p. 131.

<sup>37</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands for their wives, families or other relatives to be given a free passage to join them, 1824-25', Dell-Goulburn.

“Indulgence of having Wife of Petitioner forwarded to Colony”, and received assurances that this indulgence would be permitted. In 1825, however, he learnt from his wife in England that no such certificate had reached her.<sup>38</sup>

Undeterred by this setback to his expectations, Dell had submitted a second application earlier in 1825, carrying recommendations from the highest quarters. Having received no acknowledgement from the Colonial Secretary’s Office in Sydney, he deferentially inquired as to what hopes he might hold out for the success of his second petition. As far as Dell knew, he had apparently complied with the regulations and formalities necessary for both petitions, including provision of local references from those who could speak for both his conduct and his financial prospects.<sup>39</sup> Despite carefully deferential language he fretfully enquired as to whether Gouldburn would “advise Petitioner what further or other proceedings may be necessary”, in order that his wife might be sent out to him.

Having received his ticket of leave in 1827 Samuel Dell moved to what was possibly more lucrative employment, working as a clerk for Mr F. Beattie, the Sheriff’s Bailiff at Newcastle. There is no sign of his wife in the 1828 *Census*.<sup>40</sup> This is hardly surprising, as Dell’s second application did not leave the colony for Britain until March 1827, some fifteen months after it had been lodged in the Colonial Secretary’s office in Sydney.<sup>41</sup> One can only imagine what frustration and dismay was caused by this bureaucratic dilatoriness. Processing such

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<sup>38</sup> *Ibid.*

<sup>39</sup> Hirst, *op. cit.*, indicates these formalities, see pp. 85-86.

<sup>40</sup> 1828 *Census*, ref. no. D0724, p. 121.

<sup>41</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands for their wives, families or other relatives to be given a free passage to join them, 1824-25’.

petitions, even well-founded ones, was evidently not always among the higher priorities of the New South Wales government apparatus.

Although the *Census of New South Wales, November 1828* is used for data-linkage in this study, it has limited value for that purpose. It is possible to demonstrate the presence of Mary Kilduff in the colony through her appearance in the 1828 *Census*. While it is not clear which of the Kilduffs raised the petition which brought her there, it is possible to chart a time-line based on John Kilduff's arrival in the colony. Kilduff had disembarked in Sydney in December 1821 and was reunited with his wife in the spring of 1826. This couple was separated for just over four years. A contrast to this separation period can be traced through Samuel and Elizabeth Nock. Elizabeth Nock, whose petition was addressed to the Secretary of State in London, applied for a free passage in September 1819.<sup>42</sup> Her husband, Samuel, had arrived in the colony on the *Neptune 2* on 5 May 1818.<sup>43</sup> Elizabeth's embarkation on the female transport the *Borneo* resulted in her eventual arrival in the colony in January 1829.<sup>44</sup> Her husband, Samuel, does not appear in either the 1822 *Muster* or the 1828 *Census*. Assuming the couple eventually achieved reunion, their separation period was over ten years. The time lapse between the transmission of Samuel Dell's application from Sydney to London and subsequent action, presumably determined his wife's *possible* arrival after completion of the 1828 *Census*. This *Census* is, therefore, an inappropriate point of closure for the study of colonially initiated family reunion petitions between 1817 and 1823. From Samuel Dell's December 1825 letter it is possible

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<sup>42</sup> See chapter 4 above, n. 108, p. 129.

<sup>43</sup> SRNSW SR 4/4006, 'Principal Superintendent of Convicts, Bound Indents' Fiche No. 639, p. 53.

<sup>44</sup> CSO1/344/7875, 'List of Women, Wives and Children to embark on board the *Borneo*', p. 55.

to trace his determined attempts to have his wife sent out to him between 1822 and 1825. What is also clear is that the Dells had remained in communication with each other. They were not solely reliant on sclerotic and capricious official procedures to keep abreast of events - or rather, for some years, non-events.

An absence from the 1828 *Census* is, however, open to misinterpretation. There is no way of knowing from the existing documents or printed sources as to whether the wife refused to take advantage of the passage offered or whether, indeed, she was still alive. Petitioners in New South Wales who applied for their wife and family to be sent out to them were not only reliant on the colonial administration. These applications were then forwarded to the home government to be processed. According to Lt.-Governor Arthur it was the Secretary of State at the Home Office in London who held the ultimate responsibility for assessing the worthiness of any one petition and deciding whether to grant or withhold reunion.<sup>45</sup> It was for that reason that in 1827, Arthur felt compelled to comment on the fact that “not one application in ten has usually been successful”.<sup>46</sup> Thus the outcome of a wife and family arriving in the colony was the result of a petition successfully passing through these labyrinth of two bureaucracies: in the case of a petitioner coming from Ireland, the petition apparently involved a further - or perhaps alternate - layer of processing at Dublin Castle.<sup>47</sup> Under these circumstances an apportioning of responsibility for the non-appearance of certificates, or the loss of

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<sup>45</sup> “Certificates were most minutely examined in the Office of the Secretary of State for Home Department”, *HRA, op. cit.*, Series III, vol. VI, Despatch from Lt.-Governor Arthur to Viscount Goderich, dated 27 December 1827, p. 401.

<sup>46</sup> *Ibid.*, p. 402.

<sup>47</sup> Personnel at Dublin Castle appeared to have a degree of autonomy of the decision-making process. See Chapter 4, above, n. 101, n. 102 and n. 103, p. 127, regarding the upper age limit of children, who might be sent out.

petitions, is impossible. The number of hands through which an individual petition passed once it had been carefully penned is anybody's guess. Clearly, however, the first hands were those of the official in New South Wales who established the grounds for the petition's progression into this muddled bureaucratic maze.

In presenting an application to have his wife and family sent out to him a convict *proclaimed* his marital status to the authorities. The same individual had undergone intensive physical examination before embarking on the transport ship. An even more extensive examination and interrogation occurred aboard his convict ship at Port Jackson, before he stepped ashore in New South Wales. At no point in this procedure did the authorities show the slightest interest in his marital responsibilities. Indeed, they collected no information about incoming convicts' marital status and children, prior to 1826.<sup>48</sup> Thus before then, a man who petitioned for his wife and family to be sent out to him was proactively asserting an important aspect of his sense of identity, or even of being. This concerned both his pre-transportation existence as a husband and father and also, to borrow an image from the novelist David Malouf, his "Great World" transported penal existence. As in Malouf's novel, *The Great World*,<sup>49</sup> the phrase is used here ironically of captivity, brutal degradation and forced labour, far from home and loved ones.

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<sup>48</sup> See Appendix 1, 'Male Convict Ships arriving at New South Wales, 1820-29', showing that this column did not appear until January 1826. The information recorded under that column thenceforward was gathered by questioning the convicts themselves.

<sup>49</sup> David Malouf, *The Great World*, (London, Chatto & Windus, 1990). The everyday lives in Australia of the male protagonists in Malouf's novel are portrayed against their exterior "Great World" experiences, especially the fall of Singapore to the Japanese and its horrific aftermath for captive Australian troops: at the same time and adding to the complexity of the image, the "Great World" - is an 'exotic' Singapore amusement park, popular with the troops before the surrender to the Japanese. Malouf thus offsets and juxtaposes the disjointed experiential and ontological worlds of his leading male characters. Importantly, he does not engage in a facile portrayal of their everyday Australian lives, pre-war or post-war, as uniformly rose-tinted and happy. Nor should it be assumed that married male convicts' lives were such, before transportation or after reunion with their wives and children - when, and if, that occurred.

Asserting an identity as a husband and father was not necessarily, or essentially, a complete negation of that imposed upon him by official records and associated practices. After all, he was petitioning as a prisoner and no free man was subject to that procedure. Husbandly and fatherly affection and duty were, however, autonomous of and additional to how the state had categorised and used him. In raising the question, ‘am I not a man, a husband and a father?’ he was contesting his classification and usage as nothing but a degraded transported felon.

Importantly, the indulgence of marital reunion was asymmetrically operated in favour of *male* applicants. The silence in the historical literature concerning whether similar indulgences were even considered for married female convicts is striking. Colonial officials and moral entrepreneurs, however, did express concern that some convict women with spouses back home, married bigamously in the colony.<sup>50</sup> True to form, as both a colonial magistrate and a clerical moral entrepreneur, Samuel Marsden proposed, “[as] early permission as possible to the wives of convicts to follow their husbands”. This perfectly expresses the general gender bias concerning family reunion for convicts. For Marsden, “marriage ... operates as a corrective of vicious propensities”, and the presence of a man’s wife would prevent the men from “forming new connections”.<sup>51</sup> Yet his belief that convict women were loathsomely prone to bigamy and every other kind of sexual vice, did not lead him to propose that they, if already married before arrival, should be eligible to apply for their husbands to be shipped to New South Wales at British Government expense. Within his kind

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<sup>50</sup> *Report & Accounts*, ‘Commissioner Bigge’s Enquiry into the State of New South Wales. I’, *PP*, vol. XX (1822), pp. 104-5.

<sup>51</sup> *Ibid.*, p. 104.

of ideology, with its negative sexualisation of convict women, they, unlike convict men, were evidently not considered redeemable from sexual vice by reunion with far-away spouses. Sluts they were and sluts they would remain, even if living with their lawful wedded husbands.

One plausible explanation of the gender bias in the official practice of convict family reunion, would certainly accord with prescribed contemporary sexual roles within marriage.<sup>52</sup> Crimes committed by women were conflated with such women's alleged lack of domestic and sexual morals. For a woman to have flouted the laws protecting the sanctity of property, or committed a crime of violence, was taken to indicate an intrinsic failure to perform, and conform, to the proper roles of both wife and mother.<sup>53</sup> Married female transportees were, apparently, as a matter of customary penal practice if not of the letter of the criminal law, or even any promulgated regulation, to be additionally punished with separation from their husbands and their children, without any provision for possible reunion via state assistance. Such an assumption would certainly accord with contemporary opinions expressed about the female convicts, married or single.<sup>54</sup> It is verifiable that some transported convict mothers were separated from their children,<sup>55</sup> although others were permitted to bring their younger

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<sup>52</sup> John Gillis, *A World of their own Making: A History of Myth and Ritual in Family Life*, (Oxford, Oxford University Press, 1997), p. 67.

<sup>53</sup> Babette Smith, *A Cargo of Women: Susannah Watson and the Convicts of the 'Princess Royal'*, (Sydney, New South Wales University Press, 1988), pp. 24-5. See also Deborah Oxley, *Convict Maids. The Forced Migration of Women to Australia*, (Cambridge. Cambridge University Press, 1996).

<sup>54</sup> See chapter 4 above, n. 4, p. 100.

<sup>55</sup> Robinson, *op. cit.*, pp. 219-221.

children with them. Husbands, and older children, however, were left behind.<sup>56</sup> However, it was not always the case that older children were prevented from joining a transported father. As the correspondence relating to the arrival of the male convict transport *Eliza* demonstrates twelve adolescent boys were sent 'passage free' to join their convict father in the colony. The youngest of these 'boys' was aged 16.<sup>57</sup> From the information given to the Surgeon-Superintendent it was clear that although these 'children' did not know the name of the transports they all had some knowledge of where their fathers had been living<sup>58</sup> - another indication that information had been transmitted back to Ireland.

It is also possible that it was assumed that it was for the husbands of female convicts to pay their own passages to the colony, if they wanted a chance of reunion with their wives. This lack of provision did not, however, prevent husbands in Britain from applying for a free passage to join their wives.<sup>59</sup> Regulations on the assignment of convicts' family members, published in the *Sydney Gazette*, however, imply that these were mainly applicable to wives who had arrived in the colony subsequent to their husband's arrival. Nonetheless the

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<sup>56</sup> Smith, *op. cit.* p. 24; see also Robinson, *op. cit.*, p. 21; pp. 94-97; Robinson draws particular attention to the exceptional circumstances of Sophia and William Phillips. The couple had been tried and found guilty of knowingly being in possession of forged banknotes. Each were sentenced to fourteen years transportation but were permitted to take four of their five children to New South Wales, p. 220. However the autonomy of the administration in Dublin Castle indicates a less rigid ruling in respect of older children. See, for example, SRNSW SR 2/8256, Reel No. 2420, documents accompanying the *Edward*, dated 29 November 1828, p. 297 and pp. 304-5.

<sup>57</sup> SRNSW SR 2/8257, Reel No. 2421, documents accompanying the *Eliza II*, dated 23 February 1829, p. 139.

<sup>58</sup> *Ibid.*, p. 153.

<sup>59</sup> PRO PC1/71, doc. dated 24 September 1823, see above n. 150, p. 144.



regulations do imply that some husbands had indeed travelled to the colony and sought their wife's labour services to be reassigned to them.<sup>60</sup>

Remedying the family break-ups caused by transportation was not the sole official motivation behind awarding free passages to some families of transported prisoners. In 1817 some envisaged social and economic benefits to New South Wales were linked to the indulgence and were arguably the primary official considerations. Any hoped-for reform, as a result of a convict man's wife and family joining him in the colony, appears to have already taken place before their arrival, since the husband had already demonstrated to the satisfaction of officials, his moral and material ability to reinstate himself as the family's provider.<sup>61</sup> It could well be this kind of official thinking that led Robson to assume that most of the applicants were of a superior social class to the 'typical' Robsonian convict (a low brute).<sup>62</sup> By 1827, however, a further element governing responses to the applications was whether or not husbands were deemed morally and behaviourally worthy of the indulgence. A man's worth, in this respect, was based on his conduct - shipboard and in the colony.<sup>63</sup> It is also worth drawing attention to the policy adopted in New South Wales in 1850 when the convict John Yorker had applied to have his wife sent out to him.<sup>64</sup> Following what appears to have been a standard practice Yorker had deposited with the colonial government "the

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<sup>60</sup> "General Regulations for the guidance of the Board appointed to report on the applications for convict servants and labourers", *SG*, 9 March 1826, para. 11, p. 1. The wording is specific in that this Regulation refers to newly-arrived spouses in the colony.

<sup>61</sup> See chapter 4 above.

<sup>62</sup> Robson, *op. cit.*, p. 126.

<sup>63</sup> *HRA*, Series III, vol. VI, Arthur's despatch to Goderich, dated 27 December 1827.

<sup>64</sup> Sessional Papers, 'Convict Discipline and Transportation: Further Correspondence on the subject of Convict Discipline and Transportation', *PP*, vol. XIII, (1852), p. 129. Copy of 'Despatch from Earl Grey to Governor Sir C.A. Fitzroy dated 28 October 1851.

regulated sum to over one moiety of the probable expense of his wife's conveyance to New South Wales.”<sup>65</sup>

Wives in Britain seeking reunion with their transported husbands were faced with an incoherent process of parish and central government decisions.<sup>66</sup> Husbands in New South Wales were caught up in what initially appears to be a tightly organised, strictly regulated procedure. However, beyond mere official dilatoriness, between their first formal notification to the convict population in 1817 and 1830, such regulations were subject to periodic changes, that were more aligned to fine-tuning colonial social control than anything else.<sup>67</sup> Any convict man seeking reunion with his wife and children was inevitably affected by these fluctuations. All attempts, therefore, to trace a clear and coherent administrative response to male-initiated colonial petitions for family reunion, between 1817 and 1830 are rendered nugatory. Indeed, any historian who assumes and then imposes a neatly consistent and coherent pattern of official decision-making on these matters, is making a grave error. By contrast there is a consistent flow of laments (tacit and explicit), about separated wives and families, in the colonially initiated family reunion petitions. There are also strong desires for family reconstitution. It

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<sup>65</sup> *Ibid.* In this despatch Earl Grey made it quite clear that this was a practice which would not be continued for convicts in New South Wales. In future “no Parliamentary funds can be applied to sending free emigrants there” and that the Colonial administration should cease to accept any more deposits from “convicts in payment of the cost of bringing out their families”. Fitzgerald was instructed to advise that those wishing reunion with their families should apply to have them sent out and “may make deposits under the general regulations applicable to all persons paying for the introduction of ‘Assisted Immigrants’”. In respect of Western Australia it appears to have been the case that convict men were required from the outset to make a deposit towards the passage costs of their families, see *ibid.*, pp. 179-200 and p. 231.

<sup>66</sup> See Chapter 4, pp. 108-140.

<sup>67</sup> Consider the relative ease or otherwise of obtaining tickets of leave at particular times; the opening of Hyde Park Barracks as the place where Sydney's convict men were supposed to reside; and the post-Bigge changes in allocating and regulating assigned convict labour services in the Colony: all had particular effects on married convict men, although of course applying to all convict men.

therefore appears that these convict men were more consistent, serious even, about the whole matter than their superiors were, a finding which is not presaged in any of the existing historical literature on transported convicts in Australia. These men and perhaps many others were, in the constancy of their family affections, much like Susannah Watson, the convict heroine of Babette Smith's justly acclaimed book *A Cargo of Women*. Despite being relocated far over the seas, none of these petitioning men forgot their responsibilities as a husband and father. As against changeable regulations and associated mechanisms of social control, these men demonstrate a steadfast affections and desire for reunion with family members.

**[he] has left a wife and two small children in England whom he is anxiously desirous to have sent out under the benevolent auspices of Government to this Colony**

— Convict John Abbott to New South Wales Colonial Secretary <sup>68</sup>

John Abbott who embarked from England on the *Guildford 6*, arrived in New South Wales in early March 1824. Hailing from Suffolk, Abbott was tried at the Suffolk Assizes in the Liberty of Bury St Edmunds on 21 March 1823. His life sentence indicates that the courts had originally sentenced him to death and subsequently commuted this to one of transportation. <sup>69</sup> According to the indents of the *Guildford 6* <sup>70</sup> he was aged 26 and was both a brick-maker and a ploughman. Despite these two skills, however, the 1828 *Census* just four years later shows John Abbott plying a very different trade. On his arrival in the colony, he was assigned to a tanner, John Harper in Sydney. <sup>71</sup> By the time of his entry in the 1828 *Census* his labour services had been transferred to a Sydney shoemaker, the emancipist Joseph Gates. <sup>72</sup>

Abbott's petition for family reunion was dated August 4 1824, just five months after his arrival in the colony; in this document he described himself as "a

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<sup>68</sup> John Abbott, SRNSW SR 4/1112.1A, 'Petitions from convict husbands to have their Wives, families or other relatives Given a Free Passage to Settle in New South Wales', [hereafter 'Petitions from husbands'], doc. 2, dated 4 August 1824.

<sup>69</sup> See Douglas Hay, 'Property, Authority and the Criminal Law' in Douglas Hay, *et. al.* (eds), *Albion's Fatal Tree: Crime and Society in Eighteenth Century England*, (London, Allen Lane, 1974), p. 48. See also, Simon Devereaux, 'In Place of Death: Transportation, Penal Practices, and the English State, 1770-1830' in Carolyn Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion*, (Vancouver, University of British Columbia, 1996), pp. 52-76. Devereaux points to the critical element of such a commutation referring to the state's 'ability at once to satisfy the most optimistic and most pessimistic visions of human potential', p. 72.

<sup>70</sup> SWNSW SR 4/4009, 'Principal Superintendent of Convicts, Bound Indents', [hereafter *PSC, BI*] Fiche No. 651, p. 197. The subsequent notation, 'TOL 34/542', shows Abbott's receipt of the indulgence of a ticket of leave in 1834.

<sup>71</sup> SRNSW SR 4/4520, 'Principal Superintendent of Convicts, Assignment Register, 1821-1825', entry no. 930, p. 87.

<sup>72</sup> 1828 *Census*, ref. no. G0259, p. 160. Gates had arrived in the Colony under a 7 year sentence in 1823 on board the *Surry 4*. See SRNSW SR 4/4008, *PSC, BI*, Fiche No. 649, p. 272. Gates was a shoemaker from London who, on arrival, was aged 19, *ibid.*, p. 272.

shoemaker by trade”.<sup>73</sup> However, it is perhaps telling that his petition only bore the name of the Rev. Richard Hill who recommended Abbott’s case to the Colonial Secretary.<sup>74</sup> It was usually expected that masters would append their recommendations to similar petitions from their assigned servant. In view of his short time in the colony it is plausible that Abbott was exaggerating his skills as a shoemaker and had quickly learnt how to make a virtue out of a necessity. An applicant in steady artisan employment theoretically held some advantage in the application stakes since authority would be more likely to perceive his ability to support family dependants.

Meanwhile, on paper Abbott had aged at an alarming rate in New South Wales, leaping from 26 years old on arrival, to 40 in the November 1828 *Census*.<sup>75</sup> What is not disclosed either by the *Guildford 6*’s indent or the 1828 *Census* is far more significant than such vagaries of recording practice. John Abbott had a wife, Sarah, and two daughters Elizabeth aged eleven and Mary aged nine, then living near Colchester in Essex. Although the bureaucracy was unconcerned about recording that, Abbott had wasted little time in applying for family reunion.

John Abbott’s petition for his wife and children to be sent out to New South Wales was one of a number of similar requests forming the colonial record “Petitions from husbands for their wives, families or other relatives to be given a free passage to join them, 1824-25”.<sup>76</sup> Closure to these documents was indicated by an official minute, “In list sent home Informed March 1827” appearing on

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<sup>73</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, John Abbott, doc. 2.

<sup>74</sup> *Ibid.*

<sup>75</sup> 1828 *Census*, ref. no. A0024, p. 29.

<sup>76</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, Samuel Dell, doc. 30 was one of these petitioners.

twenty-four of the forty applications in this study, but John Abbott's was not one of them. There is no apparent reason why his application was not forwarded to London. A comparison may be drawn with the application sent in by Dominic Gillaspay. Gillaspay had also arrived with a life sentence and was transported on the *Asia 4* which arrived at Sydney in February 1825. In a similarly impatient mood to that shown by John Abbott, he applied in June 1825 for his wife and six children, then living in County Mayo, to be sent out to him. Gillaspay's first application was minuted with the information that he should "produce testimonials after two years in the Colony".<sup>77</sup> Obediently Gillaspay followed these instructions and, only one month after he had been in the colony for two years, he sent in his second application, dated 29 March 1827. This was minuted "Inserted on list April 9 1827".<sup>78</sup>

Generally, however, these minutes to the documents point to a low priority being given to the applications as their arrival in the colonial office in Sydney clearly did not result in any immediate action. These documents are a fragment of the total of those received in this period, being restricted to an alphabetical sequence starting at "A" and ending at "G". Hence what is examined here is a random selection of male petitioners for that period. Most of these applications were presented on specially printed forms.<sup>79</sup> These *pro formae* would have been unnecessary unless the demand for them justified their production. The forms condensed, ordered and regularised their information, presumably for the benefit of the decision-making authorities in Britain. To the same extent, the forms were,

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<sup>77</sup> *Ibid.*, Dominick Gillaspay, docs. 41 and 42.

<sup>78</sup> *Ibid.*, doc. 42.

<sup>79</sup> Twenty-five of the petitioners used the pre-printed form. See Hirst, *op. cit.*, who includes a representation of this form for 1833, p. 131.

one imagines, something of a bridle for the convict petitioners who used them. After all, who could meaningfully envisage their family desires, affections and duties within such constrained and pre-determined bounds?

Amongst these forty applications, only two were rejected on the grounds of failing to match (unexplained) criteria. These rejections were signalled by an appended minute reading, “Informed application not within the intention of Government”. This is somewhat misleading as it suggests a coherent policy articulated towards a clear goal. Seemingly, ‘intention’ refers to the Home administration’s policies. Nevertheless, that ‘intention’ does not appear to have been shared with the Governments of New South Wales and Van Diemen’s Land. The impression is of administrative muddle rather than of a well-oiled administrative machine.

To uncover some of these administrative muddles it is helpful to look at a document forwarded to London from Van Diemen’s Land.<sup>80</sup> In his lengthy despatch of 27 December 1827 to the recently-appointed Secretary of State for the Colonies, Viscount Goderich, about free passages for family reunions, Lt.-Governor Arthur attempted to explain the periodic forwarding to London of ‘inappropriate’ petitions. His explanation uncovers some of the intricacies and lack of effective regulations surrounding petitioning for free passages during the years from 1824 to 1827. Although his jurisdiction was over Van Diemen’s Land, Arthur indicated that the procedures respecting petitions for free passages of convicts’ families in New South Wales, were much the same as in his own colony. He declared:

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<sup>80</sup> ‘Helpful’ because no similar documents could be found in the printed records for New South Wales during this period.

... it has always been considered desirable that their families should join them as early as possible, and Consequently the Certificate was never refused, but under circumstances of misconduct on the part of the convict during the passage or subsequent to his arrival in this Colony.<sup>81</sup>

Arthur continued, explaining that the system of allocating such certificates had been revised in the previous twelve months, “in consequence of some irregularities”. These irregularities were, apparently, committed by some free colonial patrons, when they wrote in support of convict petitioners. In Arthur’s opinion, the offending patrons were far too ready to collaborate with the petitioning convicts rather than impartially to inform government about such convicts’ worthiness (or otherwise) of receiving the requested indulgence. To tighten up procedures, more stringent regulations were implemented in respect of applicants and their referees. Amongst these new regulations was the requirement that all applications forwarded to London should in future receive the “approving signature” of the governor of the respective colony. Arthur’s despatch pointed out that until early in 1826 these applications had been “prepared out of my own office” and, in consequence, not subjected to his careful scrutiny.<sup>82</sup> This despatch, with its key date of early 1826 for a tightening of procedures, chimes with the introduction of new heads of information concerning convicts’ marital status and children being included in the indents of convict ships from January 1826.<sup>83</sup> Two months later, in March 1826, the New South Wales Colonial Secretary, Alexander McLeay, publicly announced a tightening-up of regulations, reinforcing Arthur’s point. This announcement was promulgated through the *Sydney Gazette*,

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<sup>81</sup> *HRA*, III, vol. VI, despatch dated 27 December 1827, from Lt.-Gov. Arthur to Viscount Goderich, p. 401.

<sup>82</sup> *Ibid.*

<sup>83</sup> See Appendix 1 of this thesis.



No Convict will be assigned, on Arrival, to his or her Wife or Husband, or to his or her Relation, or to any person applying for a particular Individual. The ends of justice would be defeated by such Assignment and evil consequences could hardly fail to result from it. This Indulgence will be reserved as the Reward of good conduct <sup>84</sup>

It has been widely assumed by historians that in the aftermath of Commissioner John Thomas Bigge's two reports, the governments of Australia's two penal colonies promptly became harsher towards the convicts by implementing stiffer regulations and mechanisms of social control. The petitions under consideration here, coupled with Arthur's despatch and this notice from Colonial Secretary Alexander McLeay, suggest an unfolding process through the 1820s, rather than an event immediately after the Bigge reports. <sup>85</sup> The two governors most closely associated with this repressive movement were Darling in New South Wales and Arthur in Van Diemen's Land. The former did not arrive until November 1825 and the latter took up his position in May 1824. Further, Lord Bathurst's successor as Secretary of State for the Colonies, Viscount Goderich was not appointed until April 1827. Goderich's despatch, which initiated Lt.-Gov. Arthur's explanation, was a tirade of ill-concealed impatience, written as late as August 1827. This related solely to issues surrounding the free passages given to the wives and children of convicts. <sup>86</sup>

The petitions studied here predate the tightening up of the regulations relating to convict husbands applying for their wives and families to be sent out to the colony. The colonial administration in New South Wales had neither rigorously scrutinised them, nor weeded out all unacceptable applications. The

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<sup>84</sup> *SG*, 9 March 1826, para. 11, p. 1.

<sup>85</sup> See Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*, (Cambridge, Cambridge University Press, 1997), p. 3.

<sup>86</sup> *HRA*, III, vol. VI, despatch dated 3 August 1827, Viscount Goderich to Lt.-Gov. Arthur, p. 119.

historical value of these petitions thus resides less in their outcomes as in revealing the nature of applications for this specific indulgence. Clearly what connects all these petitions is the fact that the men were married. Whilst the 1822 *Muster* and 1828 *Census* and convict ships' indents provide useful supplementary information; these records give no access to the individual motivations driving each petitioner to stake his claim for a family reunion. It must be admitted that even with the evidence of the forty petitions, it is only possible to make a partial exploration of these men's lived experience and personal desires, given the constraints of petition record survival and recording practices. Nevertheless, at such junctures it is also appropriate for an historian to bear in mind that to wait for notionally 'perfect' evidence before producing historical assessments is to wait for the Greek Kalends. Where, as in the present case, there is indicative evidence, one can proceed, if with due circumspection.

Before looking more closely at those petitions which were minuted with the closure of "in list sent home", it is worth looking at the 'invalid' cases. By 'invalid' the implication is that the application was not forwarded to London, nor did the Colonial Secretary's office append any minute to signify future action. The absence of a transportation sentence clearly excluded one petitioner, the soldier Thomas Ashton.<sup>87</sup> Presumably Ashton, not being a convict, could not possibly comply with the regulations. Ashton, a soldier with a 21-year service record, had been attached to the 48<sup>th</sup> Regiment where he had achieved the rank of sergeant. Receiving his discharge from the army in New South Wales, Ashton decided to

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<sup>87</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Thomas Ashton, doc. 4.

retire and settle in the colony.<sup>88</sup> Having made that decision, he requested that his son, Robert, might be sent out to him. Whilst justifiably presenting his service to his country as deserving of reward, he prudently adopted a deferential tone, which “most humbly implores and entreats” the governor to grant this request. His wife had died during the “Peninsular War at Salamander [*sic* - probably meaning Salamanca]”; their son Robert had been sent back to England where friends cared for him. There is no entry in the 1822 *Muster* or the 1828 *Census* for Thomas Ashton.

Two applications, both presented in the conventional petition form, which were rejected by the Secretary of State’s office in London provide sufficient, if sparse, details of those two petitioners. Charles Bridge, living in Parramatta, applied in October 1821. Peter Cookeals Cooney from the Hawkesbury District sent in his “Memorial” in May 1825. Each applied for his son to be given a ‘free passage’ in order that the family unit might be fully reconstituted in New South Wales. In other respects the circumstances described by the two men vary considerably.

Peter Cookeals Cooney’s petition described how both he and his father had been exiled for 7 years some time previously. In contravention of the normal practice, Cooney failed to give any information relating to his transport ship, his year of arrival or his place of trial. There is no trace of him in the relevant New South Wales *Musters* or the 1828 *Census*. The Cooneys, father and son, came from Roscommon: the father had died on the voyage to Sydney. Peter’s

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<sup>88</sup> See ‘Memorial to the Governor of New South Wales from Military Pensioners’ dated 1848. This memorial indicated that, having settled in New South Wales, as an exchange for a pension for military service, these men were now experiencing extremes of hardship and requested assistance from the administration, Mitchell Library, A1267-23, reel no. CY811.

embarkation for New South Wales had separated him from his wife and son, James, in Ireland. Since then Peter's wife had died, and his mother, Abigail Cookeals Cooney, although suffering from "acute pecuniary privation", had cared for her grandson, James. By the time of his petition, Peter was free but claimed he was in no position to "Pay the Passage Money to Proceed home to their aid". Expanding on his case he wrote, "Memorialist wishes to remain here aware that he can obtain a more comfortable livelihood on this Colony than he can at home". Substantiating this statement and his hope of a successful outcome, he drew on the support of two of his neighbours, "Farmers on the Hawkesbury". Both men made a binding "Oath" to give Peter employment "for the space of Twelvemonths after their [Abigail's and James'] arrival". Despite Fr. Therry's additional support, Peter's application was turned down. The unwelcome news was conveyed in the standard meaningless phraseology. The date of this Minute was 15 January 1827.<sup>89</sup>

Charles Bridge wrote on behalf of his wife and himself, for their youngest child William Sloane Bridge to be sent out to them. Charles Bridge explained that William aged twelve, "may be induced from his strong attachment to his Parents" to perform an action resulting in his being "sent out a Crown Prisoner".<sup>90</sup> On the face of it, this looks a relatively straightforward request. However, the circumstances suggest a more complex situation. Apparently William not only held a 'strong attachment' to his parents but also to his older sister and brother, Sarah and Henry. Charles Bridge, now a government servant at Parramatta, had been tried at Lancaster Assizes on 20 March 1819, given a life sentence and

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<sup>89</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Peter Cookeals Cooney, doc. 21.

<sup>90</sup> *Ibid.*, Charles Bridge, doc. 11.

transported on the *Prince Regent I*. According to the petition, his wife Mary and their daughter Sarah had also been transported, Mary on the *Friendship*, Sarah on the *Mary Ann*, both with fourteen-year transportation sentences.<sup>91</sup> Charles was chancing his luck by hinting that if his son were not granted a free passage, he would probably commit a transportable offence so as to achieve the same effect. Though calculated to play on official fears of crimes being deliberately committed in order to be transported, this was also probably viewed by the authorities as an impudent attempt to blackmail the colonial government into supporting the indulgence requested.

Nevertheless, the petition was perhaps intended to convey a tacit message that Charles Bridge and his wife Mary, now reformed by transportation, were in a position to resume their parental duties to their *entire* family of children. They had, so to speak, seen the errors of their previous ways and sought means of preventing their youngest child following the same path as they had, prior to reformation. Charles's petition points to the prospective roles of both parents as suitable moral guardians of the missing family member. This petition was drily minuted "request not coming within the intention of Government cannot be complied with".<sup>92</sup> However, to ascribe cynicism to Charles Bridge solely on the basis of the content and interpretation of his words in this petition is untenable. He may have been genuinely fearful for his son's future, and have felt remorse about his own actions which had resulted in the family break-up. Even so, his petition was maladroit and ill-advised. It points to the haphazard 'moral hazard' elements (in the sense used

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<sup>91</sup> SRNSW SR 4/4007, *PSC, BI*, Fiche No. 643, entry for Charles Bridge, aged 41 on *Prince Regent*, p. 85; 1822 *Muster*, ref. nos. A02115-A02118, p. 51. No clear identification can be found on the indents of either the *Friendship* or the *Mary Anne* for Mary or Sarah Bridge.

<sup>92</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', doc. 11, Minute dated 16 January 1827.

by the discourse of economics), in the culture of petitioning for indulgences.<sup>93</sup> As it was, Charles Bridge never received this rejection: he had died before its arrival in the colony.<sup>94</sup>

Neither of these applicants appears to have enjoyed much financial security. In 1822 Charles Bridge was an assigned servant to a Mr Harris in Parramatta.<sup>95</sup> As for Peter Cooney, despite his self-assessed good prospects, his immediate inability to pay his passage home to his family, suggests a man entirely dependent on very modest earnings. His wish to remain in New South Wales was based on how best to support the three generations of his family unit rather than through identification with his new environment. His distinction between “this Colony” and “at home” was explicitly expressed in the context of his responsibilities as a son and a father.

One other petition not forwarded to London, was presented by Michael Dwyer and addressed to Sir Thomas Brisbane. Michael had applied for his four children to be sent out to him. His petition was starkly minuted with the information that Michael Dwyer had died and that a copy was forwarded to Michael’s brother.<sup>96</sup> Although as shown, only two petitions resulted in

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<sup>93</sup> *Pers. com.* Dr Michael Palairt, Department of Economic and Social History, University of Edinburgh. This economic term is usually applied to consequences following the cancellation of a debt. Knowledge of the cancellation can result in other debtors defaulting on payments in the hopes of their debts also being wiped out. The transportation system designed, in theory at least, as a sufficient deterrent to criminal acts may have promoted acts of a criminal nature which were motivated by the desire to rejoin partners, or other family members.

<sup>94</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, Charles Bridge, doc. 11, Minute dated 16 January 1827.

<sup>95</sup> 1822 *Muster*, ref. no. A02115, p. 51.

<sup>96</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, Michael Dwyer, doc. 35. The meaning of ‘copy’ in the Minute is unclear. Possibly the administration were informing Michael’s brother in Ireland.

unequivocal rejection, we do not know the outcome of the remainder except that they were forwarded to London for processing.

Within the context of transportation, the length of sentence imposed on each petitioner clearly played a role. For those petitioners who had apparently passed the first hurdle of the administrative machine and had their documents forwarded from the colony, these documents record their sentences. Those under burden of life sentences amounted to over half the group.<sup>97</sup> Eight were serving fourteen-year sentences,<sup>98</sup> and ten, sentences of seven-years.<sup>99</sup>

The parental concerns expressed by Charles Bridge and Peter Cockeals Cooney are also to be found in the petition from a husband and wife, Jeremiah and Eliza Dunn.<sup>100</sup> This application by a married couple is, however, atypical of these documents. All other petitioners were married men whose wives and families remained either in mainland Britain or in Ireland. One further possibly atypical relationship amongst the petitioners was that between Bartholomy Donovan and Cornelius Donovan. Bartholomy's name appears immediately above Cornelius' on the *Recovery 2* indent; this shows that Bartholomy was 31 and Cornelius was 50.<sup>101</sup> Further information from the ship's indents suggests a possible kin relationship.

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<sup>97</sup> *Ibid.*, John Abbott, doc. 1; John Abbott, doc. 2; John Allan, doc. 3; Richard Bell, doc. 9; Charles Bridge, doc. 11; James Browne, doc. 13; Timothy Callaghan, doc. 16; William Casey, doc. 20; Thomas Claypole, doc. 22; Thomas Connors, doc. 23; Andrew Conway, doc. 25; William Crilly, doc. 26; James Crittenden, doc. 27; James Dinnis, doc. 31; Thomas Francis, doc. 36; Thomas Fullim, doc. 37; Dominick Gillaspy, doc. 41; Edward Gillighan, doc. 44; Connor Gibney, doc. 45.

<sup>98</sup> *Ibid.*, Daniel Baker, doc. 6; Richard Bankin, doc. 7; John Cahuac, doc. 14; Hugh Carney, doc. 17; Samuel Dell, doc. 30; Jeremiah and Eliza Dunn, doc. 34, John Gardener, doc. 46.

<sup>99</sup> *Ibid.*, William Atkinson, doc. 5; Walter Birmingham, doc. 10; Patrick Casey, doc. 18; John Classin, doc. 24; William Daley, doc. 28; Bartholomy Donovan, doc. 32; Cornelius Donovan, doc. 33, Denis Gouly, doc. 40, Peter Gillighan, doc. 43, Edward Gleeson, doc. 46.

<sup>100</sup> *Ibid.*, Jeremiah and Eliza Dunn, doc. 34. Both were sentenced on the same day at Bristol Quarter Sessions in 1816.

<sup>101</sup> SRNSW SR 4.4009, *PSC, BI*, Bartholomy and Cornelius Donovan, per *Recovery 2* (n.d.) Fiche No. 650, p. 8.

Both were tried in County Cork, and claimed it as his 'native place'. Each stated identical trades, but addresses supplied by each petitioner shows that the Donovan families did not live in the same Irish parish.<sup>102</sup>

Two of the forty applications were accompanied by supporting documents sent in by the men themselves.<sup>103</sup> Three applications indicated that the petitioner's wife had in fact already arrived in the Colony.<sup>104</sup> The majority of the applicants made use of the *pro forma*, which doubled as the "certificate" referred to by Lt.-Governor Arthur.<sup>105</sup> The categories selected by the administration, reflect the mindset of a bureaucracy which required only the barest of details of, and from, each applicant. For administrative purposes and ease of reference the transport ship, year of arrival and length of sentence were to be given immediately after the petitioner's name.

Although the *pro forma* were clearly designed for this one specific purpose, the regulations imply a similarity to procedures for applying for other colonial indulgences which were publicly advertised in 1822.<sup>106</sup> In line with those procedures, the husband making his application was required to supply colonial references. Thereafter the form required the name of the man's wife; the size of his family and their address. In addition to colonial references, applicants were

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<sup>102</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Bartholomy Donovan, doc. 32; Cornelius Donovan, doc. 33.

<sup>103</sup> *Ibid.*, Richard Bankin, doc. 7; Patrick Casey, doc. 18.

<sup>104</sup> *Ibid.*, John Cahuac, doc. 14. His wife and children "arrived in the Colony per *Granada* free 27 January 1827"; Patrick Casey, doc. 18, whose wife and children arrived per the *Thames* in April 1826; Peter Gillighan, doc. 43, whose wife and child arrived on the *Brothers* on 2 February 1827.

<sup>105</sup> Twenty-five applications appeared on the pre-printed form.

<sup>106</sup> SG, 8 November, 1822, "Government & General Orders", p. 1. Convicts, applying for any indulgence (ticket of leave, conditional pardon, or emancipation), were to produce a Certificate, signed by the 'resident magistrate' and 'local clergyman', testifying to the individual's good conduct since he had been in the locality. These publicised "Orders" replaced the 1813 regulations.



asked to supply the names of referees in Britain who could testify to the reliability of the information given by the applicant. Space was left for testimonials to be appended on the reverse of the form from people who could vouch for the convict in New South Wales.

Three men, rejecting the *pro forma*, appended testimonials from their employers.<sup>107</sup> These testimonials were the only colonial references supplied by the three and they certified their employer's willingness to vouch for the assigned man and his capacity to support his wife and family. Those who had approached their employer gave recognisable and notable colonial figures. John Oxley<sup>108</sup> and Major Druitt<sup>109</sup> employed William Atkinson and Daniel Baker, respectively, as his personal 'government servant'. Possibly to compensate for the absence of any other colonial reference, William Atkinson, a labourer, gave three Irish referees, the curate Rev. Mr Laird of Five Mile Town in Co. Tyrone and two local justices of that place, Captain Burnsides and Henry Brooke.<sup>110</sup> In contrast to this profusion, Daniel Baker, a butcher by trade, gave only one name: that of his local clergyman in Northampton, the Rev. George Malin.<sup>111</sup>

John Cahuac, as an employee of Messrs Berry and Woolstonecraft, was attached to one of the major players in the commercial and economic base of New

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<sup>107</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', William Atkinson, doc. 5, provided an appended testimonial from John Oxley; Daniel Baker, doc. 6, appended a testimonial from his employer, Major Druitt; John Cahuac, doc. 14, enclosed a testimonial from his employers, Messrs Berry & Woolstonecraft.

<sup>108</sup> John Oxley was the surveyor-general for the colony who lived at Liverpool. 1822 *Muster*, ref. no. A16236, p. 369.

<sup>109</sup> *ADB*, vol. I, Major George Druitt, who was closely associated with the supervision of Lachlan Macquarie's public building programme, supported the emancipist cause in the colony, pp. 324-5.

<sup>110</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', William Atkinson, doc. 5, per *Martha*, SRNSW SR 4/4006, *PSC, BI*, Fiche No. 640, p. 205.

<sup>111</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Daniel Baker, doc. 6, per *Hindustan*, SRNSW SR 4/4007, *PSC, BI*, Fiche No. 646, p. 422.

South Wales.<sup>112</sup> Of all these petitioners, only John Cahuac's testimonial drew attention to the "strong recommendations which the Memorialist brought to ourselves from Respectable Individuals in England". Such a statement is given credibility by the fact that Cahuac gave H.R.H. Princess Sophia of Gloucester as his only referee in England. In his first approach to the colonial administration Cahuac also appealed for a mitigation of his sentence. The rejection of this second appeal implied an almost automatic affirmative to his request for his family. Cahuac was advised that "obtaining in due course a free passage for your Wife and your family" prevented his receiving any other indulgence.<sup>113</sup>

Two, who named resident magistrates as a sole source for a reference, used the *pro forma*.<sup>114</sup> Patrick Casey's petition demonstrates a combination of the two roles of clergyman and magistrate. Despite being a Roman Catholic, Casey named the magistrate, Richard Brooks as well as the Rev. Thomas Reddall, a Protestant who was also a justice, whilst entirely omitting Fr. Therry from his application. John Allan, the only man among the forty applicants who had arrived in the colony as the result of a second transportation sentence, named the two justices, William Cox and J. Brabyn.

Going beyond the official requirements, three of the forty gave three New South Wales referees. Two, using the *pro forma*, drew on their local clergyman to append their signatures to the documents. Richard Bankin gave the Rev. Henry Fulton's name after those of two resident magistrates, Mr Bell and Mr Cox. James

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<sup>112</sup> See Alexander Berry (*ADB*, vol. I, pp. 92-95) and Edward Woolstonecraft (*ADB*, vol. II, pp. 620-21). Alexander Berry was described by Macquarie as "an eminent merchant of this place", p. 92. Berry and Woolstonecraft were noted as "prominent merchants and landowners", p. 92.

<sup>113</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', John Cahuac, doc. 14.

<sup>114</sup> *Ibid.*, John Allan, doc. 3; Patrick Casey, doc. 18.

Dennis named the justices Mr Hume and Mr William Browne, then added the cleric-magistrate Rev. Thomas Reddall. Both men apparently rated the magistracy above the clergy, though this was not the case with most other applications.

Colonial clergy appeared as petitioners' first and sometimes only New South Wales referee.<sup>115</sup> Twenty-two men chose clergymen as their principal referee; of these, twelve gave no other names as colonial sponsors. What is perhaps surprising is that of these twelve,<sup>116</sup> ten men used the *pro forma*, whereas only two sent in individual petitions.<sup>117</sup> Despite any discrepancy between the *pro forma* and individually prepared petitions, all the men had clearly approached those in the colony who were willing to lend their names as referees.

Moreover, there is a correlation between the relationship of the men to their referees and the skills brought by each man to the colony. In contrast to the three who had given only their master's names, these twelve men were possibly less socially well-connected in terms of their assignment services and master. The selection of the local clergyman was perhaps driven by necessity. Compulsory attendance at church on Sundays for the weekly musters may have been the only time any of these men came into contact with an official figure who was also acceptable to the bureaucracy. The clergyman could, at least, vouch for the man's moral character. The choice of the local clergyman chosen by these twelve men

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<sup>115</sup> Clergymen who appeared as the principal referee: Fr. Therry, (14); Rev. Richard Hill, (4); Rev. Henry Fulton, (1); Rev. Thomas Reddall (2); and the Rev. Middleton, (1).

<sup>116</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', John Abbott, doc. 1; John Abbott, doc. 2; Richard Bell, doc. 9; Walter Birmingham, doc. 10; Thomas Connors, doc. 23; John Classin, doc. 24; Andrew Conway, doc. 25; William Crilly, doc. 26; Cornelius Donovan, doc. 33; Thomas Fullim, doc. 37; John Gardener, doc. 38; Denis Gouly, doc. 40.

<sup>117</sup> *Ibid.*, John Abbott, doc. 1; Thomas Fullim, doc. 37.

who gave no other referee, may have represented a recognisable point of access from a remembered world of client-patron, and the role of a parish clergyman.<sup>118</sup>

Indeed, it is verifiable from the documents that of this group of twelve men, their 'home' or 'native place' referees were overwhelmingly clergymen.<sup>119</sup> There were only two men in this group, Denis Gouly and John Gardner who provided no 'home' referees at all.<sup>120</sup> The ship's indent for each of these men provides further background information. The trades claimed by members of this sub-group of twelve were predominantly associated with rural life.<sup>121</sup> Two of this sub-set stated "labourer", without any further expansion.<sup>122</sup> Five described themselves as ploughman: three of these men gave this as their sole occupation.<sup>123</sup> John Abbott added 'bricklaying'<sup>124</sup> whereas Cornelius Donovan was also able to make butter.<sup>125</sup> Of the remaining three men from these twelve, Thomas Connors laid

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<sup>118</sup> cf. Chapter Three above, the relationship between John Clark and the Rev. Alfred Trash, pp. 73-80.

<sup>119</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Richard Bell, doc. 9; Walter Birmingham, doc. 10; Thomas Connors, doc. 23; John Classin, doc. 24; Andrew Conway, doc. 25; William Crilly, doc. 26; Cornelius Donovan, doc. 33; Denis Gouly, doc. 40; Thomas Fullim, doc. 37.

<sup>120</sup> *Ibid.*, Denis Gouly, doc. 40; John Abbot, doc. 1.

<sup>121</sup> Of these twelve men given at n. 116 above, there were two who could not be traced through the ship's indents. Although Richard Bell could be traced on the *Minerva 5*, the indent itself has been fragmented and is incomplete, see SRNSW SR 2/8270, *PSC, BI*, Fiche No. 658, p. 389. William Crilly's name does not appear on any of the *Recovery* transports, although he named *Recovery 2* in his application.

<sup>122</sup> Walter Birmingham, (tried 1818), per *Earl St Vincent*, SRNSW SR 4/4006, *PSC, BI*, Fiche No. 640, p. 181 and Andrew Conway, (tried 1820), per *Lord Sidmouth*, SRNSW SR 4/4006, *PSC, BI*, Fiche No. 645, p. 322.

<sup>123</sup> John Abbott, (tried 1822), per *Ocean*, SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 65; John Classin (trial n.d.) per *Recovery 2*, SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 12; Thomas Fullim, (trial n.d.), per *Recovery 2*, SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 12.

<sup>124</sup> John Abbott, (tried 1823), per *Guildford 6*, SRNSW SR 4/4009, *PSC, BI*, Fiche No. 651, p. 197.

<sup>125</sup> Cornelius Donovan, (tried n.d.), per *Recovery 2*, SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 8.

claim to being a reaper; <sup>126</sup> Denis Gouly was a carter <sup>127</sup> and the third, John Gardener was a wool weaver. <sup>128</sup>

Of those who provided referees in addition to their local clergymen in Britain or Ireland a similar set of occupations can be traced. However, there were nine who either could not be traced on a ship's indent, or whose indent failed to disclose a trade or calling. <sup>129</sup> Of the remainder, the ships' indents reveal that the majority of these petitioners were from rural backgrounds and pursued trades usually associated with agriculture. Those who combined a number of skills within the umbrella description "labourer" were Thomas Claypole from the Isle of Ely, William Daley from Co. Cork, James Dinnis from Devon, and Peter Gilligan from Co. Kildare. <sup>130</sup> The only gamekeeper, Edward Gilligan., came from Co. Meath. <sup>131</sup> There were two shepherds, Hugh Carney from Roscommon, and Dominick Gillaspay from Co. Mayo. <sup>132</sup> William Casey of Limerick combined his skill of reaping with fencing. <sup>133</sup> Of the three ploughmen, James Browne from

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<sup>126</sup> Thomas Connors, per *Medina*, SRNSW SR 4/4009, *PSC,BI*, Fiche No. 651, p. 142.

<sup>127</sup> Denis Gouly, per *Medina*, SRNSW SR 4/4009, *PSC,BI*, Fiche No. 651, p. 146.

<sup>128</sup> John Gardener, (tried 1819), per *Mangles*, SRNSW SR 4/4008, *PSC,BI*, Fiche No. 644, p. 162.

<sup>129</sup> John Allan, per *Admiral Gambier 2* (1811); Richard Bell, per *Minerva 5*; Charles Bridge, per *Prince Regent*; John Cahuac, per *Phoenix*; Timothy Callaghan whose petition contained no information at all; Patrick Casey whose name did not appear on any of the *Recovery* transports; Peter Cockealls Cooney gave no information; William Crilly whose name did not appear on the *Recovery* transports; Michael Dwyer gave no information. The retired soldier, Thomas Ashton, clearly does not feature on a ship's indent.

<sup>130</sup> Thomas Claypole, per *Fanny* (1816) SRNSW SR 4/4005, *PSC,BI*, Fiche No. 636, p. 113 ; William Daley, per *Prince Regent 2* SRNSW SR 4/4007, *PSC,BI*, Fiche No. 645, p. 258 ; James Dinnis per *General Stewart* SRNSW SR 4/4006, *PSC,BI*, Fiche No. 640, p. 214; Peter Gilligan per *Guildford 3*, SRNSW SR 4/4005, *PSC,BI*, Fiche No. 638, p. 446.

<sup>131</sup> Edward Gilligan, per *Prince Regent 3*, (1823), SRNSW SR 4/4009, *PSC,BI*, Fiche No. 652, p. 231.

<sup>132</sup> Hugh Carney, per *John Barry*, (1820), SRNSW SR 4/4007, *PSC,BI*, Fiche No. 646, p. 416; Dominick Gillaspay, per *Asia 4* (1823), SRNSW SR 4/4009A, *PSC,BI*, Fiche No. 655, pp. 150-1.

<sup>133</sup> William Casey, per *Prince Regent 3*, (1823), SRNSW SR 4/4009, *PSC,BI*, Fiche No. 652, p. 229.

Suffolk, Edward Gleeson from Tipperary and Bartholomy Donovan from Co. Cork, it was only Bartholomy who claimed the additional skill of butter making.<sup>134</sup>

Jeremiah Dunn, who hailed from Co. Tyrone, was the only Irishman who had crossed the channel to England. Tried in Bristol at the Quarter Sessions in 1816, and given a fourteen-year sentence he described himself on the indent as a Farmer.<sup>135</sup> Only one, Samuel Dell, pursuing his career as an Attorney's Clerk in London, also gave London as his 'native place'.<sup>136</sup> Of those describing themselves solely as a labourer, Thomas Francis was the only one whose work was apparently unrelated to agriculture.<sup>137</sup>

Clearly, the majority of these petitioners came from Ireland.<sup>138</sup> There is an absence of data for nine applicants.<sup>139</sup> Of those nine, however, Peter Cockeals Cooney clearly came from Ireland and Patrick Casey's wife Rose arrived in 1826, having embarked in Cork from her home town, in Ireland. Thirteen men gave the same Irish county as their 'native place' and 'trial place'.<sup>140</sup> Of these thirteen, the addresses given for their wives, families and referees were within the same county

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<sup>134</sup> James Browne, per *Mangles* (1824), SRNSW SR 4/4009A, *PSC, BI*, Fiche No. 654, p. 111. Edward Gleeson per *Earl St Vincent* (n.d.) SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 88. Bartholomy Donovan, per *Recovery 2* (n.d.) SRNSW SR 4/4009, *PSC, BI*, Fiche No. 650, p. 8.

<sup>135</sup> Jeremiah Dunn, per *Fame*, (1816), SRNSW SR 4/4005, *PSC, BI*, Fiche No. 637, p. 238.

<sup>136</sup> Samuel Dell, per *Neptune 3*, (1820), SRNSW SR 4/4006, *PSC, BI*, Fiche No. 644, p. 143.

<sup>137</sup> Thomas Francis, per *Isabella*, SRNSW SR 4/4006, *PSC, BI*, Fiche No. 639, p. 95. Thomas Francis features as a 'case study' in the next chapter.

<sup>138</sup> Of the total of forty applicants, the ships' indents show that seventeen can be clearly identified as coming from Ireland.

<sup>139</sup> John Allan, per *Admiral Gambier* (1811); Richard Bell, per *Minerva 5* (1824); Charles Bridge, per *Prince Regent*; John Cahuac per *Phoenix*; Timothy Callaghan; Patrick Casey; Peter Cooney; William Crilly; and Eliza Dunn per *Lord Melville* (1816).

<sup>140</sup> Walter Birmingham and Edward Gleeson both from and tried in Tipperary; William Casey and Thomas Connors both from and tried in Limerick; William Daley as well as Cornelius and Bartholomy Donovan were all from Co. Cork; Denis Gouly gave Roscommon County; Dominick Gillaspay tried and from Co Mayo.; Peter Gillighan tried and from Co. Kildare; Edward Gilligan tried and from Co. Meath; Connor Gibney tried and from Co. Cavan; Andrew Conway tried and from King's County.

as the trial place and native place. Of the remaining Irish petitioners, few were internal migrants.<sup>141</sup>

Thomas Francis was the only Welsh petitioner. The remainder came from England. Again, there is a similarity in the English petitioners as men who came from the immediate vicinity of their trial places and whose wives remained in that locality. The breakdown here of 'native place' supports Robson's findings relating to the wives who arrived in the colony. Irish petitioners are, indisputably, the majority 'national' group in this series. The occupations given by the forty men also support his statement that it was usually men from rural backgrounds whose wives arrived in the colony.

Robson's assertion was that the "small number of wives" who arrived brought money with them. These funds were, apparently, a major contributory factor to the subsequent material success of the couple in the colony.<sup>142</sup> From our petitions, which pre-date any outcome of the application, the financial information on wives and families in Britain or Ireland does not suggest that the wife would be travelling with a substantial amount of money. The ploughman Thomas Fullim pleaded a passage for his wife Mary McGuinness, then living in Dublin. She apparently "depended solely on his exertions for daily bread".<sup>143</sup> Even allowing for a reduced and exaggerated account of his wife's possible contributions to their household, Fullim's words convey his concern for his wife's survival without his presence; they do not suggest Mary would arrive with substantial funds. John

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<sup>141</sup> William Atkinson came from Enniskillen, was tried in Fermanagh; his wife was living in Co. Tyrone; John Classin from Co. Wicklow was tried in the adjoining county of Dublin where his wife lived in Butterstown; Thomas Fullim from Co. Meath who was also tried in Co. Dublin was the only one whose wife was living in Dublin itself.

<sup>142</sup> Robson, *op. cit.*, p. 126.

<sup>143</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Thomas Fullim, doc. 37.

Gardener, whose stated trade was wool weaver, was assigned to the dealer Mary Driver as a baker.<sup>144</sup> He similarly stated of his “lawful wife” Hannah, left behind in Gloucestershire, that she was “unprovided for without the help of her unfortunate husband”.<sup>145</sup>

Those petitioners who were not only husbands but also fathers showed a concern to have their children sent out to them. Among the forty applicants all but four men gave the information that they were fathers.<sup>146</sup> These fathers requested that ninety-nine children should be given free passages to New South Wales. A father, applying for his children to be sent out to them, did not necessarily count all of the children in his family.<sup>147</sup> Family sizes, taken from the petitions, varied between one<sup>148</sup> and eight children.<sup>149</sup>

From the information given by their fathers, forty-six children cannot be allocated either a sex or age profile since thirteen fathers restricted their requests to no more than specifying the number of children they requested to be sent out to New South Wales. It is perhaps unsurprising that this category of children were mainly from larger families,<sup>150</sup> although four applications were for a single

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<sup>144</sup> *Ibid.*, John Gardener, doc. 38 and SRNSW SR 4/4008, *PSC, BI*, Fiche no. 644, p. 162.

<sup>145</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, John Gardener, doc. 38.

<sup>146</sup> *Ibid.*, Thomas Fullim, doc. 37; John Gardener, doc. 38; Connor Gibney, doc. 45, and Edward Gleeson, doc. 46.

<sup>147</sup> *Ibid.*, Charles Bridge, doc. 11, applied for his third child. Samuel Dell, doc. 29, had 4 children but only applied for his daughter, Elizabeth to accompany his wife Mary.

<sup>148</sup> *Ibid.*, Thomas Ashton, doc. 4; Charles Bridge, doc. 11; Hugh Carney, doc. 17; Peter Cookeals Cooney, doc. 21; Thomas Connors, doc. 23; Andrew Conway, doc. 25; William Crilly, doc. 26; Samuel Dell, doc. 29; Denis Gouly, doc. 40; Peter Gilligan, doc. 43.

<sup>149</sup> *Ibid.*, Walter Birmingham, doc. 10.

<sup>150</sup> *Ibid.*, Walter Birmingham gave neither names nor sex for his eight children; Edward Gilligan, doc. 44, asked for seven children to be given free passages; William Daley, doc. 22 and Dominick Gillaspay, doc. 41, both requested passages for their six children.



child.<sup>151</sup> The remaining five fathers who did not disclose their children's ages or their sex cannot be linked to a regular family pattern.<sup>152</sup>

Of the twenty-one fathers who named and gave ages to their children there appears a similar absence of any imposed pattern. There were twenty-nine girls and twenty-four boys distributed between these fathers. Two families had seven offspring and three fathers applied to have their six children sent out to them.<sup>153</sup> Four fathers requested that their four children be given free passages.<sup>154</sup> Smaller families with two or three children appeared in the remaining petitions.<sup>155</sup> Other than Thomas Ashton, Charles Bridge and Peter Cockeals Cooney, only two petitions deviated from the implicit request that the children of the marriage would accompany the man's wife. Such deviation is, however, explained by the documents themselves.

Labourer William Daley, holding a ticket of leave, having learned of his wife's death in Ireland, expressed his ambitions for his children. Asking that they be sent out to him, he stated they would be "well supported" in the colony under his paternal care.<sup>156</sup> Daley from Co. Cork was forty years old when he arrived on

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<sup>151</sup> *Ibid.*, Thomas Connors, doc. 23; Andrew Conway, doc. 25; William Crilly, doc. 26; Denis Gouly, doc. 40.

<sup>152</sup> *Ibid.*, Two fathers had two children: Richard Bell, doc. 8, and Cornelius Donovan, doc. 32. William Casey, doc. 16 had three children; those claiming a free passage for four children were John Classin, doc. 20 and Michael Dwyer, doc. 30.

<sup>153</sup> *Ibid.*, Edward Gilligan, doc. 44 and James Dinnis, doc. 31, both requested their seven children to be sent out. James Crittenden, doc. 27, William Daley, doc. 28, and Dominick Gillaspy, doc. 41, all requested that their six children be sent over.

<sup>154</sup> *Ibid.*, Michael Dwyer, doc. 35; Timothy Callaghan, doc. 16, Thomas Claypole, doc. 22 and John Classin, doc. 24.

<sup>155</sup> *Ibid.*, Applications for free passages for three children appeared in petitions by John Abbott, doc. 1; John Allan, doc. 3; William Atkinson, doc. 5; James Browne, doc. 13, and William Casey, doc. 20. Fathers asking for passages for two children were John Abbott, doc. 2; Daniel Baker, doc. 6; Richard Bankin, doc. 8; Richard Bell, doc. 9; John Cahuac, doc. 14; Patrick Casey, doc. 18; Bartholomy Donovan, doc. 32; Cornelius Donovan, doc. 33; Jeremiah and Eliza Dunn, doc. 34.

<sup>156</sup> *Ibid.*, William Daley, doc. 28.

the *Prince Regent 2* in 1821, carrying a seven-year sentence.<sup>157</sup> In his application for his children to be sent out to him he had enlisted his master's assistance in providing a testimonial. When he arrived in the colony Daley had been immediately assigned to Edward Field, a landholder at Windsor.<sup>158</sup> He had remained at Windsor from then until his petition in 1825. Field had obliged in providing a commendatory assessment of his convict servant. The petition and testimony were both written by the same third party. Commenting that William had behaved "honestly, soberly and industriously" during his period of assignment, Field recommended approval of the request. Implicit in the formality of the application form is the presence of a communication network established and maintained between the parishes of Windsor, New South Wales and Kilworth, Co. Cork. How the information of his wife's death reached William is not explained. His Irish referees were local solicitors, Messrs Lawrence Rand Robert and Carbin of Kilworth. Daley's prompt response and reaction to a lack of guardianship for his six children was an attempt to resume his parental responsibilities. Such responsibilities, supported as they were by his master, surely indicated the possibility of material advancement in the colony both for William and his children. However, his prospects of material advancement although explicit in his ambitions for his family, do not exclude his implicit wish to care for his motherless children, and to have them near him. Were his wishes to be fulfilled, William Daley could combine his public and official identity as a "government servant", with a domestic and personal one of 'father'.

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<sup>157</sup> SRNSW SR 4/4007, *PSC, BI*, Fiche No. 645, ticket of leave number, 1532, p. 258.

<sup>158</sup> 1822 *Muster*, ref. no. A07103, p. 163.

It is also possible to trace communication links between the parents, Jeremiah and Eliza Dunn, and their two daughters, in England. Frances, aged twenty-one, and Charlotte, aged fourteen, had remained in the Bristol district following the trial of their parents in 1816.<sup>159</sup> According to Jeremiah's lengthy petition the children had, till "very lately" been cared for by "Mr Hunter near Jacobswell. Bristol". Jeremiah did not expand on the relationship between Mr Hunter and his daughters but the relationship had clearly ended, since their two daughters were described as "friendless and destitute in England". Claiming parental respectability, despite the fourteen years transportation sentence each had received, Jeremiah pointedly stated that the couple's daughters had both been "born in wedlock", and were possessed of "good characters"; on those merits, they should be sent out to join their parents.<sup>160</sup>

Among the group of forty petitioners, four had prospered between disembarkation and the 1828 *Census*. Apart from their material advancement, all had arrived during Lachlan Macquarie's administration. Of those who had prospered two had arrived with an indent entry of farmer<sup>161</sup> and two had labourer<sup>162</sup> attached to their entry. Clearly Macquarie's governorship was an influential factor, but it was not necessarily the sole factor, as the following cases show.

Jeremiah and Eliza Dunn had prospered during their first few years in the colony. Their prosperity was probably helped by their early arrival in the colony.

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<sup>159</sup> See n. 100 above, p. 224.

<sup>160</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Jeremiah and Eliza Dunn, docs. 34 & 35.

<sup>161</sup> Jeremiah Dunn, per *Fame* (1816), SRNSW SR 4/4005, *PSC, BI*, Fiche No. 637, p. 238; John Allan per *Admiral Gambier 2* (1811), SRNSW SR 4/4004, *PSC, BI*, Fiche No. 633, p. 392.

As he arrived during Macquarie's administration, it is likely that Jeremiah's ticket of leave had been granted on disembarkation in the colony.<sup>163</sup> By 1822, Jeremiah had acquired his ticket of leave and was described as a 'landholder' in Liverpool. Undoubtedly his former experience as a farmer had proven valuable in the colony.<sup>164</sup> His wife Eliza, still described as "convict" was however sharing his life, possibly as his assigned servant.<sup>165</sup> When he applied for his daughters to join their parents, Jeremiah produced two significant factors to substantiate his colonial credentials. He drew attention to the fact that he and Eliza were both in possession of their tickets of leave, significant indications of their good conduct, and he then pointed to his fourteen acres in the District of Airds.<sup>166</sup> However, it was this ownership of land that Jeremiah emphasised. He advised Governor Brisbane that he and his wife were "without any children or relations in this Colony". Not only did he prove his ability to support his daughters, but he also indicated a future question of inheritance. Such a question would not become an issue until the death of Jeremiah and Eliza. These matters would, however, be more easily resolved if his heirs were already in the colony.<sup>167</sup> Although there is no sign of either Frances

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<sup>162</sup> Peter Gilligan, per *Guildford 3* (1817), SRNSW SR 4/4005, *PSC, BI*, Fiche No. 638, p. 446; James Dinnis per *General Stewart*, (1818), SRNSW SR 4/4006, *PSC, BI*, Fiche No. 640, p. 214.

<sup>163</sup> *HRA*, II, vol. VII, Macquarie to Bathurst dated 28 June 1813, "Reasons for granting tickets of leave" despite Macquarie's claim to have stopped the practice of privileging those "in the Line of Gentlemen", Macquarie continued with the practice. p. 779.

<sup>164</sup> Jeremiah Dunn, per *Fame* (1816), SRNSW SR 4/4005, *PSC, BI*, Fiche No. 637, p. 238.

<sup>165</sup> 1822 *Muster*, ref. nos. A06321 and A06322.

<sup>166</sup> Robinson, *op. cit.* claimed that convicts could not own property and the wives coming out to join their husbands became landholders in their own right; the Dunn case clearly demonstrates a flaw in the assumption that legal rights in property should be regarded as sacrosanct, p. 125.

<sup>167</sup> Similar questions surrounding issues of inheritance for relatives in Britain can also be traced through the Public Record Office. See for example, PRO PCI/67, doc. dated 24 July 1819 from "L. Whitaker, Incumbent of New Church, Pendle, Nr Burnely" who enquired after William Peel, transported in 1802, "for there is some Buildings" in the parish. See also PRO PCI/67, n.d. March 1819 from Mrs Owens of Hull who was entitled to inherit some money if Samuel Owens had died in the colony.

or Charlotte in the *Census*, Jeremiah and Eliza continued to prosper with the acquisition of a further ten acres of land. The land was described as being totally cleared and under cultivation; in addition to the land, the Dunns owned three head of cattle.<sup>168</sup> This printed record does not disclose the state of the land when Jeremiah made the purchase. Nor, indeed, does the *Census* reveal when the additional acres had been acquired. Despite Jeremiah's previous agricultural experience, he may have had an assigned servant in those years between 1822 and 1828. Regulations restricting the assignment of a convict to a ticket of leave holder were not re-formulated until the spring of 1826.<sup>169</sup>

John Allan had arrived in the Colony in 1811.<sup>170</sup> Of the petitioners, John had arrived considerably earlier than the majority of these petitioners. He was also the only one to have arrived as a returning transportee with a life sentence. His early arrival, again under Macquarie's administration, showed a materially prosperous trajectory, similar to that of Jeremiah and Eliza Dunn. By 1824, this second disembarkation had resulted in a land rental worth "£105 per annum" on which he grazed his 40 head of horn cattle and 6 horses. He applied for his wife, Martha and the couple's three daughters, Rebecca (aged 19), Elizabeth (aged 17) and Mary (aged 15) to be sent out to him, from their home in Yorkshire.<sup>171</sup> In the *Census*, John Allan's successful life in the colony was not shared by either his wife

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<sup>168</sup> 1828 *Census*, ref. nos. D1862 and D1863, p. 132 and Appendix 3, p. 248.

<sup>169</sup> SG, 'Government and General Orders', 9 March 1826, para. 10, p. 1.

<sup>170</sup> SRNSW SR 4/4004, *PSC, BI*, Fiche No. 633, John Allan, per *Admiral Gambier 2*, p. 392.

<sup>171</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', John Allan, doc. 3.

or his daughters. However, between the date of his application and 1828 he had extended his herd of cattle to 254 with 23 horses.<sup>172</sup>

Peter Gilligan, had arrived in the colony in 1817. Having embarked on the *Guildford 3*, his indent entry described him as a labourer with a seven-year transportation sentence. By the time he applied for his wife and daughter Ellen in September 1824, he had become free by servitude. His petition was minuted that his wife and daughter Ellen arrived with a free passage on the *Brothers 2* in 1827. Whether his wife and daughter had successfully petitioned in Ireland, thereby preempting the colonial administration's dilatory processing of petitions is unclear. Indeed the material advancement made by Gilligan may reflect Robson's assumption of wives arriving free in the colony.<sup>173</sup> While there is no entry for Peter Gilligan in the 1822 *Muster*, the *Census* in 1828 shows his elevation to the status of farmer at Evan, owning 80 acres of land, of which 50 had been both cleared as well as cultivated and possessing 6 head of cattle.<sup>174</sup>

James Dinnis, from Devon, disembarked from the *General Stewart* in 1818, under a life sentence.<sup>175</sup> His petition for his wife and his six children was dated 1824; it was supported by his master, the native born Rawdon Hume, a farmer in the Appin district. From Hume's testimonial it would appear that James Dinnis had given more than adequate satisfaction in his labour services. In recognition of his assigned servant's "sobriety, honesty and industry", Hume had given Dinnis not only "a few head of horned Cattle" but also "a piece of land under cultivation".

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<sup>172</sup> 1828 *Census*, ref. no. A0237, p. 31 and Appendix 3, p. 424.

<sup>173</sup> Robson, *op. cit.*, p. 126; see p. 232 and n. 142.

<sup>174</sup> 1828 *Census*, ref. nos. G0482-G0484, p. 163 and Appendix 3, p. 429.

<sup>175</sup> SRNSW SR 4/4006, *PSC, BI*, Fiche no. 640; p. 214.

By 1828 Dinnis, then holding his ticket of leave, was described as a tenant at Illawarra working ten of fifty acres of land on which twenty-five head of cattle grazed.<sup>176</sup>

Of these five materially successful petitioners, Peter Gilligan's application was the only one successfully implemented in time for his wife and daughter to be included in the 1828 *Census*. However, the material advance of these five is not echoed in the situations of those others traced through the *Census*.

Two petitioners, John Cahuac and Patrick Casey, were advised that their family had arrived in the colony. The *Census* information for John Cahuac suggests that two of his children were alive and in Sydney; but there is no record of his wife. John himself was employed as a Storekeeper at the Male Orphanage Institution at Cabramatta.<sup>177</sup> Patrick Casey's wife, Rose disembarked from the female convict ship the *Thames* in 1826. Her petition to have her husband assigned to her was granted and, as the 1828 *Census* shows, the family of Rose, Patrick and their two sons, Thomas and Richard, lived in Hunter Street, Sydney. Rosanna was noted as the householder and Patrick, a government servant was working for Robert Campbell junior.<sup>178</sup>

Nine of the forty petitioners in New South Wales cannot be accounted for in the 1828 *Census*.<sup>179</sup> Of those who do appear, three men had concluded their

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<sup>176</sup> 1828 *Census*, ref. no. D0805, p. 121, and Appendix 3, p. 427.

<sup>177</sup> 1828 *Census*, ref. no. C0033, p. 77. The appendix entry for John Cahuac notes his death in 1832, p. 418. The entries for Henry and "Miss S" Cahuac appear immediately above John Cahuac and show they shared a house; although both arrived "free" in 1825 the ship given in the *Census* does not accord with the minute to John Cahuac's petition.

<sup>178</sup> 1828 *Census*, ref. nos. C0656-C0659, p. 84.

<sup>179</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', Daniel Baker, doc. 6; Richard Bell, doc. 9; Peter Cockeals Cooney, doc. 21; John Classin, doc. 24; James Crittenden, doc. 27; William Daley, doc. 28; Cornelius Donovan, doc. 33; Denis Gouly, doc. 40; Dominick Gillaspy, doc. 41

sentence and were noted as “free by servitude”.<sup>180</sup> Three held tickets of leave.<sup>181</sup> The remaining men were all noted as government servants and continued to be assigned, mainly to agriculturally-related tasks. Only Andrew Conway and Patrick Casey remained in Sydney.<sup>182</sup>

Eighteen fathers gave no ages for the children named in their petition.<sup>183</sup> Possibly the age restrictions on children was a drawback to disclosure. One of these fathers was Richard Bankin. However, it has been possible to discover the ages of his daughters from supporting documents.<sup>184</sup> The children of both the Dunns and the Allans were in theory unlikely to be eligible for permission to embark with a “free passage”. All these children were apparently far above the age limits believed to be imposed by the administration in London.<sup>185</sup> The public notice in the *Sydney Gazette* gave no indication of an upper age restriction in the indulgence offered to convict fathers.<sup>186</sup> There was, however, a possibly significant discrepancy in the words used in the public notice and those appearing on the *pro forma*. Whereas the public notices only and always referred to “families”, the *pro forma* specified the word “children”; however the *pro forma*

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<sup>180</sup> 1828 *Census*, William Atkinson, ref. no. A0722, p.36; Walter Birmingham, ref. no. B1230. p. 50; John Gardener, ref. no. 6077, p. 159.

<sup>181</sup> *Ibid.*, Richard Bankin, B0263, p. 40; Samuel Dell, ref. no. D0724, p. 121; James Dinnis, ref. no. D0805, p.121.

<sup>182</sup> *Ibid.*, Patrick Casey, ref no. C044, p. 84; Andrew Conway, ref. no. C2192, p. 100.

<sup>183</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, Thomas Ashton, doc. 4; Richard Bankin, doc. 8; Richard Bell, doc. 9; Walter Birmingham, doc. 10; Patrick Casey, doc. 18; William Casey, doc. 20; Peter Cookeals Cooney, doc. 21; Thomas Connors, doc. 23; John Classin, doc. 24; Andrew Conway, doc. 25; William Crilly, doc. 26; William Daley, doc. 28; Samuel Dell, doc. 29; Cornelius Donovan, doc. 33; Michael Dwyer, doc. 35; Denis Gouly, doc. 40; Dominick Gillaspy, doc. 41; Edward Gilligan, doc. 44.

<sup>184</sup> See chapter 7 below, where a fuller case study of Richard Bankin and his family is given.

<sup>185</sup> See chapter 4 above, p. 127, n. 101-103.

<sup>186</sup> SG, ‘Government and General Orders’, 17 March 1817, the original of these can be found at SRNSW SZ756, p. 383.



omitted any possibility of misunderstanding the term since no indication of any age restriction appeared on the form.

It is therefore possible to give an age and sex profile for forty-eight of the total number of children appearing in the applications. This combined profile shows that of the five who were over twenty years there were four females and one male.<sup>187</sup> Of the thirteen children aged between fifteen and nineteen, nine were girls and four were boys.<sup>188</sup> From the fifteen children who were aged between ten and fourteen, seven were girls and eight were boys.<sup>189</sup> Of the twelve children aged between six and nine years, there were seven girls and five boys.<sup>190</sup> Only three children were under six, all boys.<sup>191</sup>

On the basis of these official documents any attempt to discern the applicants' motives would be untenable. However, what is implicit in these

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<sup>187</sup> SRNSW SR 4/1112.1A, 'Petitions from fathers'. The highest age given was 21. John Abbott, doc. 1, applied for his son aged 20; John Cahuac, doc. 14, applied for his daughter aged 20; Thomas Claypole, doc. 22, applied for his daughter aged 21; James Dinnis, doc. 31, applied for his daughter aged 20; Jeremiah Dunn, doc. 32, applied for his daughter aged 21.

<sup>188</sup> *Ibid.* John Abbott, doc. 1, applied for his second son (19) and daughter (16); John Allan, doc. 3, had three daughters all over 15; Daniel Baker, doc. 6 had a son aged 17; John Cahuac, doc. 14, had a son aged 18; Timothy Callaghan's eldest son was 15, doc. 16; Thomas Claypole's younger daughter was aged 15, doc. 22; James Crittendon, doc. 27, had a daughter aged 16; James Dinnis, doc. 31, applied for his second daughter aged 18; Richard Bankin's elder daughter was 19, doc. 8; Jeremiah Dunn's second daughter was aged 14, doc. 32.

<sup>189</sup> *Ibid.* John Abbott, doc. 2 applied for his daughter aged 11; William Atkinson's eldest son was 11, doc. 5; Richard Bankin's younger daughter was 10, doc. 8; Charles Bridge's son was 12, doc. 11; Timothy Callaghan, doc. 16 had a daughter (13) and a son (11); Thomas Claypole, doc. 22, had two sons, one aged 12 the other 11; James Crittendon, doc. 27 applied for two girls (aged 14 and 10) and one son aged 12; James Dinnis, doc. 31, applied for his twins (a boy and a girl) aged 12; and his daughter aged 11; Bartholomy Donovan, doc. 32 applied for his son aged 12.

<sup>190</sup> *Ibid.* John Abbott, doc. 2 applied for his younger daughter aged 9; William Atkinson, doc. 5 had a son and a daughter in this age range; Daniel Baker's younger son was 8 years old, doc. 6; Timothy Callaghan's youngest daughter was 9 nine years old, doc. 16; James Crittendon's children in this age range were two daughters aged 8 and 6, doc. 27; James Dinnis, doc. 31 applied for his youngest daughter aged 8; Peter Gillighan, doc. 43 applied for his daughter, aged 8; Hugh Carney, doc. 17, applied for his son aged 6; Bartholomy Donovan, doc. 32 applied for his younger son, aged 8.

<sup>191</sup> *Ibid.*, James Browne, doc. 13 requested his family of three sons all under six years old to accompany his wife Maria to join him in the colony.

petitions has been the indication of a network of communication between the petitioners and families. What is undeniable is the possibility of an improvement in conditions for the majority of these men if their wives and families arrived in the colony. In theory, at least, the official agenda was that each man would be restored to his domestic environment. As his wife's assigned servant, he would complete his sentence while resuming his parental and patriarchal role as provider and support of his family, labouring for his family unit. Clearly the presence of a man's wife and the older children in a marriage could have been viewed by the husband in a pragmatic light as both carers and labourers. These petitions strongly challenge the assumption that transportation led inevitably to the deliberate and callous desertion of his wife and his children.<sup>192</sup>

At what stage transportees learnt of the possibility of their wife and family joining him in the colony is uncertain. Some, but not all, of the wives who approached the Secretary of State in London declared that their husband had been given the information prior to his embarkation.<sup>193</sup> It is also clear that some petitions were raised by husbands and wives in both New South Wales and Britain, although it is not possible to ascertain the number of duplicate applications.<sup>194</sup> It would not be hard to portray these couples as victims of an impervious imperial system, with events overwhelming each couple. Such an approach, however, ignores attempts at reunion, and the implications of such attempts. Samuel Dell clearly did not accept the bureaucratic obstructions to his plans when he learnt that his wife had not received the necessary 'certificate'. An understated lament of a

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<sup>192</sup> See chapter 5 above, *passim*.

<sup>193</sup> See above, chapter 4, pp. 122-3.

<sup>194</sup> See above, chapter 4, Ann Gamble and Mrs Murray, pp. 126-28.

long lasting separation, coupled with an ambition for a shared future reunion, underpins these petitions.

Whilst these petitions reveal men with ‘human capital’ they also disclose a parallel universe to transportation. According to Alan Shaw’s assessment, maybe five applicants named in this chapter would have been successful in their pursuit of reunion. Administrations, firstly in New South Wales and secondly in London, would have imposed criteria in making the decision regarding such reunions.

## **CHAPTER SEVEN:**

### **Three case studies**

**You can't alter facts by filming them over with dead romances**

— John Drinkwater, 1921.<sup>1</sup>

Thomas Francis, Richard Bankin<sup>2</sup> and Lawrence Halloran had in common the experiences of criminal trials and being sentenced to transportation. All were sent to New South Wales; all died there; all were husbands and fathers. These stark similarities are but an overlay to profoundly different life experiences. To begin with their sentences, Francis was sent down for life, when in his early thirties. Bankin received fourteen years, in commutation of a capital sentence, when in his fifties. Halloran was also in his fifties but was only handed down a term of seven years. Beyond these terse preliminary similarities and differences, much individuates these three men. Nevertheless, the three narratives presented in this chapter are not their subjects' whole lives: no biographical narrative could ever provide that, for reasons including but also far beyond the question of how rich or scanty the available sources might be. These three narratives, however, do contextualise their subject's lives historically and, if very partially, access their different lived experiences. Thereby they demonstrate that any supposition that the term 'convict' can meaningfully describe all transported persons is profoundly reductive and, like Defoe's *True-Born Englishman*, "in fact, a fiction". Although the three men share the term 'convict' these are not criminal biographies. There is

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<sup>1</sup> L.G. Wickham Legg (ed.) *National Dictionary of Biography 1931-40*, (Oxford, Oxford University Press, 1949) pp. 238-9. Drinkwater was a minor author and playwright; this quotation is taken from his play, *Mary Stuart*, based on the life of Mary, Queen of Scots.

<sup>2</sup> The narratives relating to both Thomas Francis and Richard Bankin appear in a slightly different version in Lucy Frost and Hamish Maxwell-Stewart, (eds), *Chain letters: Narrating convict lives*, (Melbourne, Melbourne University Press, 2001), pp. 136-147.

no indication here of scaffold speeches or of warnings to a crowd of spectators to avoid the pitfalls for the unwary.<sup>3</sup>

It has recently been pointed out that the divisions and categories of history, fiction and biography were, until the pseudo-scientific taxonomies of the nineteenth century, “thoroughly confused”.<sup>4</sup> Although use has been made of primary source documents these have not been regarded as autobiographical documents which have, in any case, always been “suspect to historians”.<sup>5</sup> However, additional material has enabled a substantially broader historical context for each of these three than is provided by the official trial or transportation records. Thus although the genesis for each study was initiated by original documents in the public domain, those documents provided the foundation for these extended narratives. Whilst what is described in these narratives cannot go beyond the external contexts for the three individuals, access to their different experiences demonstrate the hollowness of their shared nomenclature of either ‘convict’ or ‘transportee’. However, through the narratives it is possible to explore the variations each man, and his family, experienced through transportation. These case studies if not biographies of individuals, do constitute micro-biographies of transportation’s complex meanings at an individual level.

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<sup>3</sup> See both Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century*, (London, Routledge, 1992), and Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography*, (Cambridge, Cambridge University Press, 1987).

<sup>4</sup> Peter Ackroyd, ‘Book Review’, *Times* 2, 2 January 2002, pp. 9-10, esp. p. 10.

<sup>5</sup> Roy Pascal, *Design and Truth in Autobiography*, (London, Routledge & Kegan Paul, 1960), p. 69.

**The children are in transports [of delight] of hearing from you**<sup>6</sup>

Thomas Francis was tried on 12 August 1817 at Newport, Monmouthshire, and given a transportation sentence. The ship's indent for the *Isabella* does not record the crime committed by Thomas, or by the other five men who were tried on the same day at Monmouth Assizes; all six were given life sentences. Thomas Francis was one of 2,200 Welsh convicts who were transported to either New South Wales or Van Diemen's Land. This demographic statistic included men and women and was given by Lewis Lloyd whose work, *Australians from Wales*, related largely to free migrants.<sup>7</sup> Relying heavily on the work of Deirdre Beddoes, *Welsh Convict Women*, Lloyd devoted a generous proportion of his early chapter to transported women. In contrast, his main concern with the transported men lay with an identifiable group whose political sympathies were aligned to the Chartist movement of the 1830s. Lloyd drew specific attention to John Frost and Zephaniah Williams and their "fairly regular correspondence with their wives and families at home".<sup>8</sup> In promoting his underpinning nationalist theme Lewis drew particular attention to an unknown number of monoglot Welsh speakers who were "denied substantially the use of their native language".<sup>9</sup>

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<sup>6</sup> SRNSW SR 4/1112.1A, 'Petitions from Husbands to have Their Wives, families or other relatives Given a Free Passage to Settle in New South Wales', [hereafter 'Petitions from Husbands'], doc. 36, dated 22 June 1822, pp. 101-4, p. 103. For a full transcript of this document please see Appendix 2.

<sup>7</sup> Lewis Lloyd, *Australians from Wales*, (Gwynedd, Gwynedd Archives and Museum Service, 1988.), pp. 28-9, esp. 29.

<sup>8</sup> *Ibid.*, p. 27.

<sup>9</sup> *Ibid.*, p. 28.

Amongst those sentenced with Thomas was his younger brother James Francis.<sup>10</sup> It is more probable that Thomas and his brother were in-comers to Newport since his “native place” was recorded on the *Isabella's* indent as Somersetshire. It is plausible to suppose that Thomas Francis’s parents had initially made the move from Somersetshire. Such a move may have been in search of work. Rural distress was experienced throughout the late eighteenth century in the western counties of England;<sup>11</sup> but Newport itself had been substantially transformed during the 1790s into an industrialised urban centre.

The rich coal seams lying further up the valley from Newport had been the impetus for the commencement of work on a major three-part canal system. Between 1792 and 1798 the canal linking Crumlin with Newport via Abercarn and Risca was completed. This was the first stage in Newport’s emergence as a port of any industrial or commercial importance. The three-part canal system carried the coal from the seams until the introduction of the railways in the 1840s.<sup>12</sup> Finance for the canal system was raised locally through a Joint Stock Company, which was granted authority for its activities in the neighbourhood by three separate Acts of Parliament between 1792 and 1802.<sup>13</sup> It does not seem to have been until the last

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<sup>10</sup> SRNSW SR4/4006, ‘Principal Superintendent of Convicts, Bound Indents’, [hereafter *PSC, BI*], Fiche No. 639. Those who were convicted on the same day as Thomas Francis were John Jones, aged 29 a labourer from Glamorgan; William Samuel, aged 19 a shoemaker from Monmouthshire; William Hallett, aged 27 a weaver and labourer from Gloucester; James Francis, aged 32 a labourer from Somerset and Emmanuel Jayne, aged 21 a charcoal burner from Gloucester, p. 95.

<sup>11</sup> E.P. Thompson, *The Making of the English Working Class*, (London, Pelican, 1975 edn.), p. 574 refers to this as occurring in the closing decade of the eighteenth century, p. 574. SRNSW SR 4/4006. *PSC, BI*, fiche no. 639. William Hallett who was convicted along with Thomas Francis was a “Weaver and Labourer” who came from Gloucester, p. 95.

<sup>12</sup> Madeleine Gray, (ed.), *A History of Monmouthshire; from the coming of the Normans down to the present time* from Sir Joseph Alfred Bradney’s MSS. Vol. 5 – “The Hundreds of Newport”, (Cardiff, South Wales Record Society, 1993), p. 35.

<sup>13</sup> *Ibid.*, pp. 37-38. The three Acts mentioned were 32 Geo. III, 1792, cap. Cii; 37 Geo. III, 1795 and 42 Geo. III, 1802.



of these Acts was passed that the Joint Stock Company became known as “The Sirhowy Tramroad Company”.

A contemporary, Mr E. Donovan, remarked with distaste upon the disruption to and transformation of the town and neighbourhood. He stated flatly, “The interior of the town disappointed us. Most of the houses are very mean, the streets ill-paved and what is worse, remarkably dirty”.<sup>14</sup> In his comments on the canal system’s appearance in Tredegar Park he mourned its consequence, “the beauty of this agreeable spot, is in a certain measure sacrificed to the convenience of the neighbourhood”.<sup>15</sup> In his epitaph for the demise of the rural scenery Donovan made no adverse comments on the incidental benefits to Sir Charles Morgan of Tredegar Park, who was one of the principal promoters of “The Sirhowy Tramroad Company”. In addition to any benefits from the Company itself, he was empowered to charge “tolls and rates and duties” for all vehicular traffic passing through his parkland. Tredegar Park was situated conveniently between Newport and Cardiff for the levying of such charges. It was no doubt as a contribution to the requirement for a new roadway that Sir Charles Morgan donated a “piece of ground in Mill Street for a new prison in exchange for the old gate”.<sup>16</sup> Undoubtedly, Thomas Francis, his brother James and their fellow transportees were held in this ‘new prison’, awaiting their journey to the port of their embarkation on the *Isabella*.

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<sup>14</sup> E. Donovan, “Descriptive Excursions through South Wales and Monmouthshire in the year 1804 and the four preceding summers” reprinted in *Pages from the Past*, 1804, 1976, (Monmouthshire Local History Council), pp. 8-17, p. 9.

<sup>15</sup> *Ibid.*, p. 12.

<sup>16</sup> J.M. Scott, “Ancient and Modern History of Newport”, cited in Madeleine Gray (ed.), *op. cit.*, p. 31. There is no trace of this work in the hard copy of the British Library Catalogue; it may have been a pamphlet.

There is a gap in Thomas's early life in New South Wales. The *Isabella* docked at Sydney in early September 1818,<sup>17</sup> and Thomas may have been attached to one of the labour gangs in Sydney. This would possibly have meant that he was one of the first residents in the Hyde Park prison barracks, which were formally opened on 4 June 1819. As an inducement to persuade the convicts to become institutionalised, Macquarie gave orders that the Deputy Commissary should distribute "half a pint of spirits and two ounces of Sugar for each convict quartered in the Said Barrack" on that day.<sup>18</sup> This offer can hardly be viewed without cynicism. The establishment of Hyde Park barracks gave rise to the indulgence of some men being permitted to remain with their families. By December 1819 there were just under six hundred male convicts, who were permitted to "sleep out of barracks" in Sydney itself.<sup>19</sup> Prior to June 1819 Thomas would possibly have been responsible for arranging his accommodation in Sydney.<sup>20</sup>

Thomas's formal career in New South Wales suggests a familiarity with both industrial and rural work. His first and only appearance in the Assignment Register was not until 24 May 1823, suggestive of 'government labour' in the intervening period. This entry in 1823 shows him to have been assigned to a

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<sup>17</sup> SRNSW SR 4/4006, *PSC, BI*, Fiche No. 639, p. 81.

<sup>18</sup> *Sidney Gazette*, [hereafter *SG*], May 29 1819, front page, col. 1 under "Government & General Orders" signed by H. C. Antill, Major of Brigade. See also Manning Clark, *A History of Australia. Vol. 1, from the Earliest Times to the Age of Macquarie*. (Melbourne. Melbourne University Press, 1962), p. 304 and J. B. Hirst, *Convict Society and its Enemies: A History of Early New South Wales*, (Sydney, Allen & Unwin, 1983), pp. 41-2.

<sup>19</sup> *Report & Accounts*, 'Commissioner Bigge's Enquiry into the State of New South Wales. I', [hereafter 'Bigge Report, I'], *Parliamentary Papers*, [hereafter *PP*], vol. XX, (1822). "Those who are now permitted to remain out of barracks, are compelled to work the whole of the day but are allowed to employ themselves after the hours of government work, and on the whole of Saturdays, for their own benefit . ... the indulgence is granted to the best conducted men, to those who are married and have families, and to those who cohabit with female convicts and have families to support.", p. 20.

<sup>20</sup> Hirst, *op. cit.*, pp. 41-3, esp. p.41.

landholder, Mr Thomas Wells of Airds.<sup>21</sup> This single entry in the Assignment Register suggests that Thomas remained with Mr Wells for the next five years, where he undoubtedly proved satisfactory to his master. He successfully applied for and acquired the indulgence of a ticket of leave, no. 28/517.<sup>22</sup> His name appears only once on the Register of Tickets of Leave and Pardons, suggesting that he had never compromised this indulgence. By contrast, his brother James acquired three separate tickets of leave between 1831 and 1845, and their shipboard companion, John Jones, was granted two tickets of leave between 1829 and 1836.<sup>23</sup>

The 1828 *Census* shows that Thomas Francis (with his ticket of leave) had moved to Bathurst, and working for Mr John Grant, another “landholder”.<sup>24</sup> John Grant’s entry in these printed records demonstrates a trajectory of material advance within the colony itself. Having arrived in 1810 as a convict on the *Providence* with a life sentence, he had been given a conditional pardon and had already

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<sup>21</sup> SRNSW SR4/4521, ‘Principal Superintendent of Convicts, Index to the Assignment Register, 1821-25’, fiche No. 747. p.78. This is the only entry for Thomas Francis within the Register. His shipmate William Samuel appears twice within this Register, under SRNSW SR 4/4520, Fiche No. 746, pp. 45 and 71, entry nos. 491 dated 12 November 1822 and 769 dated 22 August 1823. See Carol J. Baxter, (ed), *General Muster and Land and Stock Muster of New South Wales, 1822*, (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists. 1988) [hereafter *1822 Muster*] for Thomas Francis’ entry ref. A07587, p. 174. His master Thomas Wells had been born in the colony and was described as a landholder at Liverpool where he lived with his wife, Celia. *1822 Muster*, ref. nos. A22164 and A22165 respectively, p. 502. Neither Thomas Wells nor his wife appear under those names in Malcolm Sainty & Keith Johnson (eds), *Census of New South Wales, November 1828*, [hereafter *1828 Census*], (Sydney, Library of Australian History, 1985).

<sup>22</sup> Perry McIntyre, compiler, alphabetical index to ‘Convict Pardons, Tickets of Leave, New South Wales, 1810-1875’.

<sup>23</sup> *Ibid.* For James Francis see TOL No. 31/1002, SRNSW SR 4/4081, Reel 916; TOL No. 40/852, SRNSW SR 4/4139, Reel 936, and TOL No. 45/1145, SRNSW SR 4/4200, Reel 956. For John Jones see TOL No. 29/899, SRNSW SR 4/4073, Reel 913 and TOL No. 36/1875, SRNSW SR 4/4108, Reel 926. Unfortunately there are no page numbers appended to the individual names on this ‘Index’.

<sup>24</sup> *1828 Census*, ref. no. F1235, p. 154.

acquired the title landholder by 1822.<sup>25</sup> His extensive acres and stock of horses, cattle and sheep are recorded in the 1828 *Census*.<sup>26</sup> Thomas Francis's duties with these two landholders are not specified; the appellation labourer could however entail a range of tasks, involved with either the land or the stock itself.

In 1831 Thomas, in possession of his ticket of leave, applied to the New South Wales administration for permission to call the Banns.<sup>27</sup> Colonial regulations regarding convict marriages in the colony were more strictly formalised.<sup>28</sup> His intended bride was Ann Little, an Irish convict woman who had travelled to New South Wales on board the *Elizabeth* also arriving in 1818.<sup>29</sup>

It is not possible to trace Ann Little's movements so clearly after her arrival in the colony on the *Elizabeth* in 1818. Her name does not appear amongst those who were taken straight to the Female Factory at Parramatta on arrival, although this may simply be due to incomplete records.<sup>30</sup> Nor does her name appear in the 1822 Muster; however, she is noted in the 1828 *Census* as having become Free by Servitude, and working as a "Watchman". Her address was given as "Mr Timothy Kelagher's" at Liverpool Gaol.<sup>31</sup> Timothy Kelagher's entry shows that he was in fact the Watchman at Liverpool Gaol, so it is possible that these entries in the 1828

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<sup>25</sup> 1822 *Muster*, ref. AO 8525, p. 195.

<sup>26</sup> 1828 *Census*, ref. no. G1021, p. 168. Appendix 3 notes 4,150 acres belonging to Grant, of which 25 were cleared with 11 under cultivation. His livestock numbered 10 horses, 370 head of cattle and 2,440 sheep, p. 429.

<sup>27</sup> SR 4/2127.2, Joan Reese and Norma Tuck, Index to 'New South Wales Convict Marriage Banns, 1826-41', Fiche no. 5 of 8, page 19.

<sup>28</sup> See Chapter 5, 'Family Men', for a resume of these procedures, pp. 182-88.

<sup>29</sup> SRNSW SR 4/4006, *PSC, BI*, fiche no. 640, Ann[e] Little had been tried in Dublin in June 1817 and given a 7-year sentence; she was 23 years of age and a "servant", p. 160.

<sup>30</sup> SRNSW SR 4/3500, 'Colonial Secretary's Correspondence', [hereafter *CSC*], 1818; Reel 6060, to H. McArthur, JP at Parramatta. This lists 59 women disembarked from *Elizabeth* female transport ship, pp. 174-5.

<sup>31</sup> 1828 *Census*, p. 237, ref. L0925.

*Census* were confused. Kelagher had also become Free by Servitude, having arrived in 1821 on the *Lord Sidmouth*, with a 7 year sentence.<sup>32</sup> Both Thomas Francis and Ann Little were Protestants, so there was unlikely to be a problem with the marriage ritual itself.

There was, however, a significant and major barrier to this proposed marriage. A letter lies neatly folded between Michael Dwyer's and Thomas Fullim's application for free passages for their families.<sup>33</sup> Obedience to bureaucratic order had been maintained. The document is in its correct place, both alphabetically and in respect of its subject matter. This letter resonates with the pleasure of a wife who has at length heard from her lover and her husband: Susanna Francis, the wife of Thomas Francis and the mother of his children. Elizabeth ("Betsy") was born in 1807; John was born in 1809; James was born 1813 and Jane was born in 1816.<sup>34</sup> These were the children who were "in transports with the thoughts of our once more meeting together and of seeing their Father." Susanna's letter was dated 28 June 1822 and, as she writes to Thomas, his letter of 10 January 1821 was "the first and last" she had received from him. The anxiety she had experienced in the intervening four years is not glossed over,

I had almost given up that I should ever hear from you more,  
and that you had forgotten me and your Children, or that you  
were number'd with the Dead

Even in her pleasure at hearing from her husband Susanna Francis recognised that the news she had welcomed and felt so excited about was tempered by the realities

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<sup>32</sup> *Ibid.*, p. 219, ref. no. K0235.

<sup>33</sup> See Chapter 6 above.

<sup>34</sup> SRNSW SR 4/1112.1A, 'Petitions from Husbands', Document 36, pp. 101-104. The ages of these 4 children were minuted by the administration. It is possible that the children were, at the time of Susanna's letter a few years older. Unless otherwise stated, all the quotations in the subsequent pages are taken from Appendix 2, the transcript of Susanna Francis' letter to Thomas.

of time and space. She acknowledged the reality of the time that had passed between the date of the letter Thomas had written and its arrival in Newport; on a conservative estimate this was at least one year. During this time his circumstances could have radically altered. She was 'satisfied' that Thomas was well at the time when his letter was written. The anguished ignorance as to her husband's whereabouts had prevented her writing to him, since she "was at a loss to know how and where to direct". The earlier letters which Thomas had apparently written had never been received, "otherwise you may rely I should have immediately sent you an Answer". Despite this interval of months and years Susanna's joy and pleasure in the moment of writing is fully expressed in her statement, "if I could but obtain leave or find the Means I would not loose one moment and be the bearer of this myself". Susanna's pleasure was, however, tempered by the news which she had to convey to her husband. In response to Thomas's request that she and the children should join him, she had forwarded a copy of his letter to "Mr Morgan of Ross" to enquire what opportunity there might be of her being reunited with her husband. His response "is not that which my heart wish'd for"

I have made enquiry and find thy request cannot be granted and that there is no other way than by paying thy own Passage over, - it is considered that Transportation would be no punishment if a family could go together. It must be a pleasing thing for thee to know he is so well settled and will be best for you both to be resigned to the Separation here, and by each leading a Virtuous Life you will with the Blessing of the Most high meet again in another and a better world where sin and Sorrow cannot enter in

Mr “Morgan of Ross”, in his enquiry, cannot have made much of an effort on behalf of Susanna and her family.<sup>35</sup> Despite his sanctimonious advice, Susanna had then approached the “Gentlemen of the Town”. They expressed their willingness to help her and assist in reuniting the family, but at the same time they wished to have more details from Thomas himself. This network of willing friends included “Mr M Brown” who had written to Mr Morgan on Susanna’s behalf; Mr Brown may also have written this letter to Thomas for her.<sup>36</sup>

Susanna’s words demonstrate quite clearly the tension of existing in two time frames. In her pleasure of hearing from her husband she can mentally envisage the joy of their reunion.<sup>37</sup> To that end, she has engaged in negotiations for her desire to be fulfilled, at some future time. Simultaneously she recognises that her previous and present existence has never been by any means friendless. Thomas’s letter has, however, brought home to her the recognition that that period of her life had lacked her husband and the father of their children: “My Dear Husband I would sooner come over to you than stay here”. Susanna quite clearly has a hierarchy of friendships and social intercourse, with an acute awareness of the pleasures of intimate relationships.

In the intervening years her mother and one sister have died, and “my friends being all dead except my Sister Nanny & Betty and they are gone far from Newport”. Despite the bleakness of her interior emotional void, she assures

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<sup>35</sup> See chapter 4 above, *passim*. It has not been possible to trace what position Mr Morgan of Ross had in the Newport area. However, he was not the local Member of Parliament.

<sup>36</sup> The letter and signature on the letter are identical but it could be that “Mr M. Brown” had acted as an amanuensis for this letter as well as that to Mr Morgan of Ross. This is based on the assumption that Susanna could not write herself, or else why had Mr Brown written to Mr Morgan for her?

<sup>37</sup> Cf. chapter 2 “Frozen Identities”, above, John Clark’s existence, pp. 76-7.

Thomas that their mutual friends' material support has been invaluable to her in his absence,

your poor Wife and Children - who thank God never have wanted a Meal of Victuals, since you are gone Mr & Mrs Kingson have been very kind and good to me I work constantly there, and Mr & Mrs Vern likewise are very kind to me, that with the Goodness of Providence we never wanted a Bit of Bread.

In telling Thomas of this kindness from friends and neighbours, Susanna is clearly reassuring the "breadwinner" that his family have not suffered materially in his absence. It is not known what Thomas had written to his wife in his letter. Her reassurance is, however, a significant demonstration of support from friends and neighbours. Whatever crime Thomas had committed had not given rise to community sanctions falling on his wife and children, apart from the pompous Mr Morgan of Ross. (Certainly none were revealed in her letter.) Indeed Susanna reinforces the reassurance with "Richard [...illegible] desires to be remembered to you and all your old Neighbours". Susanna's words explicitly convey the sense of someone absent from a social circle, made up of those friends and neighbours; absent, but by no means forgotten. There is, however, an unresolved tension, since this social group did not fulfil Susanna's very real human need for a more intimate contact. There is a clear distinction between emotional and physical needs in Susanna's letter. Her joy at the arrival of Thomas's letter was obviously shared with her social group, who had taken an interest in her welfare, and that of the children. Tact may have prevented those group members from regular interrogations regarding Thomas in the interval since his departure on the *Isabella* four years beforehand. They would, perhaps, have known that Susanna had not heard from him and refrained from aggravating the hurt of his apparent silence. There is a resonance here with the language of bereavement. A similar tact can be



traced in Susanna's language; twice she referred to Thomas's transportation as "since you are gone".

Susanna's letter does, however, expose a division in the extended family. She wrote, with restraint overlaying possible hurt, "as for your Mother and Brother I cannot inform you anything about them for they never send to me nor make any enquiry for me or the Children since you are gone". There is no way of ascertaining whether such a division between Susanna and her mother-in-law had a history pre-dating Thomas' sentence. Despite this division Susanna was able to give Thomas a brief commentary on the major events in family life which had taken place in the intervening years. One of Thomas's other brothers (Matthew) had died as a consequence of an "accident from a Tram". The extended kin group experienced a further separation, possibly as an indirect consequence of transportation. James' wife had obviously been pregnant when the brothers were transported. This child, a son, had died in the interim and James' wife had returned to her father's house. Susanna's query as to whether the brothers were in touch with each other was not necessarily surprising.<sup>38</sup> All this suggests a range of responses to a transportation sentence within one extended family. Thomas' mother had had nothing to do with Susanna after Thomas "had gone". James' father-in-law had reverted to the role of his daughter's protector when she had become a 'single' woman through transportation. The role of fatherly protection did not necessarily end with a daughter's marriage.

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<sup>38</sup> Cf. F.G.J. Fisher, 'Papers 1818-27', Dixon Library, MS.Q554, doc. 4 dated "June 1822" from Frederick Fisher in New South Wales to his mother in London. Frederick's brother Henry had also been transported to New South Wales. Frederick wrote, "I have not encouraged any correspondence with my brother Henry since the 3<sup>rd</sup> week after his landing". Within the same letter he requested that in future his mother should "never to mention his name or allude to him again in your letters to me".

Susanna's comments indicate her confidence in Thomas's continued interest in his family's welfare. Such confidence could only be based on her knowledge of the man with whom she had shared the 'ups and downs' of parenthood. John, their elder son was working "on the Canal", James and Jane, were still at school, and Betsey. "is a fine Girl". There is an undercurrent of pride, perhaps in that Thomas's absence has not had a detrimental affect on his children?<sup>39</sup> Were the context of the letter different one might put an alternative gloss on this; one suggestive of criticism, and pointing to Thomas's failure to fulfil the expected role of breadwinner. Such a reading is, however, negated by what might almost be a private joke between the couple. Susanna imagines the reunion and asks Thomas, "how I am to support myself when with you if I can obtain work, which I do not care for". In Thomas' 'absence' Susanna has already indicated that she had been 'working' every day for Mr & Mrs Kingson. At that moment Susanna is surely caught up in the possible realisation of what costs the reunion might exact; but her subsequent words "to be with you" are an indication that the price of "work" is not too high for her.

Susanna's letter was sent to the address of Mr William Redfern, "Brickmaker" which had presumably been used by Thomas in his letter of 10 January 1821. If, as surmised, he had spent his earlier years in Hyde Park Barracks, he may have made contact with William Redfern in Sydney. Susanna's letter was never received by Thomas Francis.

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<sup>39</sup> *Reports & Committees*, (4), 'Report from the Select Committee on Secondary Punishments: Together with the Minutes of Evidence, An Appendix of Papers and an Index, *PP*, vol. VII, (1831) pp. 1-77, p. 43, Q. 569, referring to the children of families where the father has been transported, "... and do not the children almost invariably turn out ill?". A. "My experience does not enable me to give any information with regard to the effect upon the children of delinquents ...". There seems to have been an underlying assumption given that this question was asked at all.

Bearing in mind that Thomas had asserted that he had written several times without response to his letters, his application to marry Ann Little is surely cast in a different light. The bureaucratic imperative for clerical coherence and order may indeed have been met by the filing of Susannah's letter to her husband in its correct alphabetical position. The minute appended to the letter stated quite clearly. "A Memorial was written for this man for his Wife and Family a long time since; but he never put it in —". The administration had failed dismally to redirect this letter from this wife to her husband.<sup>40</sup>

Thomas Francis did apparently marry Ann Little.<sup>41</sup> The governor's consent had been given.<sup>42</sup> Thomas Francis, bigamist, died at Bathurst on 25 July 1833.<sup>43</sup> The cause of death is not recorded in the Register, but may have been connected with the fact that three days later a fellow employee, Thomas Frome, also died. Both men had worked for Thomas Evernden, a police superintendent and landowner who had arrived in the colony as a free settler in 1823. In ten years Evernden had acquired over 2,000 acres of land, and possessed a flock of 300 sheep.<sup>44</sup>

Thomas Francis died not knowing that his first wife had done all she could "to obtain a passage to live and die with you".

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<sup>40</sup> This statement is based entirely on the letter's appearance in the archive; had it been delivered to Thomas Francis then there would have been no reason for its remaining in amongst these petitions.

<sup>41</sup> Joan Reese & Norma Tuck, "Convict Marriage Banns, 1826-1841", Fiche No. 8. This can be ascertained by the two applications made by Ann Francis (widow) and Ann Little (widow). On each occasion she applied to marry William Robson. The first application was made in 1839 and the second in 1840. Both applications were made in the parish of the Vale of Clwyd.

<sup>42</sup> *Reports & Committees* (4), 'Report from the Select Committee on Secondary Punishments', *PP*, vol. VII, (1831), p. 88. "Q. Is it a matter of frequent occurrence that convicts, having wives and families at home in this country, re-marry and have fresh families after their emancipation in New South Wales? A. There have been occurrences of the kind; but I doubt their frequency. *Under the present regulations it would be very difficult for them to accomplish this ...*", (emphasis added).

<sup>43</sup> SRNSW SR4/4549, "Principal Superintendent of Convicts: Convict Death Register, 1828-1879", Fiche No. 749, Thomas Francis died at Bathurst, p. 73.

<sup>44</sup> 1828 *Census*, no. E0658, p. 141 and Appendix 3, no. E650, p. 428.

**Your brother James and his Wife are living nea[r] ...  
Wollds end at Hornchurch**

— **John Bankin, to his uncle Richard Bankin, 1824.** <sup>45</sup>

Richard Bankin was transported in 1814 under a 14-year sentence. He had been tried at the Essex Assizes on 7 March 1814 and embarked on the *Marquis of Wellington*, which left England on 1 September of that year and arrived at Port Jackson on 27 January 1815. <sup>46</sup> The trial records show that Richard “was charged with burglary in the dwelling house of Thomas Tyser with intent to steal on the night of 6<sup>th</sup> November 1813”. <sup>47</sup> It subsequently transpired that Richard had not stolen from Tyser’s house, but had broken into his barn. He pled not guilty, but was found guilty of the charges “and with no goods to forfeit was sentenced to be hanged, later reprieved and transported for 14 years”. <sup>48</sup>

At the time of his conviction, the Napoleonic wars had severely affected the economic security of farm labouring families in Essex and surrounding rural areas. Although military conscription reduced farm labour supply and so stimulated wage increases, these were not commensurate with sharply increased food prices. A simultaneous decline in woollen yarn spinning drastically affected the financial contribution which women family members had formerly made to farm labourers’ household economy. Essex court records indicate rising petty thefts of food and

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<sup>45</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, doc. dated 9 May 1825, pp. 24-5 and attached correspondence, pp. 18-23. For a full transcript of the correspondence please see Appendix 3.

<sup>46</sup> SRNSW SR 4/4005, *PSC, BI, Marquis of Wellington*, fiche no. 635, p. 29.

<sup>47</sup> PRO, letter to Mr A Royal, dated 20 August 1986. I am indebted to Mrs Sandra Connelly of Grafton, NSW for a copy of this letter. Mrs Connelly is one of Richard Bankin’s descendants, who kindly supplied photocopied relevant material: this is acknowledged hereafter as *pers. comm.* Mrs Connelly. This letter cited Richard Bankin’s trial as appearing in the ‘agenda book (ASSI 31/22) and the indictments (ASSI 35/254/1)’.

<sup>48</sup> PRO letter dated 20 August 1986. *Pers. comm.* Mrs Connelly.

the court imposed harsh sentences on those convicted.<sup>49</sup> The cause for such thefts was recognised by contemporaries. Ten men accused of poaching at Wittle were thus described in the local press by a reporter present at their trial, “these men all appeared to have had no other motives ... than that of preserving their wives and families from starvation and want, not being able to find them with food and raiment from the miserable pittance of 9/- a week”.<sup>50</sup>

The transport ship the *Marquis of Wellington* contained another 119 outcasts.<sup>51</sup> Contemporary parliamentary debates contain allegations that individual male convicts were given even less space than that recorded in slave ships. It was said to be common for three or four cribs measuring “six feet and a half broad by five feet and a half long”, with each crib holding six convicts. to be crammed into a twelve foot square cabin.<sup>52</sup> Richard would have recognised some of the faces in the crush. Amongst the transportees there were eight who had been tried on the same day at the Essex Assizes; others would have been familiar from the hulls in which he had awaited transportation. Born in 1757, Richard was one of the oldest convicts on board; most of his fellow convicts were under the age of 30, and 13 per cent were less than 20 years old. These included two 10 year-old and two 12 year-old boys.<sup>53</sup> This variation in age was mirrored in the geographic spread of “native

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<sup>49</sup> A.F.J. Brown, *Meagre Harvest: The Essex Farm Workers' Struggle against Poverty, 1750-1914*, (Chelmsford, Essex Record Office, 1990), p. 5.

<sup>50</sup> *Ibid.*, Brown's sources were taken from the *Kent & Essex Mercury*, 7 February 1826 and the *Colchester Gazette*, 18 April 1835, p. 5.

<sup>51</sup> SRNSW, SR 4/4005, *PSC, BI*, Fiche No. 635, p. 29.

<sup>52</sup> Hansard, *Parliamentary Digest*, 1819, Part II. Mr Henry Bennett described the spatial arrangements on the *Baring 2* in January 1819, pp. 88-104, esp. p. 89. See also 'Bigge Report I', which recorded a width of 18" per convict, p. 6.

<sup>53</sup> Thomas Reid. *Two Voyages to New South Wales and Van Diemen's Land with a description of the Present Condition of that Interesting Colony: Including Facts & Observations Relative to The State and Management of Convicts of Both Sexes. Also reflections on Seduction and its general consequences* (London, Longman, Hurst, Rees, Orme & Brown, 1822), pp.21-2. Reid was the  
/continued on next page

places". This spread surely gave rise to some problems in communication. There were the regional dialects of Scotland with convicts from Glasgow, Edinburgh, Jedburgh and Forfar. Those from England were drawn from rural areas in the south and west as well as from East Anglia. There were also a number from the urban centres of the Midlands as well as from London. In addition there were some who, although tried in England, were born in Ireland. Others came from Europe, including France, Spain, Sicily, Germany, Prussia and Poland. Some of these may have served during the Peninsular campaign, perhaps in the ranks of the King's German Legion or, as an alternative to incarceration as prisoners of war.<sup>54</sup> Not quite all of Richard Bankin's fellow voyagers had white skins either. For example John Goff or Gough, a seaman and 'man of colour' born on the Isle of Wight, was to end up on the Sydney Gallows in 1827, after a spectacular and prolonged career of resistance and repeated extremely severe punishments.<sup>55</sup> So many different languages; dialects with their distinctive grammars, synaxes and phonetic particularities, were all contained under the sails of *The Marquis of Wellington*: a veritable hull of Babel! One can imagine Bankin's puzzlement when for the first time a Forfar man greeted him with 'fit like ye daen?': and equally the Forfar man's bafflement at Bankin's rural Essex speech. This was all utterly

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Surgeon-Superintendent on board the male convict ship, *Neptune* in 1817. He held strong opinions in respect of juvenile 'offenders'. In his opinion "[boys] are usually more corrupt and vicious than many of the grown up". He found nothing to alter this opinion from his experience on the *Neptune*. In an attempt to prevent 'bullying', he altered the sleeping arrangements on board and moved the boys from their quarters and moved them into the adult berths.

<sup>54</sup> SRNSW SR 4/4005, PSC, BI, *Marquis of Wellington*, Fiche No. 635, pp. 27-52. My speculation about Peninsular War military services derives from the place of trial of many of the *Marquis of Wellington's* European-born men being Oyarzun in Spain. Their indent entries, however, do not always record them as military personnel.

<sup>55</sup> See Ian Duffield, 'The Life and Death of "Black" John Goff: Aspects of the Black Convict Contribution to Resistance Patterns During the Transportation Era in Eastern Australia', *Australian Journal of Politics & History*, vol. 33, (1987), pp. 30-42.

unlike Richard Bankin's homeplace and perhaps only his prior incarceration in one of the hulks had in the least prepared him for it.

The claustrophobic quarters of that transport ship bore little resemblance to the rural backwaters of Essex, where the parish divisions were marked by the medieval term of hundreds.<sup>56</sup> Richard Bankin's home environment was Little Warley in the Chafford hundred, where he lived with his wife Prudence and his daughter Mary Ann until transported.<sup>57</sup> His younger daughter, Sarah, had been born less than 2 months before he embarked on the *Marquis of Wellington*.<sup>58</sup> The antiquity of the hamlet of Little Warley is reflected in its presence in an early seventeenth century map.<sup>59</sup> In 1811 its population amounted to 177 souls.<sup>60</sup> To compare the size of this hamlet with the numbers of those on board the *Marquis of Wellington* is to gain an idea of the shock that formed one dimension of this convict's transportation experience. Those on board the ship included not only the transportees, but also the officers and crew. In total the ship's complement must have come close to the entire population of Richard's 'native place'.

Richard's first communication to his family "gave great satisfaction to all your relations and friends."<sup>61</sup> There had been a ten-year gap between the date of

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<sup>56</sup> David Eastwood, *Government and Community in the English Provinces, 1700-1870*, (London, Macmillan, 1997), p. 92. See also Barrie Reay, *Microhistories: demography, society, and culture in rural England, 1800-1930*, (Cambridge, Cambridge University Press, 1996), p. 9 on hamlets belonging to parishes in Kent.

<sup>57</sup> William Page & J. Horace Round (eds), *The Victoria History of the County of Essex*, (London, Archibald Constable, 1907), Vol. Two, p. 345.

<sup>58</sup> "Ancestor's Record" prepared in New South Wales, *pers. comm.* Mrs Sandra Connelly. Sarah's date of birth is given as 30 July 1814.

<sup>59</sup> John Arlott (ed), *John Speed's England: A Coloured Facsimile of the Maps and Text from the Theatre of the Empire of Great Britaine*, First edition, 1611, Part 2 (London, Phoenix House Limited, 1953), folios 31 and 32.

<sup>60</sup> Page & Round (eds), *op. cit.*, p. 345.

<sup>61</sup> Unless otherwise stated all quotations have been taken from the letters written by John Bankin to his uncle Richard. See Appendix 3.

his trial (March 7 1814) and the date of his first letter home (March 14 1824). Is there a symbolic significance in the dating of Richard's first letter? Did it mark the ten-year anniversary of his court appearance? Is it untenable to suggest that there was a personal pledge made which he had kept? Romantic? Yes, indeed; but human beings are complex in their personal vows and silences. Although we cannot know whether there was such a vow, it is a possibility. What we can trace, however, is Richard's progress in New South Wales. On the indent entry, Richard's occupation was noted as "labourer". By 1822, he had gained his ticket of leave and was described as a "Landholder" in Richmond.<sup>62</sup> This official description is clearly suggestive of a material rise in Richard's fortunes since the arrival in January 1815 of the *Marquis of Wellington*.<sup>63</sup> The description of his circumstances in 1814, when he had "no goods to forfeit" demonstrates the potential for advancement in the colony.<sup>64</sup> It is certainly possible that it was this material advancement which prompted his letter back to Little Warley. Richard's circumstances hardly justify a definition of him becoming a man of substance. Those testifying to Richard's application for his wife and family to join him in the colony stated he was working on 9 acres in the neighbourhood of Richmond<sup>65</sup> Although we do not have a copy of the letter Richard sent, some of its contents can be deduced from the reply he received from his nephew, John.

John acted as the amanuensis for Prudence, Richard's wife, and Sarah, his sister; he additionally sent a verbal message from Richard's older daughter, Mary

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<sup>62</sup> 1822 *Muster*, entry no. A00783, p. 21.

<sup>63</sup> SRNSW SR 4/4005, *PSC, BI*, Fiche No. 635, p. 27.

<sup>64</sup> See Chapter 6 above, *passim*.

<sup>65</sup> SRNSW SR 4/1112.1A, 'Petitions from husbands', doc. 7. The testimonial signed by Archibald Bell, JP and the clergyman Henry Fulton and which was appended to Richard's petition indicated his ownership of 9 acres.



Ann. Prudence assured her husband that she had written letters previously but had no address for him; an assurance echoing that given by Susanna Francis. Prudence's assurance is suggestive of a woman whose "written letters" were a means of expression but that without an address for her husband they perhaps remained an internal monologue. From John's letter we learn that while Mary Ann was "at the Greyhound" in Little Warley, Prudence was living with her sister and brother at Bulphan Fen (a nearby hamlet) and, in Prudence's words, "Sarah is where you left her". Sarah was only two months old when Richard had embarked for New South Wales, but the letter is strangely silent about the circumstances separating this infant from her mother. What domestic upheavals had taken place in the aftermath of the trial? There is no suggestion of a rupture in the extended family network. Prudence was living with her brother-in-law and sister, who sent "Richard their love". John had obviously maintained direct contact with Richard's elder daughter, Mary Ann, and anticipated an early contact with the younger Sarah.

Richard's letter had been addressed to his nephew, John Bankin. It initially appears from John's reply that he was the one family member who could write. The original document was four-sided; John's copying of the additional letters was obviously an economic measure. The letter does not reflect a dialectic reproduction of what was said but, in the absence of the original documents forwarded by Prudence and Richard's sister Sarah there is no way of knowing whether they were partially literate or not. It is possible that in his approach to his nephew Richard was also looking for a personal intermediary to carry forward his request that his wife and family should join him. The long period of separation without any written communication between husband and wife, lends some

credibility to this suggestion. Prudence was over 40 and, in the intervening period, she might have died for all that Richard knew. His approach to John was perhaps a means of ascertaining what the actual circumstances were for Richard's family. In looking at the letters subjoined by John, we cannot be sure that he had not taken on the role of interpreter in addition to that of amanuensis. Richard had quite clearly written to suggest that his wife and family should join him in New South Wales. It was as a consequence of their affirmative responses that Richard submitted his application. In attaching John's letter to his application Richard demonstrated to the administration in New South Wales evidence of his family's willingness to join him.<sup>66</sup> Prudence's response to Richard's request initially appears cautious:

I and your children will be very happy to see you, if you can  
convey us into your country

When one considers that Richard and Prudence had been separated for 10 of the 18 years of their marriage, such caution is not so surprising. In contrast to that caution, Richard's elder daughter would, according to John,

venture life and all that is dear to her to be again under the  
protection of her Father

To what extent John had exaggerated Mary Ann's enthusiasm cannot be known. The recurring *leitmotif* of the protective role of fathers is, however, explicit in John's words and one clearly not negated by Richard's transportation sentence. Whatever memories Mary Ann may have had of her father cannot be known. Her response, as recorded by her cousin John, is in contrast to the rest of his rather formal prose. It suggests that whilst John may have taken some liberty with the

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<sup>66</sup> This, and Susanna Francis's letter to Thomas are the only letters from England held within this section of the archive.

actual words Mary Ann had spoken, he had conveyed the spirit of her initial willingness to be reunited with her father.

There is an unintentional irony in the address given for Richard's brother John and his wife. Although the manuscript is damaged it is clear enough to identify the address as being near "Wolld's End" [World's End].<sup>67</sup> Surely it was Richard who was quite literally at the World's End when he had been transported. Time and space became minimal considerations in John's opening salutation, when he wrote of "all your relatives and friends". Richard was not only a husband and a father, but also a member of a small community. The arrival of his letter ten years after his departure from that neighbourhood, had not been long enough to eradicate his existence from the collective memory held by the population of the small villages of Great and Little Warley. Despite the intervening years Richard's "dwelling is unaltered". Richard's sister Sarah Bennett drew attention to the distance separating the siblings. Although she reinforced this distance with the statement "though you be many miles from your native Country," she continued with a pious wish that even so, Richard would be "under the protection of the same good and gracious God". For Sarah, God's globe was on a different scale to that of humanity. Her brother's protection within the Almighty's sphere clearly gave her comfort in the face of the unimaginable mileage between brother and sister.

It is quite clear that Richard intended to remain in New South Wales and his letter was an attempt to reconstitute his family unit. Both John and Prudence

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<sup>67</sup> See J. A. Simpson & E.S.C. Weiner (eds) *Oxford English Dictionary* 2<sup>nd</sup> ed. (Oxford, Clarendon Press, 1989), vol. XX, "the farthest limit of the earth. Chiefly used hyperbolically", p. 556. See also Leslie Dunkling & Gordon Wright, *A Dictionary of Pub Names*, (London, Routledge & Kegan Paul, 1987), p. 297.

both made a point of referring to Richard's adoption of his new country. John referred to "your settlement" whilst his wife refers to "your country". Richard's letter to his nephew was dated 14 March 1824; John Bankin's letters to his uncle was dated 26 October 1824. Richard's petition to the colonial administration was dated 9 May 1825. This petition, with the accompanying correspondence, must have been presented almost as soon as Richard had received the affirmative answer to his question. The colonial administration, in its turn, took almost two years to advise Richard that his application had been successful. The minute attached to Richard's petition states "In List Sent Home Informed 23 March 1827".

Richard's entry in the 1828 *Census* suggests a downturn in his fortunes in the intervening period. Still in possession of his ticket of leave, he had left Richmond and was by then working as a labourer at Lower Portland Head for Andrew Doyle.<sup>68</sup> The later 1820s were not so beneficial for smallholders, as the earlier years had been.<sup>69</sup>

Prudence, Mary Ann and Sarah embarked on the female convict ship the *Borneo* in 1828, but arrived too late for an entry in the *Census*.<sup>70</sup> This ship arrived initially at Hobart, Van Diemen's Land where the 70 female convicts were to be landed, before progressing on to New South Wales. Prudence, according to the Surgeon's Report dated 19 August 1828, had experienced ill-health on the voyage. This report described Prudence as being "an old and infirm woman and being in a debilitated state I placed her on the sick list, so that she may receive the benefit of

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<sup>68</sup> 1828 *Census*, p. 40. Richard Bankin's entry appears under reference no. B0263. There is no indication that Richard retained ownership over any land. A number of Andrew Doyles were landowners in the Lower Portland Head district so none can be identified as Bankin's employer.

<sup>69</sup> Alan Atkinson, *Camden*, (Melbourne, Oxford University Press, 1988), p. 30.

<sup>70</sup> Charles Bateson, *The Convict Ships*, (Glasgow, Brown, Son & Ferguson, 1959), App. VIIa, p. 331. The *Borneo* was a female convict ship.

medical comforts" at Table Bay.<sup>71</sup> When the *Borneo* arrived at Hobart on 8 October she was taken to the local hospital where she died on 24 October, aged 45.<sup>72</sup> The *Borneo* left Hobart in December 1828 with Mary Ann and Sarah on board to continue their passage to Sydney.

Each of their names appear in the index of the "New South Wales Convict Marriage Banns, 1826-41".<sup>73</sup> These banns were called at the parishes of Richmond and Narellen. Richard Bankin reappeared in the New South Wales Registration of Burials on 7 February 1845. He died in the "Benevolent Asylum, Windsor" and was described as a "Pauper" aged 88.<sup>74</sup>

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<sup>71</sup> *Pers. comm.* Mrs Sandra Connelly, photocopy of the Surgeon's Report from the *Borneo*, AO ADM 101/12 transcribed by Ian Pearce, State Archivist of the Archives Office of Tasmania, dated 12 May 1987.

<sup>72</sup> *Pers. comm.* Mrs Sandra Connelly, photocopy of the "Burials in the Parish of Hobart Town in the County of Buckingham, in the Year 1828". Prudence Bankin's entry no. is 1760/1828 with a handwritten number 479.

<sup>73</sup> *Pers. comm.* Mrs Sandra Connelly, photocopy of printed extract "Marriage" certificate signed by "John Brettall Holliday" between Thomas Williams and Mary Ann Bankin on 22 June 1829 at Richmond. *Pers. com.* Mrs Sandra Connelly, photocopy of "Ancestors Record" showing marriage between John Adams and Sarah Bankin on 2 August 1830 at Narellen, New South Wales.

<sup>74</sup> *Pers. com.* Mrs Sandra Connelly, photocopy of the extract Burial certificate under the reference 573 Vol. 30. Certified by J. B. Holliday, Principal Registrar, issued at Sydney on 8 March 1982.

**We do therefore most fervently implore your Lordship to enable us to proceed to Sydney to rejoin a beloved parent, that may educate his children and protect his daughters,**

— Lydia Ann Halloran to Lord Sidmouth, 1820.<sup>75</sup>

Lydia Ann's first approach to Lord Sidmouth was by an undated letter. Her second approach, addressed to Henry Capper, referred to this first letter as having been written on 28 August 1820.<sup>76</sup> At the time of writing Laurence Halloran had been in the colony of New South Wales for 14 months. He had been transported by the convict ship *Baring 2*, which departed from England in late January 1819 and arrived in early July of the same year. His entry in the ship's indents shows that prior to transportation, Halloran had been accustomed to using several aliases based on variations of his name.<sup>77</sup> At the Old Bailey, where he had been found guilty of "forging a frank", Halloran acknowledged yet another alias, "Holland".<sup>78</sup> In his use of aliases Halloran was not alone; there were four others shown on the ship's indent as using alternative identities.<sup>79</sup> In that respect, if in no other, Halloran's entry on the indent can be compared to other transportees on board the *Baring 2*.<sup>80</sup>

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<sup>75</sup> PRO PC1/68, n.d. filed in August bundle for 1820.

<sup>76</sup> PRO PC1/68, document dated 28 September 1820. A full transcript of these two letters appears at Appendix 4.

<sup>77</sup> SRNSW SR 4/4006, PSC, BI, fiche no. 641, *Baring 2*, p. 303. The Surgeon Superintendent was David Read [sic] and the Ship's Master was John Lamb. The *Baring 2* arrived at Sydney on 26 June 1819. Halloran's entry shows "Laurence Halloran alias Laurence Hines Halloran alias William Charles Gregory", p. 314.

<sup>78</sup> *Times*, 10 September 1818, p. 3, column c. See also, *Gentleman's Magazine*, vol. 88, July-December 1818, p. 462.

<sup>79</sup> SRNSW SR4/4006, PSC, BI, fiche No. 641. Joseph Crawford alias Crowfoot, p. 306; John Sheehan, alias Sheen, p. 317; David Wilcox alias Clayton, p. 325, as well as John Salmon alias Solomon, p. 325. A thoughtful exploration of the question of aliases occurs in James Bradley, "Alias Smith and Jones" - Crime, Identity and the Self in the Mid-Nineteenth Century', unpublished paper given at the Modern History Research Seminar, Edinburgh University, 1998.

<sup>80</sup> In contrast to the other transportees who, as was standard practice, had their physical descriptions included in their entries, there is none recorded for Halloran. This omission is somewhat rectified by Reverend Richard Warner, F.A.S. *Literary Recollections in Two Volumes*, (London, Longman, /continued on next page

Lydia Ann's appeals to the Home Secretary (the second *via* Capper) were singular in at least two respects. Her facility with language demonstrated an educated woman and, by inference, social status. By drawing attention to persons of some social status who supported her and Laurence, she further insinuated her own social status, despite these letters lacking corroborative documentation. More surprisingly, however, was the absence in both documents of the word 'husband'. In each letter Lydia Ann referred quite explicitly to the 'father of her children' and his role as a parent. This can easily be explained. The couple were not married.

As a transportee, Halloran's privileges began with his accommodation on board the transport ship. The conditions on the *Isabella* experienced by Thomas Francis or on the *Marquis of Wellington* by Richard Bankin,<sup>81</sup> bore no resemblance to those on Laurence Halloran's shipboard cruise.<sup>82</sup> He enjoyed the comfort and space of his own private cabin, specially constructed prior to the ship's embarkation from England. These privileges were extended throughout the voyage, with his meals being brought to him and permission to take his exercise on the Poop deck.<sup>83</sup> Such arrangements placed him apart from his fellow transportees

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Rees, Orme, Brown & Green, 1830) Vol. 2, pp. 292-298. Warner's narrative, written in 1830, referred to incidents in 1805-6. His memory may well have been flawed in the light of those incidents. See also *Times*, 10 September 1818, p. 3, c. This report of Halloran's trial includes a physical description. Naturally, neither of these descriptions is in the bureaucratic format of the 1819 New South Wales *PSC, BI*. However, Kelvin Grose, 'Dr Halloran's Secret Life at the Cape', *Quarterly Bulletin of the South African Library*, vol. 41, (1987), pp. 145-158, includes a reproduction of Laurence Hynes Halloran, p. 147.

<sup>81</sup> Hansard, *Parliamentary Digest*, 1819, Part II, pp. 88-104, see n. 52 above, p. 262. This parliamentary debate had been initiated by Halloran's petition to the House of Commons.

<sup>82</sup> SRNSW SR4/1742, CSC, 25 July 1818-27 February 1819, Reel 6048, pp. 113-147, esp. 113-136, document dated 8 July 1819. This refers to a Special Meeting of the Sydney Bench of Magistrates relating to allegations made by Halloran about the conduct of the Master John Lamb of *Baring 2*, prior to the ship's departure from England. A fuller account of these events was given by Tina Picton Phillipps, unpublished paper, 'Getting Up the Nose of the Governors: Dr Halloran and Colonial Administrations', University of Edinburgh, Modern History Research Seminar, (1999).

<sup>83</sup> SRNSW SR4/1742, CSC, 25 July 1818 – 27 February 1819, Reel 6048, pp. 113-147, esp. pp. 113-136, p. 126, p. 129, and p. 135. During the evidence given in the proceedings recorded here,  
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and indeed, question whether those men were regarded, by whoever sanctioned and facilitated these arrangements, as in any meaningful sense his 'fellows'.<sup>84</sup>

Laurence Halloran is one of a very small minority whose name appears in both the *National Dictionary of Biography* and the *Australian Dictionary of Biography*.<sup>85</sup> In addition to these entries, his name also surfaces in the *South African Dictionary of Biography*.<sup>86</sup> By contrast, his name does not feature in the Index of Tickets of Leave, nor does he figure in that colony's Superintendent's Assignment Register.<sup>87</sup> Despite his absence from these Indices, he had apparently been given a ticket of leave on arrival.<sup>88</sup>

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Surgeon-Superintendent David Reid remarked on the accommodation, "this Cabin was not built by the Navy Board, nor by their order"; Charles Cotes, an Engineer with the 89<sup>th</sup> Regiment, stated Halloran "had a separate Cabin and walked on the Poop"; John Dunn, a "convict cook", frequently took meals to Halloran.

<sup>84</sup> Cf John Kelly, "Introduction" to John Mitchel, *Jail Diary; or Five Years in British Prisons 1876* (Poole, Woodstock Books, 1996) being a facsimile of the "Author's Edition"; p. 2; 32; pp. 53-5. Mitchel, as a "Young Irishman" was a political prisoner and enjoyed similar privileges on board the *Scourge* and *Dromedary* at Bermuda. Mitchel rightly interpreted such privileges as being to prevent contamination of other prisoners with his radical politics. He was told, "you ... are not to tamper with any of the prisoners on board", p. 53.

<sup>85</sup> Leslie Stephen and Sidney Lee, (eds), *National Dictionary of Biography, From the Earliest Times*, (Oxford, Oxford University Press, 1960 edn.), [hereafter *NDB*] vol. 111, pp. 1004-05. Alan Shaw & C. Manning Clark, (eds), *Australian Dictionary of Biography, 1788-1850*, [hereafter *ADB*], (Melbourne, Melbourne University Press, 1966), vol. 1, pp.506-7. The only other convict, in this study, to have achieved this is Margaret Catchpole, see *NDB*, vol.III, p. 1187; and *ADB*, vol. 1, p. 215. See also below chapter 8, 'Neglected Cargo', as well as Tina Picton Phillipps, 'Margaret Catchpole's First Ride?' in Ian Duffield & James Bradley (eds.) *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, (London, Leicester University Press, 1997), pp. 62 - 77, n. 15, p. 72 and n. 16, p. 73.

<sup>86</sup> W.J. de Kock, (ed.) *Dictionary of South African Biography* [hereafter *SADB*], (Pretoria, Human Sciences Research Council, 1976, 2<sup>nd</sup> ed.), vol. I, pp. 347-8.

<sup>87</sup> Perry McIntyre compiler, 'Convict Pardons, Tickets of Leave, New South Wales 1810-1875'. This index was taken from the official records. See SRNSW SR4/4521, 'Index to the Assignment Register, 1821-25'. Although Halloran arrived in the Colony prior to the first date of this Index, his name may have appeared in subsequent years.

<sup>88</sup> SRNSW SR4/4006, *PSC, BI*, fiche no. 314, p. 314. Halloran's ticket of leave number is recorded as being 1987. See also, SRNSW SR4/1742, *CSC*, '25 July 1818-27 February 1819', reel 6048, pp. 113-147. On 8 July 1819 the Bench of Magistrates, having found Halloran's accusations regarding John Lamb as "totally false, malicious and unfounded", ordered that Halloran should be "deprived of his Ticket of Leave and ordered to Government Labour", p. 146.



Halloran appears to have secured assignment to the wealthy emancipist merchant, Simeon Lord.<sup>89</sup> It is unclear when this arrangement had been made; Lord's withdrawal from the Bench of Magistrates hearing, at the second case against Halloran, suggests an earlier agreement.<sup>90</sup> Simeon Lord was not the only one to prove valuable to Laurence Halloran in New South Wales. Between his arrival in Sydney and his death in March 1831, his career demonstrates his ability to attract favour and animosity in almost equal measure.<sup>91</sup> This ability, coupled with what seems to have been a strong personality, appear to have shaped his life in England as well as in the colony of the Cape of Good Hope.<sup>92</sup>

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<sup>89</sup> *Ibid.*, p. 147. On 9 July the Bench of Magistrates, which included Simeon Lord amongst their number, reconvened on account of Laurence Halloran "having been found at large". It was at that point that Simeon Lord was described as "having previously declined to act". Simeon Lord in *ADB*, vol. 2, pp. 128-131. See also Lloyd Robson, *The Convict Settlers of Australia*, (Melbourne, Melbourne University Press, 1976) pp. 115-118 and p. 128; John Hirst, *Convict Society and its Enemies: A History of New South Wales*, (Sydney, Allen & Unwin, 1983), p. 154 and p. 158. Each draws attention to Simeon Lord's position on the Bench of Magistrates.

<sup>90</sup> Arthur Wilberforce Jose and Herbert James Carter (eds) *The Australian Encyclopaedia* (Sydney, Angus & Robertson, 1927) 2 vols, state "he [Halloran] was assigned as a servant to Simeon Lord with whom he was already in favour", vol. I, p. 593. See also L. de Wit, 'The Rev. Dr Laurence Halloran, D.D.', *Africana Notes & News*, vol. 14 (1960-61), pp. 282-285. This short biographical essay repeats Jose and Carter above. I am grateful to Professor Nigel Worden, of the University of Cape Town, Dept. of Historical Studies, who very kindly photocopied and forwarded this essay.

<sup>91</sup> *Historical Records of Australia*, [hereafter *HRA*], vol. XI, January 1823-November 1825. Sir Thomas Brisbane to Halloran. Brisbane wrote, "I pledge myself to give every support in my power", p. 69. *HRA*, vol. XII, Governor Darling to Under-Secretary Hay, dated 1 May 1826, referred to an informal meeting with John Macarthur, "The support of Doctor Halloran is now his favourite object", p. 255. See also *HRA*, vol. XIV, Darling to Huskisson enclosing a copy of Halloran's letter, "An employment ... proposed by Mr John Macarthur" was with the Australian Agricultural Company, pp. 392-3. Halloran was unable to fulfil this position, due to Archdeacon Scott's interference. See also *HRA*, vol. XIV, March 1828-May 1829. Governor Darling to Right-Hon. Huskisson, dated 6 September 1829. In this Darling related his appointment of Halloran as a Coroner to the Court in Sydney. Archdeacon Scott was also instrumental in having this appointment rescinded. See Kelvin Grose, "'A Strange Compound of Good and Ill': Laurence Hynes Halloran", in Bob Reece, (ed.) *Exiles from Erin: Convict Lives in Ireland and Australia* (Basingstoke, Macmillan, 1991), pp. 85-111, esp. 105-6.

<sup>92</sup> *HRA*, vol. XII, Under-Secretary Hay-Darling dated 22 July 1825, referred to the support of Lord Gifford [Master of the Rolls] to Halloran's petition for "some Indulgence or Assistance", p. 36; see also W.W. Bird, *State of The Cape of Good Hope in 1822*, (London, John Murray, 1823), p. 63; Cecil Lewis and G.E. Edwards, *Historical Records of the Church of the Province of South Africa*, (London, Society for Promoting Christian Knowledge, 1934), p. 8; de Wit, *op. cit.*, gives evidence of a large body of public support for Halloran prior to his banishment from the Cape, p. 284.

These personal characteristics apparently stood him in good stead until 1830, when he opened his “Memorial Office”. This ‘office’ was advertised as one where “persons with a grievance” could have such grievances formalised for presentation to the administration.<sup>93</sup> Governor Darling peevishly commented, “this Establishment will not be instrumental to the Promotion of Public Peace”.<sup>94</sup> This “Memorial Office” was Laurence Halloran’s final project of any consequence before his death in 1831,<sup>95</sup> and one, it can be guessed, based on his own broad experience in that field.<sup>96</sup> However, his literary talents were not restricted to petitions on his own or others’ behalf.<sup>97</sup>

Lydia Ann’s communication to Lord Sidmouth firmly requested that she and her family “may be received on board the first Female Ship which sails to New South Wales”. It is unclear from mentions of “returns” from the colony in her letters at this period as to whether or not she had heard from Halloran himself. Her information about Halloran appears to have been received through Colonel

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<sup>93</sup> See Jose and Carter (eds) *Australian Encyclopaedia*, vol. I, p. 593 and L. de Wit, *op. cit.*, p. 285.

<sup>94</sup> *HRA*, vol. XV, June 1829-December 1830, Darling-Sir George Murray, 24 July 1830.

<sup>95</sup> *HRA*, vol. XIV, p. 101 and p. 843. Halloran had made an abortive entry into journalism with his paper *The Gleaner* in April 1827, which folded after only five months. See also *SG* 18 September 1830, p. 2, c.5 and 6; and *SG* 7 October 1830 which carried advertisements for a series of six lectures to be given by Dr Halloran.

<sup>96</sup> SRNSW SR4/1865, ‘Colonial Secretary Petitions 1822’, fiche no. 3218 dated 9 April 1822 from Laurence Halloran to Sir Thomas Brisbane is but one of Halloran’s many New South Wales petitions, which are far too numerous to be listed here. In Britain he petitioned Lord Sidmouth in 1818 and the House of Commons in 1819.

<sup>97</sup> Laurence Halloran’s verses featured in the *Sydney Gazette* with the first appearing on 3 July 1819. His first volume of poetry appeared in 1791 and his drama, *The Female Volunteer*, under the pseudonym of ‘Philo-Nauticus’ was published in 1801. L. de Wit, *op. cit.*, refers to a printed book published in London in 1811 by T. Harper, *Proceedings, including original correspondence, official documents, exhibits, duly attested, and authenticated, as correct extracts from the records of the Court of Justice, at the Cape of Good Hope, in a criminal process for a libel, instituted at the suit of Lieut.-Gen. The Hon. H. G. Grey; and by order of the Right Hon. Earl of Caledon, Governor of that Colony, against Laurence Halloran, D.D. Late Chaplain to His Majesty’s Forces, etc. in South Africa*. The entry in the *SADB*, vol. I, mentions *Newgate: or desultory sketches in a prison, a poem: ... with notes and an appendix* published in London 1818, p. 348. Neither of these two latter

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Nicholls who had, apparently, been making representations on her behalf. The printed record does not disclose any despatches specifying a particular indulgence for Halloran in respect of Lydia Ann and the children.<sup>98</sup> Lydia Ann drew attention, in her first letter, to her situation of material distress which was stressed even more strongly in her second.<sup>99</sup> The prospect of the forthcoming “Winter” gave rise to deeper anxieties as to how she would manage to feed the eight “orphan children”. Lydia Ann’s facility with words should not blind us to the possibility that she spoke with some degree of truth. She drew attention to her family’s present circumstances of “extremest want ... contrasted with their former comfortable competence”<sup>100</sup> and recalled Halloran’s roles as educator of his children and protector of them and their mother.

Indeed, it is entirely credible that Halloran had been an effective educator of his children. In Britain, the Cape and New South Wales, he earned a reputation as an able schoolmaster.<sup>101</sup> His early success in New South Wales attracted financial and moral support from both Simeon Lord and John Macarthur.<sup>102</sup> The founding of the school also prompted the Commissioner, J. T. Bigge, to comment favourably on Halloran’s talents, whilst deploring the man himself.<sup>103</sup> Manning Clark has even commented that until Halloran’s arrival serious schooling in the

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works can be traced through the standard catalogues although other printed works by Halloran are listed.

<sup>98</sup> *HRA*, vol. XI, Item 127 from Sir Thomas Brisbane, stating “No additional indulgence has been granted to Laurence Halloran”, p. 576.

<sup>99</sup> These two letters have been referenced as Appendix 4.

<sup>100</sup> Appendix 4.

<sup>101</sup> *DNB*, vol. III, p. 104; *SADB*, vol. 1, p. 347; *ADB*, vol. 1, p. 506. See also Warner, *op. cit.*, p. 293; Lewis & Edwards, *op. cit.*, p. 8; de Wit, *op. cit.*, p. 284.

<sup>102</sup> *ADB*, vol. 1, p. 506.

<sup>103</sup> Bigge Report, 1.

colony was conspicuous by its absence.<sup>104</sup> When Lydia Ann wrote her first petition, Halloran's school and resumed teaching career had been in existence for eight months; it was opened just six months after Halloran's arrival in the colony in January 1820.<sup>105</sup>

Laurence Halloran and Lydia Ann "Hall" were not married. Their relationship began whilst Halloran was married to Mary Boutcher, by whom he had four surviving children.<sup>106</sup> No mention of Halloran's domestic circumstances was made by the Rev. Warner in his recollections of Halloran during Laurence's sojourn in Bath between 1806 and 1807.<sup>107</sup> Lydia Ann bore a number of children between the start of their relationship and her death in 1823 in New South Wales.<sup>108</sup> During his time at the Cape Colony Halloran apparently supported both families. Whilst his wife Mary lived in Cape Town itself, Lydia Ann was housed in nearby Simonstown. Laurence and Lydia Ann's son Henry was born in 1811.<sup>109</sup> Lydia Ann, accompanied by six of their children sailed on the *Providence 2*, which

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<sup>104</sup> Clark, *op. cit.*, p. 99. The wealthier settler families were accustomed to send their children away from the colony to be educated, e.g. the Wentworths, the Macarthur family and the Blaxlands.

<sup>105</sup> 'Report from the Select Committee on Secondary Punishments: Together with the Minutes of Evidence', *Parliamentary Papers*, vol. VII (1831), pp. 1-177, p. 65. This was in respect of Dr O'Halloran [*sic*] and his situation in the colony.

<sup>106</sup> Grose, 'Dr Halloran's Secret Life at the Cape' *op. cit.*, unpicks the complex domestic circumstances of Halloran's two domestic relationships as well as demonstrating that these could hardly have been unknown to Halloran's contemporaries in the Cape.

<sup>107</sup> Warner, *Literary Recollections*, vol. 2, pp. 292-98. These events in the period 1806-7 may have given rise to Halloran's departure from England for the Cape.

<sup>108</sup> Lydia Ann died in Sydney shortly after childbirth.

<sup>109</sup> *SADB*, p. 348 states Laurence Halloran left the Cape in March 1811 on the frigate *La Manche*, in which case Henry may have been born after his father's departure. According to Grose, 'Dr Halloran's Secret Life', *op. cit.*, Lydia Ann returned to Britain on board the *Claudine* accompanied by her children, p. 154. Their son, Henry Halloran born at the Cape, subsequently achieved high status in the New South Wales colonial office where he worked in the Land Office during the period of land reform. See William H. Wilde, Joy Horton, Barry Andrews, (eds), *The Oxford Companion to Australian Literature*, (Oxford, Oxford University Press, 1985), pp. 313-314.

sailed from England via Hobart and arrived in Sydney on January 8 1822.<sup>110</sup> The couple had been apart for just under three years. Halloran soon exaggerated this in a petition: “Mrs Halloran & our numerous young family have lately rejoined me, after a distressing separation of more than three years”.<sup>111</sup> The actual period of separation would surely have generated pathos enough for his petition’s purposes and the incident perhaps indicates the crucial flaw of this talented man as fully as more sensational episodes in his life.<sup>112</sup>

Lydia Ann died in October 1823; the child she was carrying did not survive. Laurence Halloran remarried the following year.<sup>113</sup> He married a young woman, Elizabeth Turnbull who had arrived in the colony with her father, a free settler.<sup>114</sup> It is plausible to indicate that the Turnbulls had met Laurence Halloran on their voyage to New South Wales, since all three had travelled on *Baring 2*. Given the unusually privileged living arrangements Halloran enjoyed aboard, his friendly association with free passengers is plausible and one cannot doubt his ability to make himself agreeable company if he chose. While such circumstances might facilitate his second ‘marriage’ they do not fully explain it. Rather, it is more probable that like almost any widower with a family of children at that time,

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<sup>110</sup> 1822 *Muster* shows “Mr” Halloran with a “Ticket of Leave” and his wife and four children having arrived “came free” on the *Providence*, ref. nos. A09015-A09020, p. 206.

<sup>111</sup> SRNSW SR 4/1865, ‘Colonial Secretary Petitions, 1822’, AO fiche no. 3218, p. 97d, dated 9 April 1822 from Laurence Halloran to Sir Thomas Brisbane.

<sup>112</sup> Grose, ‘A Strange Compound of Good and Ill’, *op. cit.*, explores some of the complexities of Laurence Hynes Halloran’s character.

<sup>113</sup> SRNSW 4.3512, CSC July 21-November 11, 1824, p. 127. Application by Rev. William Cowper on behalf of Laurence Halloran and Elizabeth Forrester Turnbull to have their names published.

<sup>114</sup> 1828 *Census*, pp. 175-6 entry nos. H0229 for “L.H.” Halloran and his second wife, H02930, Elizabeth F. who had arrived ‘free’ on the same ship as Halloran, the *Baring 2*. Below their names are the children of Laurence Halloran and Lydia Ann, entry nos. H02931-H0237 (six children who all arrived on the *Providence* with their mother). Beneath their names are shown the two children Halloran had by Elizabeth Forrester Turnbull, entry nos. H0238 and H0239.

he urgently sought a new wife to provide domestic care for them and himself. Fatherly affection did not usually extend, at that time, to undertaking the toil of children's daily nurture.

Halloran's life, which began in Co. Meath Ireland was full of eventful troubles in England, the Cape of Good Hope and New South Wales. These troubles evoked support from friends and even official figures in all three places, through which we can sense a network of influential connections. Links to power and patronage are writ large in his life. The distance separating couples when the male partner was transported appears diminished at this level of society. On Halloran's arrival in New South Wales he met a friend from his time in the Cape Colony: the Colonial Secretary John Thomas Campbell. It was, apparently, Campbell who had been instrumental in securing Halloran his ticket of leave. Campbell was also managerially responsible for the compilation of his unusually attenuated indent entry when the *Baring 2* docked at Sydney.<sup>115</sup> A discreet verbal instruction *via* the Muster Master to the convict clerks could have arranged that. It was Campbell who took responsibility for Halloran and prevented him being taken off "for government labour".<sup>116</sup>

Lengthy separation, a highly punitive element in the separation of a transported husband from his wife or partner, was much diminished in the punishment of Laurence Halloran and the consequent distress of his partner, Lydia

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<sup>115</sup> Bigge Report 1. Commissioner Bigge drew attention to the role of the colonial secretary in this respect, p. 4. This perhaps explains the absence of the standard information as to physical appearance in Halloran's indent entry. If so, the further implicit message seems to be that such surveillance and measuring were inappropriately demeaning to a 'gentleman' of good connections, even if his gentility was tainted by criminal conviction.

<sup>116</sup> See SRNSW 4/1742, CSC 25 July 1818-27 February 1819, Reel 6048, pp. 113-147, p. 144, "... under the influence of certain considerations personally applicable to Halloran...", and p. 161, Campbell's tacit indication of his patronage of Halloran.

Ann. The regulation regarding the “free passages for the wives and families of convicts” was usually open only to those husbands who had been given sentences of 14 years or life. This study has been primarily concerned with transportation and its consequences for married and *de facto* couples. Such concerns have included government regulations and the actual practices of administration in Britain and New South Wales, as well as the rhetoric regarding marriage as an instrument of reform. It seems ironic that Halloran, who attracted so many personal favours in New South Wales, was in fact a man who, in Britain and the Cape Colony, had fraudulently assumed a position as an “ordained man of the cloth”, and who, in that guise had performed the solemn rituals of Christian marriage, whilst actively violating those ritual promises.<sup>117</sup>

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<sup>117</sup> For the Cape, see *op. cit.* p. 62; Lewis & Edwards *op. cit.*, p. 7; de Wit, *op. cit.*, p. 282; and H. Gilliomée in W. J. de Kock (ed.) *op. cit.* p. 348, who also drew attention to the fact that the title “Dr” was based on patronage rather than examination for his degree at Aberdeen University. Grose, ‘A Strange Compound’, *op. cit.*, expands on this point, esp. p. 98. For England, see Warner, *op. cit.* Vol. 2, pp. 297-8 who was more concerned with demonstrating Halloran’s fraudulent posture and preaching. He does not actually discuss marriage ceremonies performed by Halloran, see Grose, ‘A Strange Compound’, *op. cit.*, who details Halloran’s officiation at marriage, baptisms and burials in England, esp. p. 100. In Australia reference to Halloran’s role as an ordained cleric is commented on in at some length in Arthur Wilberforce Jose and Herbert James Carter *op. cit.* It is perhaps revealing that these aspects of “Dr” Halloran were excluded in both the *NDB* and *ADB*.

## **CHAPTER EIGHT:**

### **NEGLECTED CARGO:**

Convict communications between New South Wales and Britain



**You will leave the country, all of you. You will see your friends and relations no more the friends with whom you are connected will be parted from you forever in this world**

— Mr Justice Alderson, 1831.<sup>1</sup>

Within the scholarly literature statements have been made about convict correspondence, but the current historiography is more concerned with life in the colony itself.<sup>2</sup> Assumptions that correspondence (either from or to the colonial unfree population) took place have produced generalisations based on a meagre corpus of known letters.<sup>3</sup> Scholars have, unsurprisingly, expressed regret that the paucity of surviving letters has precluded specialist studies of such correspondence.<sup>4</sup> Both acknowledgements and regrets have emerged most

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<sup>1</sup> It continues "... for though you will be transported for seven years only, it is not likely that at the expiration of that term you will find yourselves in a situation to return. You will be in a distant land at the expiration of your sentence. the land which you have disgraced will see you no more." See Mr Justice Alderson, quoted in J.L. and B. Hammond *The Village Labourer 1760-1832: A Study in the Government of England before the Reform Bill* (London, Longmans Green & Co. 1920), p. 271. Mr Justice Alderson's comments were made in 1831 at a trial in Salisbury, Wiltshire. The three men sentenced were Thomas Porter, aged 18 a shepherd, Henry Dicketts, aged 19, a bricklayer's labourer and Aaron Shepherd, aged 40. The last named had no occupation listed. Alderson concluded "I hope that your fate will be a warning to others"; see Manning Clark, "The Origins of the Convicts transported to Eastern Australia 1787-1852, Part I", *Historical Studies (Australia & New Zealand)*, vol. 26 (1956) pp. 121-135, esp. p. 127.

<sup>2</sup> Grace Karksens, *The Rocks: Life in Early Sydney*, (Carlton, Melbourne University Press, 1997). Karksens' focus is on life in a well-known district in Sydney. Now a major tourist site, in its early years this area was renowned for its convict and emancipist residents. Babette Smith, *A Cargo of Women: Susannah Watson and the Convicts of the 'Princess Royal'*, (Sydney, New South Wales University Press, 1988). Each study refers to correspondence to and from Britain. Smith's work in particular draws on correspondence from her ancestor, Susannah Watson. See also Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*, (Cambridge, Cambridge University Press, 1997) and Kay Daniels, *Convict Women*, (St Leonards, New South Wales, Allen & Unwin, 1998). Both works focus on life in both New South Wales and Van Diemen's Land. Whereas Damousi adopts a strong post-modernist theoretical position, Daniels' approach provides an excellent survey combining an extended historiographic essay with original research. See also Ian Duffield & James Bradley (eds) *Representing Convicts: New Perspectives on Convict Forced Labour Migration*, (London, Leicester University Press, 1997). The majority of the contributors in *Representing Convicts* dealt specifically with life in either New South Wales or Van Diemen's Land. See more recently, P. Chapman, et. al. (eds), *Exiles of Empire: Convict Experience and Penal Policy 1788-1852*, a special issue of *Tasmanian Historical Studies*, vol. 6, (1999).

<sup>3</sup> Patricia Grimshaw, Susan Janson and Marian Quartley (eds) *Freedom Bound: Documents on Women in Colonial Australia* (New South Wales, Allen & Unwin Pty, 1995).

<sup>4</sup> Kay Daniels and Mary Murnane (eds) *Uphill All The Way: A Documentary History of Women in Australia* (St Lucia, University of Queensland Press, 1980) and Patricia Clarke and Dale Spender (eds) *Life Lines: Australian Women's Letters and Diaries 1788 to 1840* (St Leonards, NSW, Allen & Unwin, 1995).  
/continued on next page

strongly with the appearance of feminist studies of the female convicts.<sup>5</sup> Feminist scholars have influenced the questions asked and the directions taken in social history for the colonial period.<sup>6</sup> The existing focus on the letters written by women has feminised existing approaches to correspondence, while the collected papers of prominent families used in the anthologies establish a class bias.<sup>7</sup> More recently this sexual division has been reinforced with a gendered dimension to correspondence from New South Wales.<sup>8</sup> Patricia Clarke and Dale Spender firmly declared that maintaining links with friends and family back home was 'women's business'.<sup>9</sup> Their statement could hardly be challenged in the absence of studies of male convict letter-writing. Their "mission statement" was to focus on female (free and unfree) labour in the colony, although the editors have considered expressions of longings for "home".<sup>10</sup> However, the exclusion of any male-convict letter writers reinforces the underlying assumption that male correspondents, convict or free, did not experience similar emotional response of

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& Unwin, 1992). However, Deborah Oxley, *Convict Maids: The Forced Migration of women to Australia*, (Cambridge, Cambridge University Press, 1996) whose prime concerns were with female convicts' lives before disembarkation states, "Correspondence shuffled from southern to northern hemisphere and back repeatedly", p. 125.

<sup>5</sup> Ann Summers, *Damned Whores and God's Police: The Colonization of Women in Australia* (Melbourne, Penguin, 1975) and Miriam Dixson, *The Real Mathilda: Women and Identity in Australia 1788-1975* (Melbourne, Penguin, 1976) were both heavily influential in redirecting a focus in the academic literature though each work was aimed for a wider readership. See also the subsequent article by Marian Aveling, 'Imagining New South Wales as a gendered society 1788-1821', *Australian Historical Studies*, vol. 25, (1992), pp. 1-12.

<sup>6</sup> See Ann Curthoys, 'It was 1975 Visions, Nightmares, Dreams: Women's History 1975', *Australian Historical Studies*, vol. 30, (1996), pp. 1-13 and Jill Julius Matthews, 'Doing Theory or Using Theory: Australian Feminist/Women's History in the 1990s', *Australian Historical Studies*, vol. 30, (1996), pp. 49-58 discuss these transformations of the historiography.

<sup>7</sup> Helen Heney, *Dear Fanny: Women's Letters to and from New South Wales 1788-1857*, [hereafter *Dear Fanny*], (Canberra, Australian National University Press, 1985), p. ix, who refers to 'big family records', p. ix.

<sup>8</sup> Clarke and Spender (eds) *op. cit.*, 'Introduction' pp. xi-xxxii.

<sup>9</sup> *Ibid.*, p. xxiii.

<sup>10</sup> *Ibid.*, The index to the anthology, p. 256, gives 14 entries under the heading "longing for home", of these 10 concern free migrant women, 1 an assisted emigrant woman and 3 from convict women.

homesickness. Kay Daniels, however, refreshingly observes: “Of the letters written by convicts to relatives at home, most that remain were written by men”.<sup>11</sup> Concerning family ties, it was not only the female convicts who experienced distress at severance from family, friends and community.<sup>12</sup>

Consequently there is a two-dimensional model of correspondence from New South Wales. One dimension is that of female correspondents, free or unfree. The free women typically arrived as the wives and daughters of free settlers, officers and officials.<sup>13</sup> Early letters from free and unfree women alike supply us with informal accounts of how life was lived and how the colony was experienced, from information about local prices to descriptions of flora, fauna and climate. An early transportee, Sarah Bird, who arrived at Port Jackson on April 30 1796 on the *Indispensable*, wrote to her father shortly afterwards. Her letter contains a lengthy list of commercial transactions which she had successfully completed. Amongst the items detailed that she had sold were “a number of small articles, such as sugar, tea, tobacco, thread, snuff, needles and every thing that I could get anything by”. Evidently, Sarah Bird had some prior knowledge of what articles were in demand in the colony and had, accordingly, brought with her such items for resale.<sup>14</sup>

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<sup>11</sup> Daniels, *op. cit.*, p. 214. See also Bruce Hindmarsh, ‘Wherever I go I whill right to you’, in Lucy Frost and Hamish Maxwell-Stewart, (eds) *Chain Letters: narrating convict lives* (Melbourne, Melbourne University Press, 2001), pp. 165-176. The focus here is on the largest extant body of letters home – those written by the half-brothers Richard Taylor and Simon Brown, 1840-58 to their father. This correspondence is held by the Lancashire Record Office in Preston, U.K. The Lancashire Record Office has the 1840-46 letters of Richard Boothman who describes his life on the hulk *Justicia* as well as his experiences in Van Diemen’s Land.

<sup>12</sup> Oxley, *op. cit.*, Oxley notes that when “women were transported ... they left behind them mothers, and fathers, brothers and sisters, husbands, lovers and children”, p. 125. The same could be said for the male convicts, with of course the substitution of “wives” for “husbands”.

<sup>13</sup> Beverley Earnshaw and Joy Hughes (eds) *Fanny to William: The Letters of Frances Leonora Macleay, 1812-1836* (Sydney, The Historic House Trust of New South Wales, 1993).

<sup>14</sup> Clarke & Spender, *op. cit.*, p. 9. This letter was earlier printed in *Historical Records of New Wales*, [hereafter *HRA*], vol. III, pp. 509-10.

Elizabeth Macarthur attempted to 'fill up the vacuum of many a Solitary day' with an attempt to classify the local plants, remarking, 'no Country can exhibit a more Copious field for Botanical knowledge'.<sup>15</sup> Margaret Catchpole, writing to her former employer, Mrs John Cobbold, described the devastating consequences of the flooding of the Hawkesbury River beside which she had rented a farmstead.<sup>16</sup> For her the flood was both materially and financially disastrous because she had anticipated proceeds of about £50 from her farm produce.

One consequence of the development of an approach which focused primarily on correspondence from women in early New South Wales was research into the women's lifestyles and lived experience. Thus the locality and society in which settlement occurred produced adaptations and modifications to some of the habits of life brought over from Europe. As settlement extended further into the bush, the economic and domestic roles that women maintained in isolated areas were different from those women who remained in Sydney or in close proximity to it in townships such as Windsor and Parramatta.<sup>17</sup>

Within this framework could be counted Helen Heney's *Australia's Founding Mothers* which presents a qualitative survey of women's lives through the early years of the colony.<sup>18</sup> Her text concentrates on women's daily lives and

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<sup>15</sup> Clarke & Spender, *op. cit.*, p. 22, from a letter to her friend Bridget Kingdon, dated 7 March 1792. The original is in the Macarthur Papers, Vol. 10, ML A2906, Mfm CY940.

<sup>16</sup> *Ibid.*, p. 15 and Heney, *Dear Fanny*, p. 39. The original manuscript citation is NLA, MS 1116 letter dated 8 October 1809.

<sup>17</sup> See "A Lady's Letter" dated 7 May 1822 from Elizabeth Hawkins to her sister Mrs Ann Bowling (Parramatta & District Historical Society); Clarke & Spender (eds) *op. cit.*, chp. 9, "Pathmakers".

<sup>18</sup> Helen Heney, *Australia's Founding Mothers* [hereafter *Australia's Founding Mothers*], (Melbourne, Thomas Nelson, 1978). See also Portia Robinson, *The Women of Botany Bay: a Reinterpretation of the Role of Women in the Origins of Australian Society* (North Ryde, Macquarie Library, 1988) which is equally potent with this interpretation of women as a formative influence on the socialisation of Australia in the period.

interactions, concluding with a hymn of praise to them as “tough, cunning, courageous and vulnerable pioneers whose basic purpose was survival”.<sup>19</sup> For Heney, the women who came to early New South Wales were nation-builders: “Willing or not, they opted like the tranquilly wise Elizabeth Macarthur, for Australia. The small silent minority turned the scale of a new nation.”<sup>20</sup> This overtly nationalist agenda, coupled as it is with the emphasis on women, is reinforced by Heney’s ‘Preface’. Here, correspondents are defined as “the women who put down roots and found a sense of identity”.<sup>21</sup> There is a tacit assumption that those who wrote their letters from New South Wales had arrived without any such “sense of identity”. Thus, for Heney, that happy discovery was one of the unexpected advantages of exile. This is coupled with the firmly asserted establishment of a specific and unproblematic “Australian” way of life and so, regretfully, avoids the crucial problematics of national identity.<sup>22</sup>

In contrast to these personal communications from women, it is wrongly assumed that there was an absence of personal letters from convict men. In fact, there has been an absence of comparable interest in male convicts’ letters,

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<sup>19</sup> Heney, *Dear Fanny*, p. ix.

<sup>20</sup> Heney, *Australia’s Founding Mothers*, p. 15.

<sup>21</sup> Heney, *Dear Fanny*, p. ix.

<sup>22</sup> Richard White, *Inventing Australia: Images and Identity 1680-1980*, (Sydney, George Allen & Unwin, 1981) for discussion on this. White’s thesis is not concerned with whether or not such ideas are “true or false”, rather the question should be “whose interests [such ideas] serve”, p. viii. See also Kay Schaffer, *Women and the bush: Forces of Desire in the Australian Cultural Tradition* (Cambridge, Cambridge University Press, 1988, 1990 edn), whilst acknowledging White’s thesis, was more concerned to examine the production and dissemination of a “masculine” bias present in previous cultural manifestations. See also John Gillis (ed), “Introduction”, *Commemorations: The Politics of National Identity* (Princeton, Princeton University Press, 1994), who states, “Identities and memories are not things we think *about*, but things we think *with*. As such they have no existence beyond our politics, our social relations and our histories.” (Emphasis in text), p. 5.

compared to that shown in female correspondents.<sup>23</sup> To search in printed publications for male correspondents we must look to the male officials who wrote formal reports, or despatches relating entirely to official state matters.<sup>24</sup> The disparity in the current literature between interest in the personal communications of the women (free or unfree) and the formality of government despatches attests to a gendered scholarly approach of separate spheres. This approach does of course reflect the contemporary situation in respect of officialdom. Women were indeed excluded from positions of power within the colonial administrative service.<sup>25</sup> The focus on female correspondents who were restricted in their activity to small-scale trade, domesticity and loneliness is one which simultaneously denies the male voice a response to personal circumstances. The omission of any mention of correspondence, either from or to the male transportees is in itself worthy of note. This chapter is concerned with establishing recognition of communications both to and from transported convicts of both sexes in New South Wales. This term 'communications' includes evidence suggesting a continuity of personal relationships, between northern and southern hemispheres. The sending of letters to and from Britain is the most obvious starting point, but there are other indications of an on-going communication network. Convict

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<sup>23</sup> An important exception to this general dismissal is the work by my colleague Mr Bruce Hindmarsh whose chapter is in Frost & Maxwell-Stewart (eds), *op. cit.*, see n. 11, above.

<sup>24</sup> Biographies of the "great and the good" do of course draw on correspondence but they are indeed a minority compared to the larger numbers of the "small and the bad". See, for example, John Ritchie's recent biography of the Wentworths, (John Ritchie, *The Wentworths: Father and Son* (Melbourne, The Miegunyah Press, 1997); or A. T. Yarwood's biography, *Samuel Marsden, The Great Survivor* (Melbourne, Melbourne University Press, 1977). Both the *Historical Records of New South Wales* [hereafter *HRNSW*] and *HRA* are based almost entirely on these "Despatches" passing between Sydney and London.

<sup>25</sup> At least one 'formal' exception was the role played by the Patroness and Vice-Patronesses of the Male and Female Orphanages. These voluntary and philanthropic positions were restricted to the wives of senior administrative officials and carried little authority. See SRNSW SR4/400 and SRNSW SR4/403, reel no. 6040 for the constitution and regulations of both institutions in 1819.

petitions requesting to return “home” are assumed to demonstrate at the very least a continued psychological link with an area regarded as “home”.

Similarly in the absence of written evidence it is plausible to suggest that oral messages were sometimes relayed between Britain and New South Wales, for example when convicts were assigned to their immediate family members, (usually spouses) in the colony. The previous failure, in the literature, to address the issue of continued communication between transported individuals and their families and friends in Britain and Ireland sustains a model of the male convict population of New South Wales as comprising socially isolated outcasts, rejected by their original friends and families. Furthermore, this assumption also posits that the convicts had been stigmatised by their original communities as well.<sup>26</sup> The failure to question the validity of these tacit assumptions has, by default, created a gendered stereotype of a brutalised male convict devoid of affectionate emotions.

As a result, differing emotional responses to transportation (in both Britain and New South Wales) are revealed by those who were directly or indirectly involved. Lack of attention to convict correspondence in the academic literature possibly reflects an equal absence of comment both in the British parliamentary reports relating to early white settlement in New South Wales and the systematic records kept in the colony of convicts’ trajectory through their sentences.

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<sup>26</sup> Damousi, *op. cit.*, Dixon, *op. cit.*, Summers, *op. cit.*, and Katrina Alford, *Production or Reproduction? An Economic History of Women in Australia 1788-1850*, (Melbourne, Oxford University Press, 1984) each uncritically accepted and contributed to this assumption of the male convict population. See above, Chapter 5, ‘Family Matters’, *passim*, for a critique of these approaches. The word ‘community’ has been the focus of a number of scholarly works resulting in its problematic definition. See, for example, Alan Macfarlane in collaboration with Sarah Harrison and Charles Jardine, *Reconstructing Historical Communities* (Cambridge, Cambridge University Press, 1977) as well as Anthony Cohen, *The Symbolic Construction of Community*, (London, Tavistock Publications, 1985.)

The Select Committee Report of 1812 addressed the question of the time-served convicts who wished to return to Britain.<sup>27</sup> The Committee recognised that men were more fortunate than women in this respect, since they could possibly work their passage back to Britain. Indeed, concern was expressed about the absence of any financial assistance for time-served female convicts. A proposal was made that the home government should enter into a financial arrangement with “the Masters of ships touching at the Settlement”. Such an arrangement would, it was felt, remove the temptation of prostitution as a means of earning passage money or working passages for those women who might wish to return to Britain. In this recommendation (which was not implemented) and the report itself, no mention was made of the women’s correspondence with relatives, friends or community. The words used were “cannot obtain a return to this country”, thus emphasising that the women convicts, who were more usually than men given a sentence of seven years, were in effect banished for life. It was felt this permanent exile for women was inappropriate because the official supposition was that “different periods of transportation are apportioned to different degrees of crime”.<sup>28</sup> Thus, although cognisance was taken of the legal system and the possibility that there were women who might wish to return to Britain, no consideration was given to the possibility that these women might wish to return to their families, friends and native place. The proposal seems ill-considered since other than the suggested payment for the return passages of women convicts who had served their sentence, no other measures were proposed for their resettlement

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<sup>27</sup> ‘Report from the Select Committee on Transportation’, *Parliamentary Papers*, [hereafter *PP*], vol II, (1812), p. 14.

<sup>28</sup> *Ibid.*, p. 14.



in Britain or Ireland. Rather, it would seem that the proposal was an attempt to remove any possible criticism that might legitimately be directed at the penal system.

The Report itself made no mention was made of juveniles who, convicted at an early age, may also have wished to return. Mary Bellows, given a 7 year sentence at York in 1805, petitioned to return to “the comfort of her Aged Father and Mother”.<sup>29</sup> By 1810, Mary Bellows had reached the age of 19 years having been transported when she was 14.<sup>30</sup> For her indeed the sentence of 7 years was effectively exile for life. Her petition was not granted as she appears in the *General Musters of New South Wales, Norfolk Island and Van Diemen's Land, 1811*, under the name of “Mary Belues”.<sup>31</sup> Remaining in the colony, the *General Muster and Land and Stock Muster of New South Wales 1822* notes that she was then widowed with 2 children, her husband having been a Mr Riley; her status was then noted as “Free by Servitude”.<sup>32</sup> The *Census of New South Wales, November 1828* repeats this information but showing an additional daughter aged three. At that time, Mary was living at Lower Portland Head, supporting her three daughters on a landholding of 15 acres and possessing 3 head of cattle.<sup>33</sup>

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<sup>29</sup> SRNSW SR 4.1847, ‘Colonial Secretary Petitions 1810’, pp. 16-16a.

<sup>30</sup> *Ibid.*

<sup>31</sup> Carol J. Baxter (ed.), *General Musters of New South Wales, Norfolk Island and Van Diemen's Land, 1811*, [hereafter 1811 *Muster*], (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1989), entry no. 0370, p. 9.

<sup>32</sup> Carol J. Baxter (ed.), *General Muster and Land and Stock Muster of New South Wales 1822*, [hereafter 1822 *Muster*], (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1988), entry no. AO1209, p. 31.

<sup>33</sup> Malcolm R. Sainty & Keith A. Johnson, (eds) *Census of New South Wales, November 1828*, [hereafter 1828 *Census*], (Sydney, Library of Australian History, 1985), entry no. R0771, p. 318, and Appendix, p. 435.

In a similar vein Mary Daniels appealed to return to her “aged parents and relatives”. She had been given a 7 year sentence at Carmarthen in March 1802, when aged 13, “for a crime of which she was scarcely conscious of the guilt.”<sup>34</sup>

The plea made by the youthful Bartholomew Foley to return to his native country and to see once more his “aged parents”, was also recorded in New South Wales.<sup>35</sup> His petition states he was transported at the age of 13, “for my Naturle Life”.<sup>36</sup> He had arrived aboard the *Earl Cornwallis* in 1801 and, according to his petition, was granted an Absolute Pardon during the Bligh interregnum. Foley’s entry in the *Musters of New South Wales and Norfolk Island, 1805-6*<sup>37</sup> shows him to have then been a ‘Prisoner’ in Government Service at the Castle Hill establishment. He emphasised his wish to return to his parents with the statement that if his wish was not granted, it would be ‘Depressing beyond Discription’.<sup>38</sup> It is difficult in these three cases to assess whether or not the appeals were made on the basis of oral or written communications with home and family, or were “shots in the dark”. What is clear, however, is that each of the three supposed that an appeal to be with their parents was not only reasonable but one likely to attain a journey “home”. This desire to be reunited with “parents” was not entirely a one-way plea.

Thomas Pickup approached Lord Sidmouth in 1819 with the following request: “my unfortunate Father is lying at New South Wales and as I am young

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<sup>34</sup> SRNSW SR4/1846, ‘Colonial Secretary Petitions, 1810’, dated 12 February 1810, p. 60.

<sup>35</sup> *Ibid.*, p. 85.

<sup>36</sup> *Ibid.*, p. 85.

<sup>37</sup> Carol J. Baxter, (ed.), *Musters of New South Wales and Norfolk Island 1805-6* [hereafter *1805 Muster*], (Sydney, Australian Biographical and Genealogical Record in Association with the Society of Australian Genealogists, 1989), entry no. A1566, p. 41.

<sup>38</sup> SRNSW SR 4/1846, ‘Colonial Secretary Petitions, 1810’, p. 85.

and in good Health it is my only Desire to go to Him".<sup>39</sup> Again this perhaps suggests that Thomas Pickup had, by some means, heard news about his father. It is of course possible that there had been no subsequent communications between Pickup father and son, since Thomas Pickup would have presumably known his father's whereabouts.

The issue of "return" appeared in several petitions addressed to Governors Macquarie and Brisbane during their administrations. Within days of Lachlan Macquarie's arrival in the colony he ordered that those who had been given either conditional or absolute pardons during the interregnum should surrender these to the Colonial Secretary, J. T. Campbell.<sup>40</sup> Several of those who complied with this order asked to return to Britain. Such requests were perhaps driven by a combination of factors, among which may have been the economic insecurity in the colony at that time.<sup>41</sup>

Among those who applied to return many emphasised their family relationships and friendships as a determining factor behind their appeal. John Austin who was self-employed as a jeweller and engraver in Sydney appealed to the governor to be permitted to return to his wife and four children who had continued to live in Dublin after his embarkation for the colony on the *Minerva*. Not only was Austin a self-employed craftsman but he was in receipt of an Absolute Pardon, granted during the interregnum by Lieut.-Governor Paterson. He

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<sup>39</sup> PRO PC1/67, document dated 23 December 1819.

<sup>40</sup> *Sydney Gazette* [hereafter *SG*], 4 January 1810, 'Government and General Orders', p. 1, col. 1.

<sup>41</sup> D. Hainsworth, *Builders and Adventurers: The Traders and the Emergence of the Colony 1788-1821* (Melbourne, Cassell, 1968); D. Hainsworth, *The Sydney Traders: Simeon Lord and His Contemporaries* (Melbourne, Cassell, 1972), argued that economic "take-off" in New South Wales was not secured until the 1820s. Geoff Raby, *Making Rural Australia: an economic history of technical and institutional creativity, 1788-1860*, (Melbourne, Oxford University Press, 1996), presented an opposing thesis, see esp. pp. 20-60.

proudly pointed out to the newly-arrived Macquarie that he had previously received a number of indulgences from Governor King. Austin's appeal was however rejected without any reason being minuted to the petition.<sup>42</sup>

Connor Bryant drew the governor's attention to his large family of a wife and six children he had left behind in Ireland. Notwithstanding his previous indulgences Bryant pointed out that he was "an aged man" who wished the company of his lawful wife and children.<sup>43</sup>

Mary Bendall's petition was based on her desire to return "to her Native Country and Friends being without Friends in this Colony". Clearly these and other petitioners seeking to return would have complex reasons and motives, but it cannot be denied that petitioners gave priority to their severed personal relationships. While this priority does not negate the possibility of material benefits, present or potential, in the colony, petitioners clearly valued family and friends above such considerations.

Commissioner Bigge implied on-going correspondence in 1822.<sup>44</sup> Bigge's description of the events surrounding the arrival of convict ships at Port Jackson, suggested the possibility of correspondence having taken place prior to the embarkation of the ships from Britain. He stated that when a ship docked, convicts aboard spent time "in acquainting their friends with their arrival". This can only mean acquaintances, friends and relatives already known to have been transported. He subsequently stated that "Applications are not unfrequently made for convicts

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<sup>42</sup> SRNSW SR4/1846, 'Colonial Secretary's Petitions', 1810-1816, fiche no. 3163, pp. 7 & 7a.

<sup>43</sup> SRNSW SR4/1846, 'Colonial Secretary's Petitions', 1810-1816, fiche no. 3163, p. 27.

<sup>44</sup> 'Report of the Commissioner of Inquiry Into the State of the Colony of New South Wales', *PP*, vol. XX (1822), pp. 1-186, [hereafter 'Bigge Report I'].

newly arrived, by persons related to, or connected with them".<sup>45</sup> In these comments, there is an implicit suggestion that prior communication between New South Wales and Britain sometimes assisted newly arrived convicts, the "new chums". The impression given of this implied communication network would have fitted the contemporary ideology of an identifiable criminal class that, shipload by shipload, was being transported from the hulks and gaols of Britain.<sup>46</sup> It is certainly verifiable from the records that there were instances of relatives and friends seeking out those on board ship as well as networks for employment opportunities. However, not all such opportunities materialised as the transport ship docked at Port Jackson.

Hugh Kelly applied to have his brother Owen assigned to him.<sup>47</sup> Governor Darling, obviously suspicious of this application, minuted his instructions, "How long has his Brother been in the Colony – I should almost suspect that his Brother's Assignment had been planned – which must be counteracted". On learning that Owen had been in the Colony for 4 years, Darling conceded the transfer of Owen's services to Hugh. By the time of the 1828 *Census*, however, Owen had moved elsewhere.<sup>48</sup>

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<sup>45</sup> *Ibid.*, p. 17.

<sup>46</sup> Stephen Garton, 'The Convict Origins Debate: Historians and the problem of the "Criminal Class"', *Australian & New Zealand Journal of Criminology*, vol. 24, (1991), pp. 68-82; John Braithwaite, 'The Criminal Class and the making and breaking of Australia', *ibid.*, pp. 99-104. More recently Oxley, *op. cit.*, points to "the complexity and interplay of forces" in the nineteenth-century texts which subsequently influenced interpretations by twentieth-century historians, p. 221.

<sup>47</sup> SRNSW SR4/1902.1, 'Colonial Secretary's Correspondence [hereafter CSC], September 1826', doc. 5850 dated 18 September 1826.

<sup>48</sup> 1828 *Census*, p. 219, entry no. K0247. Owen Kelly, by then "Free" was working as a fencer to William Ogilvie at Hunter River; this entry does not indicate which ship conveyed Owen to New South Wales. At that time Hugh Kelly (p. 200, entry no. K0287) was still at Baulkham Hills.

In contrast to these earlier Reports, the minutes of evidence to the 1831 Parliamentary Select Committee exhibit a distinct interest in the content of correspondence between the convicts and their friends or relations in Britain.<sup>49</sup> The underlying issue being addressed was whether or not transportation was an effective punishment for previous crimes and a deterrent of potential future ones. The Chairman, Colonel Davies, was initially concerned with whether letters from New South Wales convicts were written in such a manner as to remove the fear of transportation from those currently held in gaol or on the hulks in Britain under a sentence of exile. The answers, both from the witnesses residing in England, and those witnesses who had recently arrived from New South Wales, were insubstantial as to both the amount of correspondence and the content of any letters.

In his evidence to this committee, T.G.B. Estcourt, a Wiltshire J.P., was asked, "Are those labourers at all aware of the situation of convicts in New South Wales?" He replied, "I think they are pretty well informed upon the subject; because I find very frequent communications between prisoners that are actually resident in New South Wales, and their relations and friends in country parishes".<sup>50</sup> Previously the Governor of the House of Correction in Coldbath-fields, Mr G.L. Chesterton, gave an indirect answer to the question as to whether "the class of persons sentenced to transportation in London have correspondence with persons in New South Wales?" He replied that whereas he attempted to "impress upon them that transportation over the seas is absolute slavery" his captive audience

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<sup>49</sup> 'Report from the Secondary Committee into Secondary Punishments: Together with the Minutes of Evidence, An Appendix of Papers and an Index', *PP*, vol. VII, (1831), pp. 1-177.

<sup>50</sup> *Ibid.*, p. 43. Estcourt's response, whilst unhelpful to the Committee, demonstrates the presence of communications coming from New South Wales.

appeared sceptical of that. By contrast, Estcourt's answer was ambivalent and does not suggest that letters to "relations and friends in country parishes" were necessarily complimentary about conditions in New South Wales.<sup>51</sup> In answering a subsequent question he made a point of differentiation about the social class of convicts. When he was asked whether he was aware of some of the favourable conditions for convicts in New South Wales he replied: "but I did not expect that the description of prisoners referred to in the question would be placed in circumstances so very favourable as those described."<sup>52</sup> The favourable conditions referred to by Colonel Davies included food, clothes and £10.00 per annum and "if they behave well for one or two years, they will be entitled to have their families sent out to them at public expense".<sup>53</sup>

Mr James Walker, a landowner in New South Wales, had interests in farming and wool growing. He was, in addition, a local magistrate for the Bathurst district. The question asked of him was "Are you aware of the description of letters which those convicts sent home, describing the happiness of their situation, and inviting their friends to come out?" In reply to this Mr Walker stated "I have heard of it, but I never saw any of them".<sup>54</sup> Walker was then asked whether convicts, in their letters, urged their friends to commit crimes in order to be transported, his reply was equally evasive, "I have heard of it".<sup>55</sup> He gave a similarly inconclusive answer to the question regarding the existence of such

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<sup>51</sup> *Ibid.* p. 40.

<sup>52</sup> *Ibid.*, response to Question No. 575, p. 44.

<sup>53</sup> *Ibid.*, Question No. 575, p. 44.

<sup>54</sup> *Ibid.*, Question No. 873 and corresponding answer, p. 59.

<sup>55</sup> *Ibid.*, Answer to Question No. 874, p. 59.

letters. He responded with an assertion of belief, stating “I believe it might have happened.”<sup>56</sup>

Nonetheless Colonel Davies, unsatisfied with this assertion, continued with his questions and pressed him further, as to whether such letters were “of ordinary occurrence” his answer was again vague: “No; I do not believe they write many letters, I do not believe, since I have been in the colony, I have sent away above a dozen letters from the people on my farm”. He then added, “they may have sent them away clandestinely”.<sup>57</sup>

William Walker, who combined commercial and ship-owning interests had resided in Sydney for 17 years. His evidence further undermined the sinister myth of the letters written “home” by convicts which, directly or indirectly, incited their recipients to commit crimes. When asked about the alleged optimistic tone of some convict letters he merely stated that he too had “heard of them” but then admitted that he had never actually seen one.<sup>58</sup>

Each witness from New South Wales, when pressed, admitted not having seen any letter from a convict conveying an impression of the “good life” in the colony. Perhaps more pertinent was the question whether convict assigned servants wrote inciting their friends should commit crimes in order to join them in the Elysian fields of Botany Bay. All witnesses acknowledged hearsay of such letters. On cross-examination, however, their words corroded what was evidently a collective fantasy of the colonial élite, governed by the ideology of a transported “criminal class”. Such an ideology is perhaps transmitted through the remarks of

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<sup>56</sup> *Ibid.*, p. 59.

<sup>57</sup> *Ibid.*, Question 876 and answers, p. 59.

<sup>58</sup> *Ibid.*, answer to Question 98, p. 64.



the contemporary landowner, Mr D'Arrietta, who had arrived, as a free settler, in 1821. His unfavourable comparison of his assigned convicts with his dogs summed up one contemporary attitude wherein the "sloth, roguery and ingratitude" of his servants was in contrast to "the fidelity of his dogs". His guest, George Boyes, repeated this, with distaste, in his letter to his wife in England.<sup>59</sup>

Subsequently, Thomas De La Condamine, Governor Darling's private secretary revealed the colonial government's lack of surveillance of convict correspondence. He admitted that the only convicts' letters which were opened were "those from the government establishment, which are sent through the superintendent but I know of nothing to prevent a convict from putting his letter into the post office."<sup>60</sup> He then acknowledged that he knew of no way in which censorship could be applied to the outgoing correspondence from convicts on assignment.<sup>61</sup>

De la Condamine's evidence certainly suggests that efforts at censorship of convict correspondence had not improved since the first years of settlement. Censorship, originally carried out by the officers of the Marine Corps who accompanied the First Fleet, was another hurdle faced by those first convict correspondents. Even before leaving England, steps were taken to impose

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<sup>59</sup> D.A.C.G. Boyes, 'Extracts from letters from Sydney to his wife in England, 1824', (Dixon Library, MS.Q33), p. 7, dated 22 February 1822. He described the "limited" topics of conversation he had had with Mr T.B.L. D'Arrietta. See also A.G.L. Shaw & C.M.C. Clarke (eds) *Australian Dictionary of Biography*, (Melbourne, Melbourne University Press, 1966), vol. I, pp. 143-4, esp. p. 143, where George Boyes was himself described as "a misanthropic, censorious, irascible man". Mr T.B.L. D'Arrietta had arrived free in 1821. His entry in the 1828 *Census* described him as a landowner at Camden with 2,000 acres and 86 head of cattle. 1828 *Census*, p. 116, Entry No. D0243 and Appendix B, p. 427.

<sup>60</sup> 'Report ... Secondary Punishments', *PP*, vol. VII (1831), answer given to Question 1138, p. 71.

<sup>61</sup> *Ibid.*, p. 71. See also Larry Goldsmith, 'History from the Inside-Out: Prison Life in Nineteenth Century Massachusetts', *Journal of Social History*, vol. 31, (1997), pp. 109-126, discussing censorship in 1809 and the regulation that "all letters to and from convicts" should be presented "to the Visitor of the week for inspection", p. 116.

ensorship; this was not a task which was regarded lightly. Watkin Tench described his involvement in such censorship as being

Among many other troublesome parts of duty which the service we were engaged on required, the inspection of all letters brought to or sent from the ships was not one of the least tiresome or disagreeable.<sup>62</sup>

Despite his distaste, Tench assessed some of the letters, expressing surprise at their 'number and contents'.<sup>63</sup> One of the more frequently expressed sentiments was 'an apprehension of the impracticability of returning home'.<sup>64</sup> An early letter from Port Jackson dated 14 November 1788, refers to this censorship. The writer comments, 'All our letters are examined by an officer, but friend takes this for me privately'.<sup>65</sup> Plainly, it was easy enough to avoid censorship, which therefore remained a problem for the authorities and, as already seen, according to Thomas De la Condamine, impossible to impose.<sup>66</sup>

One contemporary was contemptuous of the suggestion that transportation held no horrors for those who expected to receive a sentence. He wrote,

... but if it is said that the punishment of transportation is not dreaded more than all others, I must beg to differ with them [Select Committee on Secondary Punishments, 1831] ...The[y] hold it terrible, above all other punishments, viewed both as to length and severity ...<sup>67</sup>

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<sup>62</sup> Watkin Tench (ed. with intro. by Tim Flannery) *Comprising a Narrative of the Expedition to Botany Bay and A Complete Account of the Settlement at Port Jackson 1789 and 1793* (Melbourne, Text Publishing Company, 1996), p. 18.

<sup>63</sup> *Ibid.*, p. 18.

<sup>64</sup> *Ibid.*, p. 18.

<sup>65</sup> *HRNSW*, vol. 2, (Appendix E), pp. 746-7.

<sup>66</sup> 'Report ... Secondary Punishments', *PP*, vol. VII, (1831), p. 71.

<sup>67</sup> T. Wontner, (attrib.), *Old Baily Experience: Criminal Jurisprudence and the actual working and our penal code of laws. Also an essay on prison discipline, to which is added A History of the crimes committed by offenders in the present day*, [hereafter 'attrib. T. Wontner'], (London, James Fraser, 1833), p. 235.

He was not alone in his assertion. Estcourt in his evidence had made a similar point in respect of those in Wiltshire, stating that “the dread that transportation carries with it is the entire separation of the culprit from his former associates, relations & friends”.<sup>68</sup> The Superintendent of Convicts, John Henry Capper, drew attention to one type of prisoner for whom transportation was an appalling threat: “a married man with a wife and family [who] would rather stay here, enduring all the fatigues and dread of punishment, that he may have his wife and family near him, and with the hope of returning to them hereafter”.<sup>69</sup>

David Meredith uncritically drew on the evidence of the 1831 Select Committee concerning the supposedly optimistic tone of convict letters from New South Wales.<sup>70</sup> His acceptance of Walker’s and De la Condamine’s assessment of the numbers of letters failed to take into account the disclaimers both witnesses subsequently made to their original statements.<sup>71</sup> Helen Heney reinforces this image of New South Wales convicts’ letters home. For her, a letter written by Mary Macdonald “helped to take the fear out of the threat of transportation as a deterrent to crime”.<sup>72</sup> Both scholars can be regarded as subscribing, in their own ways, to an unproven assumption. If, as was claimed by those who gave witness statements, such letters were “never seen”, how could they (or we today) know their contents.

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<sup>68</sup> ‘Report ... Secondary Punishments’, *PP*, vol. VII (1831), Q. 574, pp. 43-4.

<sup>69</sup> *Ibid.*, Reply to Q. 748, p. 54.

<sup>70</sup> David Meredith, ‘Full Circle? Contemporary Views on Transportation’ in Stephen Nicholas (ed), *Convict Workers: Reinterpreting Australia’s Past*, (Cambridge, Cambridge University Press, 1988), pp. 14-27.

<sup>71</sup> *Ibid.*, p. 20.

<sup>72</sup> Heney, *Dear Fanny*, p. 33. The source given for this letter is Bonwick Transcripts, Box 19, p. 277, Bigge Report appendix.

Even before the convict transport ships left Britain there is evidence of the good wishes bestowed on departing transportees. These tokens were of a more tangible shape than lips forming “farewell” or even “God Speed”. In the first of his two reports, Commissioner Bigge commented upon the “various articles of store, or of wearing apparel furnished by their friends of leaving England”, which the convicts had stowed aboard before embarkation.<sup>73</sup> These parting gifts do not suggest a shipload of social outcasts. Indeed, this additional cargo was so extensive that it created problems concerning its collective value and secure storage at sea,<sup>74</sup> although Bigge does not specify either the tonnage, volume or distribution amongst the convicts of these gifts.

The recent exhibition and printed literature accompanying the “Convict Love Tokens” are also suggestive of *cultural* rite of passage, in which the tokens became artifacts of the cultural process of transportation. Indeed, words and symbols expressing tenderness, regrets, hope against hope and grief were not just stamped on metal tokens but embedded in many convicts bodies by tattoos.<sup>75</sup> As David Kent pointed out, “regularly symbolic statements of affections were inscribed on the left arm or breast because it was nearer the heart”.<sup>76</sup>

Obvious obstacles faced transported convicts’ continuing communications with far-away friends and relatives. The most obvious was the remoteness of

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<sup>73</sup> Bigge Report I, p. 2. See n. 14, p. 284, *re.* Sarah Bird for one possible purpose of these gifts. See also Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787-1868*, (London, Pan, 1988), chapter 5, ‘The Voyage’, pp. 129-157, *passim*.

<sup>74</sup> Bigge Report I, p. 2.

<sup>75</sup> Timothy Millet, ‘Leaden Hearts’, in M. Field and T. Millett (eds) *Convict Love Tokens: the leaden hearts the convicts left behind* (Kent Town, South Australia, Wakefield Press, 1998), pp. 5-30.

<sup>76</sup> David Kent, ‘Decorative Bodies: The Significance of Convict Tattoos’ in James Jupp, (ed), *Fatal Shores*, special issue of *Journal of Australian Studies*, 53, (1997), pp. 78-88, p. 83.

Britain from Australia. The passage time did shorten over the period of transportation. The First Fleet, embarking May 1787, arrived at Port Jackson in January 1788 having docked for supplies at the Canaries, Rio de Janeiro and Cape Town. In 1802 the *Coromandel I* sailed directly to Sydney from Spithead, departing 2 February and arriving 13 June, a voyage of 121 days. In that year, the convict Michael Hayes asked his sister Mary in Ireland to ‘Consider the length of the voyage, say from 6 to 8 months’.<sup>77</sup> The *Coromandel’s* record remained unbroken until 1817 when the *Morley I* sailing from England via the Cape, took 113 days.<sup>78</sup> Information on passage times to New South Wales is more readily available than for return voyages. Commercial considerations governed the return voyage. David Robinson points to the importance of Sydney as the major postal depot for the entire South Pacific area until the 1840s.<sup>79</sup> Robinson suggests, without firm evidence, the implausible idea that after 1835 it is possible that letters home from Australia went *via* India and thereafter overland to Britain. Apart from considerations of the landmass such mail would have traversed, the Muslim polities of Central Asia could have created no small disruption.<sup>80</sup> As the *Historical Records of Australia* demonstrate, despatches to and from New South Wales were conveyed by ship. John Bankin’s letter to his uncle, Richard, in New South Wales was dated October 26 1824. John advised his uncle “We received your letter about the first of September bearing date 14 March 1824”. Richard’s

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<sup>77</sup> ‘Letters Written by Michael Hayes of Wexford, transported from Cove, 24 August 1799 for complicity in 1788 Rebellion’, Mitchell Library ML A3568. The document is simply dated 1802.

<sup>78</sup> Charles Bateson, *The Convict Ships*, (Glasgow, Brown, Son & Ferguson, 1959), Appendix I. Bateson remains the authoritative reference work on the transports travelling from England (none went directly to Australia from either Wales or Scotland) and Ireland, pp. 288-307.

<sup>79</sup> David Robinson, *For the Port & Carriage of Letters: A practical guide to the Inland and Foreign Postage Rates of the British Isles, 1570-1840*, (Scotland, David Robinson, 1990), p. 130.

<sup>80</sup> *Ibid.*, p. 130.

letter had taken about 5½ months to reach the recipient from the date of writing. Such a period would have included the inland journey in Britain.<sup>81</sup>

The appointment of Isaac Nichols, an emancipist, as the first official postmaster in the colony was made in 1809. This appointment was ostensibly to prevent 'persons fraudulently obtaining mail from incoming vessels'.<sup>82</sup> Nichols combined this office with his other interests as dealer, shipowner and landowner.<sup>83</sup> The *Sydney Gazette*, an official publication, regularly carried an alphabetical list of the names of those for whom letters awaited collection. On July 3 1819, for example, this list was extensive, running to two columns. It contained many names of people still under sentence.<sup>84</sup> Whereas the official despatches between home and colonial administrations always gave the name of the ship carrying these, there was no indication as to which ship had conveyed these incoming letters. It is plausible that on this instance the incoming carrier had been the convict ship, *Baring 2* which docked at Sydney on June 26 1819, having departed from Portsmouth the previous October.<sup>85</sup> Amongst those whose name appeared in the *Gazette's* list was Frederick Fisher.<sup>86</sup> This may have been due to the letter received from his mother, dated 23 September 1818. She wrote: 'I have not been

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<sup>81</sup> See Appendix 3, Transcript of John Bankin's letter to his uncle, the convict Richard Bankin.

<sup>82</sup> *ADB*, vol. II, p. 283.

<sup>83</sup> Karskens, *op. cit.*, p. 228.

<sup>84</sup> *SG*, July 3 1819, p. 2, cols. 3 & 4.

<sup>85</sup> Bateson, *op. cit.*, pp. 292-293. See also Tina Picton Phillipps, 'Getting Up the nose of the Governor: "Dr" Halloran and Colonial Administrations', unpublished paper, University of Edinburgh, Modern History Research Seminar, 1999. Although the *Baring 2* may have left Portsmouth in October 1818 it can only have gone as far as Spithead. *Baring 2* carried Halloran and he was writing on board from Spithead in January 1819.

<sup>86</sup> *SG*, July 3 1819, p. 2.

able to keep up the regular Correspondence you wish for ...'.<sup>87</sup> While taking her point, it also predicates at least one previous letter from her.

As well as letters, parcels went from Britain and Ireland to convicts in New South Wales, sometimes in response to convict requests. These parcels generated letters of gratitude and also further requests. The length of the passage influenced instructions Michael Hayes gave to his sister regarding the butter he asked her to send. He stressed that this should be 'enclosed with plenty of brine to keep it fresh'; the revelation that the butter was intended as a gift to the Governor was an added incentive that it should arrive in good condition. He also instructed his sister that the butter should be addressed to the then commissary, Mr John Palmer, which was perhaps an insurance that it would arrive safely.<sup>88</sup> Margaret Catchpole's letter to her uncle of 2 November 1811 detailed the parcels she had received. One was 'a very handsome present' from her former employer, Mrs John Cobbold. The other, from a Mrs Sloorgin, was not the first consignment from this well-wisher; 'for she sent me this time 12 yards of Irish cloth, 3 yards of ribbon, 3 good books and writing paper and this is some of it'.<sup>89</sup> Writing paper was not always available in the colony so this supply was a valued gift.<sup>90</sup> In 1819 George Phillips applied to the Home Secretary in London requesting permission to send items to his father in New South Wales, for resale in the colony. They included "200 pairs of Men's shoes to sell at 25/- per pair; a quantity of wearing apparel, buttons as well as

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<sup>87</sup> 'Fisher Papers, 1818-1827', Dixon Library, MS.Q554, Doc. 1.

<sup>88</sup> 'Letters Written by Michael Hays of Wexford' to his sister, 1802, Mitchell Library, MLA3568.

<sup>89</sup> Heney, *Dear Fanny*, p. 48. Original location Mitchell Library, A3D59, typescript copies.

<sup>90</sup> Clarke & Spender, *op. cit.*, p. xxix.

£10.”<sup>91</sup> Phillips gives no further information about his father but he pointed out that, in view of the value of goods being sent out, his father would be well able to support his family were they to be given a free passage. Thomas Downer of Portsea wrote on behalf of the friends of the convict John Carl. They had wished to send him “books, garden tools ...” and wrote seeking Lord Sidmouth’s permission.<sup>92</sup>

Gifts were also despatched home. Patrick Casey received a letter from A. Mangin of Dublin Castle in 1825, expressing Mangin’s thanks,

for his very kind and thoughtful remembrance in sending him the very extraordinary specimen of the Barbarous Costume of The New Zealander Chief! Altogether tis very rare and raised The Mind in Praise of The Almighty for having by His Holy Spirit created in the Hearts of His Minister and Servants throughout the World a drive to civilise Mankind to Instruct the Ignorant and shew all the World His Divine Will that all should come to a Knowledge of Him and be saved from Everlasting ruin.<sup>93</sup>

Mangin then moved from this eulogy of divine providence to a more personal plea: ‘O Casey let nothing prevent you reading the enlightened gift I now beg your acceptance of The Testament of our blessed Lord and Saviour’. This formal exhortatory prose transmutes into something more personal and informal in a postscript, ‘Your wife whose Letter I enclose is very well and your Children ... let us hear fully from you by the next Ship’.<sup>94</sup>

Postal charges were a definite constraint on correspondence between Britain or Ireland and New South Wales. At that time it was the recipient of a

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<sup>91</sup> PRO PC1/67, Phillips-Sidmouth, dated 18 October 1819.

<sup>92</sup> PRO PC1/67, Downer-Sidmouth, dated 21 April 1819.

<sup>93</sup> SRNSW SR4/1112.1A, ‘Petitions from husbands to have their Wives, families or other relatives Given A Free Passage to Settle in New South Wales’, [hereafter ‘Petitions from husbands’]. doc. 19, pp. 52-9, dated 5 February 1825. 1828 *Census*, p. 84, entry no. C0655 shows Patrick Casey’s transport ship from Ireland as the *Recovery*; his name, however, does not appear in that ship’s Indents.

<sup>94</sup> SRNSW 4/1112.1A, ‘Petitions from husbands’, doc. 19, pp. 52-9, dated 5 February 1825.



letter who was charged. This constraint was highlighted by Mrs Fisher in London, writing to her convicted son Frederick in New South Wales in the 1820s. The postscript to her letter pointed out that an economy in postal charges on his letters could be effected for her household, if Frederick would follow his father's instructions and "send as often as you Can by Persons that are coming home as that will save a great part of the Postage".<sup>95</sup> Such a strategy would clearly avoid not only the expense of postal charges but also censorship in the colony. Mrs Fisher concluded her letter to her son: "I have not time to say more at present as Mr Smith is waiting for this". Mr Smith was to carry the letter.<sup>96</sup>

Postal rates in the colony for private communications were partially formalised in 1809, when the "collecting office" was established. Anyone uplifting mail, which had arrived by ship, was charged one shilling [5p] per letter; parcels were charged according to weight. The prices themselves demonstrate the financial investment made by convicts in uplifting letters, since the only mail to receive a subsidy at that time appears to have been that of soldiers (and their wives). Their letters carried a charge of only one penny [0.416p].<sup>97</sup> These charges were amended the following year. Receipt of an overseas letter from the "collecting office" was priced at eight pence [3.33p]; except soldiers (and their wives) were still only liable for a penny charge.<sup>98</sup>

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<sup>95</sup> "Fisher Papers, 1818-1827", Dixon Library, MS. Q554, Doc. 1.

<sup>96</sup> *Ibid.* Doc. 1.

<sup>97</sup> Whilst these sums appear trivial when expressed in modern decimalised money values it is worth bearing in mind that an infantry private's pay was one shilling (0.05p) per day. At a conservative estimate, a shilling was worth, in real terms, sixty times its 2002 nominal equivalent of 5p.

<sup>98</sup> *Encyclopaedia of British Empire Postage Stamps 1788-1952*, vol. IV, (London, Robson Lowe Ltd., 1962), p. 9.

Bearing in mind the strategy suggested by Mrs Fisher, coupled with the lengthy lists appearing in the *Sydney Gazette* it is clear that not all time-serving convicts were able to rely on their in-coming mail being brought over by individuals sailing to the colony. It is therefore significant that there were clearly those who were more than willing to pay the price for their correspondence. Their communications, written or oral, in reality allow an exploration of a web of inter-personal links which were deeply meaningful to the convicts concerned.<sup>99</sup>

Regulations governing the administration of the postal arrangements in the colony were set out in an 1825 proclamation by Acting-Governor William Stewart,

All letters from or addressed to Convicts, if sent under cover or delivered to the Principal Superintendent of Convicts at the Lumber Yard in Sydney and superscribed by him in his own handwriting as Convict letters, are also to pass free of any charge for postage.<sup>100</sup>

It is more than likely that this arrangement was one which, by offering a free postage, was also an attempt to impose censorship on convict mail. Further, these arrangements were most unsatisfactory for anyone, free or unfree, on Norfolk Island. The Quaker, James Backhouse, experienced at first hand, in 1836, the irregularity of the postal service when leaving the island at the conclusion of his mission there.

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<sup>99</sup> David Cressey, *Coming Over: Migration and Communication between England and New England in the Seventeenth Century* (Cambridge, Cambridge University Press, 1987) offers a comparative study, albeit from an earlier period. See also Philip Babcock Grove, 'An Oxford Convict in Maryland', *Maryland Historical Magazine*, vol. 37, (1942), pp. 193-98. David Fitzpatrick, *Oceans of Consolation: Personal Accounts of Irish Migration to Australia* (New York, Cornell University Press, 1994) offers a qualitative survey of "free" migrants with correspondence from a pre-selected group of families, and with their family histories. See also Andrew Hassam, *Sailing to Australia: Shipboard Diaries by Nineteenth Century British Emigrants* (Manchester, Manchester University Press, 1994) which offers a comparative framework.

<sup>100</sup> *HRA*, Series 2, vol. XII (June 1825-6) pp. 90-95. See *ADB*, vol. II, pp. 482-3. Stewart's governorship lasted only "eighteen days until the arrival of Governor Darling. His only important proclamation was on the fixing of postal rates", p. 483.

Before we sailed, several prisoners requested leave of the Commandant, to send letters by us to Sydney, to be forwarded to their relations, under the idea that they would be despatched from the Colony with more certainty in this way, than if sent by the regular packet, to the Government Office.<sup>101</sup>

Receipt of letters arriving at Norfolk Island precipitated a moral challenge from James Backhouse,<sup>102</sup> which he narrated in a letter to the Colonial Secretary, Alexander McLeay. As inmates of a penal settlement for secondary offenders, the convicts on Norfolk Island were officially forbidden to possess money. In theory, therefore, prisoners were unable to receive letters. Against his conscience, since he was colluding in an offence, Backhouse had “lent” money to convict recipients of letters, so that they could receive them. Otherwise, those letters would have been returned, unread to Sydney, ‘to the great grief of the parties who are unable to pay for them, and from whose parents, or other near relations they have usually come’. One letter Backhouse paid for was from an unnamed prisoner’s wife. Backhouse stated: ‘the poor fellow seemed almost frantic at the idea of it being returned without his seeing it’.

British and Irish illiteracy levels during the period 1788-1830 might be thought an obstacle to many who wished to correspond in both these countries and New South Wales. In fact, although men were more likely to be literate than women, skilled workers than unskilled, and Scots than English, English than Irish, in no part of the United Kingdom were literacy levels then derisory.<sup>103</sup>

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<sup>101</sup> James Backhouse, *A Narrative of a Visit to the Australian Colonies* (London, Hamilton, Adams & Co. 1843), pp. 281-2.

<sup>102</sup> ‘The Manuscript Letterbook No. 3,’ Mitchell Library DL MS5-6, pp. 19-21. See also Tamsin O’Connor’s ‘Raising Lazarus’ in Frost & Maxwell-Stewart, (eds), *op. cit.*, pp. 148-161, for a discussion on letters written by some convicts at Moreton Bay and family correspondents in Britain, esp. p. 152.

<sup>103</sup> Stephen Nicholas and Peter R. Shergold, ‘Convicts as Workers’ in Nicholas (ed) *op. cit.*, pp. 62-84, *passim*, but especially Table 5.2 which provides a breakdown of literacy in respect of male  
/continued on next page

Furthermore, recent work carried out regarding literacy suggests that it was not necessarily an immediate drawback. Cressey argues that for the early modern period those who were technically illiterate were, however, familiar with a literate culture. Thus those who were not able to write themselves employed an amanuensis to correspond in the knowledge that their correspondent would in their turn give the letter to someone to read for them.<sup>104</sup>

As was pointed out by Lady Forbes, literacy was not essential to the butcher who provided her household meat in Sydney during the 1840s. His accounts were pictures of the relevant animal's joint supplied to her household; the method of indicating a settled account was the macabre sketch of a gallows.<sup>105</sup>

An insufficiently literate would-be correspondent could resort to an amanuensis, and many did so,<sup>106</sup> for instance in prison or on the hulks prior to embarkation.<sup>107</sup> It was certainly also done by illiterate New South Wales

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occupations from the indents. See also Deborah Oxley, 'Female Convicts', *ibid.*, pp. 85-97, esp. p. 93.

<sup>104</sup> David Cressey, 'Literacy in context: meaning and measurement in early modern England', in John Brewer and Roy Porter (eds) *Consumption and the World of Goods*, (London, Routledge, 1993), pp. 305-19, esp. p. 310 where Cressey points to "Letters went between Lancashire and Ireland, and between Massachusetts and Devon, linking couples who were technically illiterate, but nonetheless conversant with the literate form". Adam Fox, 'Popular Verses in the early Seventeenth Century' in James Raven, Helen Small and Naomi Tadmor (eds), *The Practice and Representation of Reading in England*, (Cambridge, Cambridge University Press, 1996), pp. 125-137 demonstrated a counter-culture for those who were technically illiterate in the early modern period. See also B.M. Penglas, 'An Enquiry into Literacy in Early Nineteenth Century New South Wales', in *Push from the Bush*, no. 16, (1983), pp. 39-60; Marina Carter, *Voices from Indenture: Experiences of Indian Migrants in the British Empire*, (London, Leicester University Press, 1996) points to the use of amanuensis who also translated the Indian petitioners' words and phrases into English.

<sup>105</sup> George Forbes (ed), "The Memoirs of Lady Forbes", DL, MX.Q166, p. 32. To what extent this was a cultural practice relating solely to Sydney is not known; it is certainly one clearly indicating 'settled' in no uncertain terms. This 'anecdote' demonstrates that numeracy was not necessarily linked to literacy and that the former was an obvious asset for traders.

<sup>106</sup> Hindmarsh, *op. cit.*, esp. pp. 173-74.

<sup>107</sup> Victor Gatrell, *The Hanging Tree: Execution and the English People 1770-1868*, (Oxford, Oxford University Press, 1994), cites cases which included payment by petitioners of 7/- for a petition "to be drawn up", pp. 210-11. For those unable to pay that sum "neighbouring tradesmen"

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petitioners to the colonial government, providing literate convicts with earning opportunities, since petition-writing was a profitable side-line in New South Wales. Although he does not provide any source, Hirst states that a convict clerk at Windsor “charged 5/- per petition and for this work in 1819 collected £123.”<sup>108</sup> Formally, the colonial administration could do little to prevent convict clerks “writing in the Evening after the Public Offices are closed.”<sup>109</sup> Literacy’s earning potential was not overlooked by Laurence Halloran.<sup>110</sup> Governor Darling wrote to Sir George Murray formally complaining about Halloran’s ‘Memorial Office ... where any Individual may be assured of having his grievances stated according to the Doctor’s talents and ingenuity’.<sup>111</sup>

In addition to this sideline, literate convicts were generally allocated to situations (usually in government employ) where their literacy was a highly valued skill. Lt.-Governor Arthur pointed out that retaining the educated convicts as “clerks in all the Public Offices in New South Wales” had been a feature since the earliest days of settlement.<sup>112</sup> One such clerk in the early period was James Hardy Vaux. At the end of his first transportation sentence he earned his passage back to Britain by acting as secretary to the out-going governor, Phillip Gidley King.<sup>113</sup>

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might oblige, pp. 210-11. (attrib.) Wontner, p. 81, stated, “there are a set of men in Newgate, who, because they can write, think themselves qualified to draw up petitions”.

<sup>108</sup> John B. Hirst, *Convict Society and its Enemies: A History of New South Wales* (Sydney, 1983), p. 128.

<sup>109</sup> *HRA*, Series 3, Vol. VI, Arthur-Goderich, despatch dated 3 August 1827, p. 401.

<sup>110</sup> Tina Picton Phillipps, ‘Getting Up the Nose of the Governor: Dr Halloran and Colonial Administration’, unpublished paper, University of Edinburgh, Modern History Research Seminar, (1999). See also chapter 7 above, pp. 271 - 280.

<sup>111</sup> *HRA*, Series 2, Vol. XV, Darling-Murray, dated July 24 1830, pp. 605-6.

<sup>112</sup> *HRA*, Series 3, Vol. V, Arthur-Goderich, dated 27 January 1827, p. 489.

<sup>113</sup> James Hardy Vaux (ed. Noel McLachlan), *The Memoirs of James Hardy Vaux* (London, Heinemann, 1964 edn.), p. 108. Hardy Vaux described how he gained his passage back to England on the *Buffalo* by contracting to fulfil the outgoing governor, Philip Gidley King’s need for “an  
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On his arrival in Van Diemen's Land in 1825, Henry Savery was immediately placed in the colonial secretary's office. In part, this was a means of preventing Savery's assignment to a private master as a clerk. Such employment, based on "his very competent knowledge of business", could, according to Lt.-Governor Arthur, have resulted in Savery's earning a sum of over £200.00 per annum.<sup>114</sup>

In describing such clerks, Commissioner Bigge commented that clerical employment gave rise to additional opportunities, which included giving

... assistance to the shopkeepers and merchants, or to the lower orders of settlers, and convicts (in drawing petitions and memorials for them)<sup>115</sup>

Bigge's description of the informal role played by the clerks omits correspondence but undoubtedly this was also a source of remuneration for them. Resort to convict clerks by other convicts ensured the mechanically official wording and layout of their petitions; presumably this strategy was expected to enhance the resultant effects.<sup>116</sup> What is overlooked is the role the literate convict had in acting as the amanuensis for outgoing correspondence. Clearly some convicts were involved in negotiations in order to have their letters written and read for them.

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expeditious and experienced clerk, to transcribe and arrange such papers" which included "public documents".

<sup>114</sup> *HRA*, Series III, Vol. V, Arthur-Goderich, 27 January 1827. Arthur did not specify which settler would have paid such a salary but indicated that local censure from the settler community was due to the administration retaining Savery's commercial and literacy skills rather than assigning him to a private master, pp. 487-488. The case of Henry Savery involved Arthur and Goderich in a lengthy correspondence. See also Cecil H. Hadgraft (ed) *Henry Savery Quintus Servinto A Tale Founded upon Incidents of Read Occurrence* (Brisbane, The Jacaranda Press, 1962, first published in three volumes, 1830-31. 'Introduction', describes the events surrounding Savery's arrival at Hobart on the convict ship *Medway* in 1825, pp. xiv-xvi.

<sup>115</sup> Bigge Report I, p. 42. See also Sandra Blair, 'Patronage and Prejudice: Educated Convicts in the New South Wales Press, 1838', *Push from the Bush*, 8 (1980), pp. 75-87.

<sup>116</sup> Current researchers into the Bench Records of the Magistrates' Court at Parramatta raise grateful thanks to one of these anonymous clerks. He was instantly recognisable by his distinctive and legible handwriting which also makes its appearance in some of the petitions.

Reliance by the inadequately literate on the literate for personal letter-writing should not obscure the strategy of sending verbal messages. Mary Talbot wrote in 1791 to her unnamed patron in Britain asking that he would ‘be good enough to let my husband know you have had a letter from me, and beg him to take care of my dear children’.<sup>117</sup> The unfortunate Mary Parish from West Bromwich in Staffordshire had obviously maintained relationships with the wives of South Staffordshire men who had sailed with her husband Thomas on the *Neptune*. She had heard nothing from him but “the other men who went along with him have Wrote to the familys”.<sup>118</sup> Although there is no sign of Thomas Parish in the 1828 *Census* he was alive and working in “government employ” in the 1822 *Muster*.<sup>119</sup>

A further obstacle to communication was the possible ignorance, displayed by some petitioners in Britain as to the precise global location of New South Wales. The letter to Richard Bankin was delivered despite being addressed “at the town of Richmond in the Country of Cumberland, New South Wales, North America.”<sup>120</sup> Global ignorance was one matter but it was in many ways perhaps overshadowed by the lack of any other identifying address line. The absence of any communication from a transportee giving an exact address to their relatives and friends in Britain gave rise to a particular problem. Those who wished to maintain contact with a transportee were initially reliant on the annual *Musters* being sent by the colonial administration to the Secretary of State’s office. Such

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<sup>117</sup> *HRNSW*, vol. 2, Appendix E: British Museum Papers, pp. 779-80, reprinted from *Dublin Chronicle*, 1 November 1791.

<sup>118</sup> PRO PC1/67, Parish-Sidmouth, dated 18 August 1819.

<sup>119</sup> 1822 *Muster*, entry A16334, p. 371.

<sup>120</sup> SRNSW SR 4/1112.1A, ‘Petitions from husbands’, Document number 8, pp. 19-25, p. 19 SRNSW SR 4/4005, AO Fiche No. 635, p. 27 entry on p. 29. See also chapter 7 above.

reliance was, however, based on the approach by relatives which was, in turn dependent upon relatives' knowledge of how to go about this process. Clearly neither Susanna Francis nor Prudence Bankin had been aware of the process.<sup>121</sup>

In October 1831 Goderich wrote a tersely worded letter of complaint to Governor Bourke in respect of these *Musters*. The home department had not received these for the previous six years, since "the year 1825". From his complaint Goderich made it clear that his office was unable to satisfy concerned relatives who had been making enquiries about transportees, and it was this failure which had prompted the despatch.<sup>122</sup> However, even had the home department received the missing annual *Musters*, these were never likely to be sufficiently accurate nor up-to-date at the time of arrival in London to give a precise location for each and every individual in the colony.<sup>123</sup> What this despatch clearly demonstrates, however, is that a considerable number of "concerned relatives" had been expressing interest in the fate and whereabouts of their transported kin, and wished to have an address in order to communicate with the transported individual.

The extensive British and Irish newspaper press of the day indicated strong "home" interest in the colony during its early period.<sup>124</sup> Historians' research into the letters has resulted in disclosures about life and customs from those Australian

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<sup>121</sup> See Chapter 7 above for the cases of Susanna Francis and Prudence Bankin.

<sup>122</sup> *HRA*, Series 2, volume XVI, Goderich-Bourke, dated 16 October 1831, pp. 418-9.

<sup>123</sup> As this study has demonstrated there are a number of gaps and errors in the "official" information.

<sup>124</sup> The documents reprinted in the *HRNSW* series were taken from a collection held in the British Museum entitled 'Newspaper Extracts 1785-1797'. *The Gazetteer* (29 December 1790); *The Morning Chronicle* (4 August 1791); the *Dublin Chronicle* (1 November 1791); the *Bee* (15 May 1792); and the *True Briton* (10 November 1798). See also Clarke & Spender (eds) *op. cit.*, p. 2. See also L.F. Fitzhardinge, 'Some "First Fleet" Reviews', *Australian Historical Studies*, vol. 9, (1959), pp. 85-91.



correspondents.<sup>125</sup> No attempt is made here to undermine the value of those findings. Free and unfree correspondents described their physical environment to those back “home” in an attempt to compare and contrast what was known and what was different. These differences divided Australian correspondent and British and Irish reader as surely as the oceans lying between them. Underlying these descriptions of those differences there was the attempt to minimise the gap, coupled with a conscious attempt to site the self in a location unknown to the letter’s recipient. In such descriptions, there is also an unspoken element of seeking confirmation and identification. If the readers back “home” could envisage the material circumstances of the correspondent, then the author was no longer perceived as a lost and alienated being in those surroundings.

The inequality between correspondents is clearly delineated in their respective physical settings. However mistaken in their perceptions, the authors could mentally recreate the physical world of their “home” reader. He, or she, could create an internal image of furniture, buildings, clothes and figures moving through lanes, streets and landscapes. Whilst the focus remains locked in a vision of what was written about life in New South Wales, we neglect the original recipients of those letters. Correspondents in New South Wales knew the person to whom they were writing. They did not write to an imaged “somebody out there”, but to an individual known to them. The writer would often have assumed that the contents of their letter would be shared with relatives, neighbours and friends, who

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<sup>125</sup> See David Kent and Norma Townsend, (eds.) *Joseph Mason: Assigned Convict, 1831-1837*, (Melbourne, Melbourne University Press, 1996). Mason went to great pains to describe the environment of New South Wales as well as drawing attention to the variety of cultivation as well as livestock in the colony.

knew the correspondent, and who would be interested in his or her welfare.<sup>126</sup> However, our understanding is limited if we concentrate solely on what was written on the page, in those communications going to or coming from “home”.

For the authors living in New South Wales, their correspondence and their petitions referred backwards to “home”, or, in a possibly conscious, mimicry of official usage, “native place”. Those messages, oral or written, were sent to specific places, urban and rural in England, Scotland, Wales and Ireland. Convict correspondents themselves not only came from widely different environments, they also belonged to different social classes. At one end of the scale, Margaret Catchpole’s Suffolk dialect and phonetic spelling has been tidied up for the modern reader.<sup>127</sup> At the other end, we know that Frederick Fisher’s literacy gained him a post as a clerk in the Colonial Secretary’s office.<sup>128</sup> Despite these differences, the New South Wales authors were bound-up with their colonial status of “convict” or “unfree”. That binding was reinforced and strengthened with their use of “home”. But the very word “home” is a complex trope.<sup>129</sup>

For those who wrote from New South Wales, “home” as they envisaged it, in a distinct sense no longer existed; it was a memory celebrated and kept alive in their on-going communications. The authors of the letters had indeed gone “over

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<sup>126</sup> See Margaret Catchpole; Frederick Fisher; Thomas Watling; Richard Bankin; Thomas Francis; Patrick Casey.

<sup>127</sup> Clarke & Spender, *op. cit.*, “An exception has been made with the letters of Margaret Catchpole which are difficult to read in their original phonetic spelling”, p. xxxi; Heney, *Dear Fanny*, “The language has been modernised, because the contents are too interesting to risk their being obscured by the difficulty of making out the text”, p. 23.

<sup>128</sup> Carol Liston, *Campbelltown: The Bicentennial History* (Sydney, Allen & Unwin, 1988), p. 59.

<sup>129</sup> Thomas McLaughlin, “Figurative Language” in Frank Lentriccia and Thomas McLaughlin (eds) *Critical Terms for Literary Study* (London, University of Chicago, 1990) pp. 80-90, esp. p. 80. Joseph Roth, *Left and Right* trans. Michael Hofmann (London, Granta, 1999, first published 1929). The translated version reads, “[Home] was made up of a thousand private, unspecifiable smells, that  
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the seas and beyond the seas” and were indeed travellers with stories to tell. Simultaneously, however, home was also “over the seas and beyond the seas”; not just over the horizon but irreclaimable. “Home” was a state of mind; a personal and deeply meaningful recreated memory for the authors. “Home” was past; “home” was shaped, reshaped, created, recreated, constituted and reconstituted within the context of its recall by each letter writer. Time away from “home” added and diminished the various aspects of any incident remembered from there. “Home”, too, had different meanings for different colonial correspondents. For some it was the landscape, which they remembered acutely, and no doubt those internal images were peopled with familiar figures.

Thomas Watling, the early convict artist, was charged in November 1788 with the forgery of ‘Guinea notes upon the Bank of Scotland’.<sup>130</sup> Despite his engagement with the landscape of New South Wales, Watling confided to his aunt that much of his thoughts and memories remained with his native place, Dumfries in Scotland. His request to be informed of “every little incident in the place” gives a clue to his awareness of change and his need to keep in touch with landscape and territory of where “my infant and happier years were passed”.<sup>131</sup> Watling had learnt from another source that since he had left Dumfries a new theatre and bridge had been built, changing the town’s appearance. Where exactly was the new theatre in the town? Had buildings been demolished to make way for the new public attraction? At what point did the bridge cross the river and could Thomas

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had nothing to do with politics, nothing to do with nation or race ... there was nothing public, nothing abstract, no ideal, no politics, no passion, nothing but private recollections ...”, p. 176.

<sup>130</sup> Thomas Watling, (ed. G. Mackaness), *Letters from an Exile at Botany Bay, to his Aunt in Dumfries; Giving a Particular Account of the settlement of New South Wales* (1794; Sydney, 1979 facsimile edn.)

<sup>131</sup> *Ibid.*, pp. 40-41.

imagine or envisage traffic on the new bridge? How could he, an artist notwithstanding, have fitted those innovations into his mental picture of his “home”?

He sent messages to acquaintances and requested his aunt to approach two unnamed women and ask them to write to him since, “a letter from either, especially Miss M---, would be an acquisition superior to worldly fortune”.<sup>132</sup> With this request to his aunt to act on his behalf, we perhaps learn something else. This is not just that Thomas Watling would be happy to receive a letter from a particular young woman, but that under the circumstances it was perhaps too risky for his self-esteem to approach the young woman himself. As a transportee, he seems to have felt in no position to make the initial approach, despite the indication he has given of their previous friendship (perhaps love?). Memory here is tainted by a sense of unease, of doubt. The balance of a personal relationship had been altered; the memory remained idyllic but the present intruded awkwardly, casting shadows over his recreated past. Although Watling can apparently rely on his aunt’s continued favour, there is less certainty with his friend, the anonymous Miss M---.

Landscape was important too for Margaret Catchpole. She wrote that her initial perception of the similarity between “the houses and likewise the hills” of her Suffolk home and her first sight of Port Jackson “put me in very good spirits”.<sup>133</sup> One can hardly, under the circumstances, grudge Catchpole this illusion and consolation yet given the radically different climate, vegetation and

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<sup>132</sup> *Ibid.*, p. 39.

<sup>133</sup> Margaret Catchpole to Mrs John Cobbold, dated 21 January 1802, reprinted and edited Clarke & Spender, *op. cit.*, pp. 11-12. Original document National Library of Australia [NLA] MS 1116.

geology of Port Jackson and anywhere in Suffolk, it must be concluded that such a perception was a psychological necessity rather than an optical reality. Nine years later in her last surviving letter home she wrote: "I hope to see home once more".<sup>134</sup> Her wish to return was not entirely unrealistic, for it was supported by her material ambitions, "I hope to get a few pounds to come with". Indeed her letter discloses with not unreasonable pride, her colonial material circumstances of "the little farm, of about fifteen acres". Despite her material advantages in New South Wales, she expressed desires to:

see dear Cousin Charles weigh a pound of tea for me and that fine strong young man Samuel to make me a pair of shoes and poor Lucy to thread my needle for my eyes are not so good as they were<sup>135</sup>

Her acute recollection of everyday life in Suffolk is tempered by her present fading eyesight.

If Margaret had aged in New South Wales, so too had her cousins in Suffolk. Had Samuel retained his youthful strength? Her memories may not be the stuff of drama but her words convey a Suffolk domestic world of close kinship affections, lost when she was transported and not only lost because of transportation but because the scenes recollected were 'past'; the present home was truly beyond her imagining. Within the same letter she added,

My dear Aunt, you hair is kissed and cried over, I will always keep it and I have the other by me that you sent and hope the next time you send you will send some of Lucy's and Charles' hair.<sup>136</sup>

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<sup>134</sup> Margaret Catchpole to her uncle and aunt dated 2 September 1811, reprinted and edited Clarke & Spender, *op. cit.*, p. 15; also in Heney, *Dear Fanny*, p. 48. Original document NLA MS 1116.

<sup>135</sup> *Ibid.*

<sup>136</sup> This section is omitted in Clarke & Spender, *op. cit.*, but is reprinted in Heney, *Dear Fanny*, p. 48.

This desire for such personal items from her relatives' physical bodies strikes one as a plea for something tangible and physical that could collapse the space and time between New South Wales and Suffolk. Even the possession of her relatives' hair, however, as a metaphor for "home" is a mirage, a fantasy, a chimæra. In the event Margaret Catchpole died in New South Wales and lay buried in Richmond from 1819.<sup>137</sup> Clarke and Spender as well as Heney suggest in various ways that Catchpole's decision not to return was based on a rationally pragmatic economic choice. This creates a division between the "acceptance of exile" and a "longing to return", where in fact there is a vital tension between them. In truth, no return "home" by a sea-passage over the northern horizon was achievable for the remembered and yearned for "home": kin and friends had themselves been transformed by the profoundest of passages, from which there is no return; the passage of time.

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<sup>137</sup> Clarke & Spender, *op. cit.*, p. 16.

## **CHAPTER NINE:**

**“So Sarah Wharmby Disappeared from English History too”?**

**“... he had received many letters from families, stating that they had dismissed servants in consequence of the loss of keys which were amongst those in the cabinet of the poor maniac...”**

— Mr Rooker <sup>1</sup>

In London in 1819, charges were successfully pursued against Elizabeth Dunham, who had 3,000 stolen keys in her possession. As a ‘maniac’ she was treated with a certain degree of sympathy by the presiding magistrate. <sup>2</sup> The accused had carefully labeled the provenance of 2,800 of her hoard of keys, leaving the remainder unidentified. Mr Turnpenny “acting on information given” traced Elizabeth Dunham after her theft of a Bank’s keys. He informed the court that when he became aware of the numbers of keys held by the accused he advised her “you may go over the herring-pond for this”. <sup>3</sup> “Very well,” she had sanguinely replied, “I shall see a little more of the world”. <sup>4</sup>

The deluded woman thought the Court would decide in her favour; for she was deluded that her *de facto* possession of the keys conferred rightful ownership over any property protected by each one of them. Despite the magistrate’s belief that she was deranged, she had evidently well understood the semiotics of keys and their wider cultural meanings in a society where the physical security of property had become a serious business, to be guarded by all the ingenuity of locksmiths.

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<sup>1</sup> *Times*, Saturday September 11 1819, p. 3, col. 4, “Police”. The theft of the keys from the Bank occurred on Saturday 28 August and was first reported on Monday August 30 1819. Elizabeth Dunham was charged on Tuesday 31 August. Amongst the keys held by her were those for the Court of Chancery, Christ-Church and Bartholomew’s Hospital.

<sup>2</sup> Cf. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan, (London, Allen Lane, 1975, Peregrine Books 1979 edn. used), “A significant fact ... which the question of madness has evolved in penal practice ... it was impossible, therefore, to declare that someone was both guilty and mad ...”, pp. 19-20.

<sup>3</sup> In the 20<sup>th</sup> century, this expression meant crossing the Atlantic to the United States, or from the United States to Europe. Turnpenny’s usage suggests a sea voyage to Sydney or Hobart: whether due to his confusion at seeing so many keys, or whether the term was also in use then for an Antipodean voyage is unknown. Either way, Dunham got his drift.

<sup>4</sup> *Times*, September 1 1819, p. 3, col. 2.



To herself, she was, in effect, the keyholder. 'Possession being nine-tenths of the law' has a particularly surreal meaning in this instance.<sup>5</sup>

At a fundamental level, as an item of utility, the key's inherent function is one of revelation as well as concealment. To possess a key (or keys) is in itself a status symbol, with varying meanings. A key simultaneously indicates security and insecurity. Security is conveyed through the key's ability to safeguard property, moveable or immovable. In a limited sense, a key demonstrates its owner's concern to secure the value of his or her property. 'Value', however, has more complex meanings than simply 'market value'. A key may, for example, be used to secrete items of a purely personal nature holding important meanings for their owner, but possessing little market value, or even none. Insecurity is also conveyed since to lock away possessions intrinsically acknowledges the possibility of loss. Loss, from whatever cause, of supposedly secured property, gives rise to acute distress indicating emotional as well as material vulnerability. One way of understanding this, in the context of a capitalist society, is through the Marxist concept of reified understandings of property rights. In this instance, people's sense of property ownership becomes mutually constituted with their sense of selfhood. Thus, the possibility of being bereft of that property – for example through theft – poses an acute ontological problem as well as a material one, to the property owner whose sense of being has been collapsed into ownership. Hence, while on one level, the image of person, 'holding keys' represents power, the image of a miser locking away possessions ultimately represents vulnerability. It

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<sup>5</sup> Foucault, *op. cit.* "Crime became less violent ... this separation cannot be separated from several underlying processes ... the change in the operation of economic pressures, ... rise in the standard of living ... demographic expansion ... increase in wealth and property ... and a consequent need for security" (emphasis added), pp. 76-7.

is no accident that in many folk tales and novels, all the precautions of misers are ultimately in vain. In the 'real world' the same feature occurs. In a famous instance, London's West India Docks, completed at enormous cost, were Britain's first fully securitised merchant-ship docking and cargo-handling facility. The intention was to make endemic pilfering by dockers, seamen and dock loiterers impossible but they continued for all that, thwarting capital itself as well as inflicting ongoing losses on many individual capitalists.<sup>6</sup>

To entrust a key to another is, by definition, symbolic of trust in that person beyond concerning whatever that particular key can lay open and vulnerable. To withhold a key is correspondingly an indication of mistrust. Keys convey significance far beyond their material composition of levers that spring the mechanisms of cunningly manufactured locks. To "hold the keys" combines both real and metaphorical meanings of power. A key denotes a boundary between what is overt and what is covert. To use the key is disclose that which was hitherto concealed or to conceal that which was hitherto overt.

In terms of the productive process, the design of the key predetermines that of its corresponding lock. The key is therefore the more instrumental of the two in ensuring security. Historically and especially from the eighteenth century, the technical development of locks and keys indicates two trends.<sup>7</sup> One was the historical proliferation of property rights over increasing varieties of material goods and the other, the need for tighter security to protect those items. Linebaugh

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<sup>6</sup> Peter Linebaugh, *The London Hanged: Crime and Society in the Eighteenth Century*, (London, Penguin, 1993), Chapter Twelve, "Sugar and Police: The London Working Class in the 1790s", pp. 402-441, *passim*.

<sup>7</sup> Vincent J. M. Eras, *Locks and Keys throughout the Ages* (New York, Lips' Safe and Lock Manufacturing Company, 1957), p. 96. This book offers a comprehensive and well-illustrated resumé of this subject.

refers to the technical skill applied by Joseph Bramah who “revolutionized the mechanics of the lock by introducing moveable wards”.<sup>8</sup> Bramah himself observed the necessity for greater protection; his words join those of his late eighteenth-century contemporaries in attributing the increased number of household robberies to the decline of moral values amongst the subordinate classes.<sup>9</sup> Bearing in mind that in eighteenth-century Britain’s towns and cities, business premises were also still commonly part of or adjacent to the domestic residence of their proprietors, the resultant anxieties are understandable.

In 1825, William Cobbett drew a correlation between the increased number of household goods in contemporary farmhouses and the way in which farm servants were no longer welcome at the farmer’s table, as had been customary within living memory. Cobbett lists household items contributing to the exclusion of farm labourers from the house and table. Items of furniture, china, glassware and carpets made farmhouse doors and walls assume the role of an oppressive and effective barricade, successfully demarcating a clear boundary between the employer and the employee. The household became a stronghold of ownership. Cobbett’s contempt for this conspicuous consumption is coupled with a real sense of these items filling spaces once open to farm workers.<sup>10</sup> The possession of proliferating and increasingly expensive material goods required security. China and glassware can be stored in glass-fronted cupboards, safe from accidental damage, but remain a visible statement of wealth. Store rooms and cupboards had locks: keys to cabinets, to larders, to desks and bureaux, to linen cupboards to wine

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<sup>8</sup> Linebaugh, *op. cit.*, p. 365-66.

<sup>9</sup> *Ibid.*, p. 366.

<sup>10</sup> W. Cobbett, *Rural Rides*, ed. E.W. Martin, (London, Macdonald, 1958), pp. 219-222, esp. 219.

cellars became a necessity of enhanced property ownership. Canteens of silver were hidden from the gaze in specially constructed chests with compartments for cutlery and tea-pots, lined with green baize and secured with locks.

Within a substantial household the hierarchy of servants was demarcated between those who had access to the keys, and those who had no such access.<sup>11</sup> Visually, a housekeeper's status was signified by the bunch of household keys secured to her dress.<sup>12</sup> This status was emphasised with special accommodation, emphasising her rank in the hierarchy of a larger household. Similarly butlers would possess the keys to their master's wine-cellars. The high status of key-holding domestic servants, indicated through their access to locked-up valuables, can hardly be understated in terms of trust. In the case of the deranged key thief Elizabeth Dunham, the statement of a Mr Rooker revealed one of the unpleasant consequences of her theft of those 3,000 keys: the dismissal of many servants by the keys' legitimate owners. To be dismissed on suspicion of stealing keys was so intense an expression of distrust by their employers, that the servants concerned certainly faced unemployment, at least as domestic servants. After all, they would be most unlikely to receive the satisfactory character references from previous employers that were normally required by prospective employers. In the absence of any further information it is only speculation that some of those dismissed servants may have subsequently received a transportation sentence, having turned to theft. What is certain is that records such as the *Old Bailey Session Papers* contain many instances of ex-domestic servants sentenced to transportation, often

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<sup>11</sup> Linebaugh, *op. cit.*, p. 366.

<sup>12</sup> More recently in the 1980s it was fashionable for men to wear keys outside their trousers on the chain. The number of keys of the chain implied access to a corresponding number of locks.

enough for thefts in the households of the employers who had turned them out. Thus Elizabeth Dunham's case also reveals something of the nature of domestic social relationships of employer and employee in which automatic dismissal of employees without positive proof of their guilt, commonly followed the theft of keys.

Keys not only protected property from outsiders but also protected outsiders from 'insiders'. Keys feature as an essential component of institutional systems. Within that specific location the key retained its inherent dual qualities. The sound of the key in the locked door of any penal institution could denote release or continued imprisonment. The turnkey, as the under-gaoler, had the power to open the outer door of the prison.<sup>13</sup> The turnkey's position offered, as an extension of his powers, the ability to charge admission and withhold "Strangers ye full change".<sup>14</sup> In Richard Cobbold's fictional account of Margaret Catchpole's escape from jail, the turnkey was implicated. Richard Cobbold imaginatively created a scene in which "The magistrates ... were of the opinion that somebody must have bribed the man [the turnkey] and that he must have let her out".<sup>15</sup>

Keys were certainly used in the ancient civilisations of Rome, Egypt and Greece. The papal authority within the Roman Catholic Church is deemed to have stemmed from the authority given by Jesus Christ to Peter by his words, "I will give unto thee the keys of the kingdom of heaven".<sup>16</sup> Until the 14<sup>th</sup> century keys

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<sup>13</sup> Linbaugh, *op. cit.*, describes the role of the turnkey in the Delivery of Newgate on 6 June 1780, p. 366.

<sup>14</sup> H.O. White, 'Introduction', *The Works of Thomas Purney* (Oxford, Basil Blackwell, 1933), p. xx. Thomas Purney was the Ordinary of Newgate in the 1720s.

<sup>15</sup> Richard Cobbold, *The History of Margaret Catchpole, A Suffolk Girl*, (London, Henry Colburn, 1845, 2<sup>nd</sup> edn.) in 2 vols, vol. II, p. 161.

<sup>16</sup> Matthew XVI, 19.

were made of bronze; their intrinsic value enhanced with intricate decorations wrought by craftsmen. During the 16<sup>th</sup> century these decorations became more elaborate with terminals being moulded into representations of animals, figures or abstract designs. Officials of British and European embassies during the 18<sup>th</sup> and 19<sup>th</sup> centuries held formal keys indicating their position as servants of the Crown bearing insignia of crowns and royal monograms, thus indicating their prestigious position as crown servants.<sup>17</sup> Lachlan Macquarie was presented “the keys of the different gates of Garrison” on a “large silver salver” by the Dutch Governor at Galle, Sri Lanka, in 1796, when for under two months Macquarie took over the temporary position of the town’s Governor.<sup>18</sup>

A further symbolic understanding of keys can be found in the liminal meanings given to the ‘freedom of the house’ or, indeed, ‘the city’. Despite the significance of keys in their role within a prison situation it is therefore an anomaly that keys did not feature as an item of some importance during the visual drama of Commissioning the Colony of New South Wales in February 1788.<sup>19</sup> The dual role of New South Wales as both a colonial possession and penal institution underscores that anomaly, since for most of the time for most of its transported convicts, it was a remote open prison secured by vast distance rather than locks and keys.

This concluding diversion into the meanings of keys is intended as an aid to understanding this thesis. A coded message remains secret unless the receiver has

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<sup>17</sup> *Encyclopaedia Britannica: A Dictionary of Arts, Sciences, Literature & General Information*, vol. XV (Cambridge, Cambridge University Press, 1911), p. 767.

<sup>18</sup> M.H. Ellis, *Lachlan Macquarie, His Life, Adventures, and Times* (London, Angus and Robertson, 1958 edn.) pp. 76-79, esp. p.77. The citations given by Ellis were from Macquarie’s Journals.

<sup>19</sup> See above, Chapter 2, “Setting the Scene: New South Wales, Britain and the Crowd”, esp. pp.27-29.

the necessary key to unlock the cipher. A precept laid down by W.H. Auden was “the words of a dead man are modified in the guts of the living”. Such a precept can be justifiably applied to the scholarly historiography of convict transportation to New South Wales. Histories, and our understandings of historical processes, are not unlocked by one key but, over time, by many. Periodically, new keys are devised which can sometimes unlock hitherto hidden histories and concealed meanings. On occasion, this is to the chagrin of some of the old key holders, who have constituted themselves as gatekeepers to ‘safe’ historical knowledge, in a thinly concealed attempt to impose historical closure. Research for this study and its interpretation in these pages have, it is hoped, provided further keys to understanding some important aspects of the profound human consequences of convict transportation. Since this thesis has discarded some existing keys to convict history and modified the design of others, its claim to merit rest above all on the utility of its new keys, which are intended to open rather than close the locks on some neglected aspects of convict history. The meanings transportation held for those whose affectionate personal relations were disrupted have been found in the words of petitioners, and in correspondence between the northern and southern hemispheres.

Victor Gatrell confidently asserted that, on embarking from Britain as a transported convict, Sarah Wharmby disappeared from English history. It is a verifiable fact that, within the scholarship of ‘high’ British History, the transported and their loved ones left behind are largely absent; whilst even in Australian Social History, those who remained in Britain whose lives were most disrupted by transportation are largely absent. This study seeks to challenge such compartmentalization of what is “British” History and what is “Australian” and

argues instead for a greater connectedness than can ever occur when history is constructed largely within exclusive national boundaries as 'national' projects.<sup>20</sup> An understanding of transportation can only be enhanced when it includes consequences in Britain after a sentence had been executed. The previous chapters have sought to establish that whilst Sarah Wharmby, and all other transported convicts may have disappeared from the purview of "high" histories, they were not forgotten by the family and friends they left behind and that those memories, for long implicitly deemed irrecoverable, can be recovered. That recovery remains much less than total, for reasons far beyond the limits or defects of this study, whatever they may be. Devising a perfect set of keys to unlock all possible knowledge about even a specific aspect of history is akin to seeking the fabled crock of gold at the foot of a rainbow. The moral here is not to give up but to keep on devising, for if 'definitive' historical knowledge is not attainable, the progressive unlocking of historical understanding certainly is.

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<sup>20</sup> Keith Wrightson, 'The Enclosure of English Social History', *Rural History*, vol. I, (1990), complained that 'compartmentalism by period is compounded by compartmentalism by subject', pp. 73-82, esp. p.76.



## **APPENDICES**

SRNSW	Fiche Nos	YEAR	Transport Ship	M/S Asked	Arrived
4/4007	643 - 46	1820	Eliza	NO	NSW
		1820	Prince Regent 1	NO	NSW
		1820	Castle Forbes	NO	NSW
		1820	Neptune (3)	NO	NSW
		1820	Hadlow (2)	NO	NSW
		1820	Mangles (1)	NO	NSW
		1820	Earl St Vincent (2)	NO	NSW
		1820	Dorothy	NO	NSW
		1820	Agamennon	NO	NSW
		1820	Shipley	NO	NSW
		1820	Almorah	NO	NSW
		1820	Prince Regent (2)	NO	NSW
		1820	Asia	NO	NSW
		1820	Elizabeth (3)	NO	NSW
		1820	Hebe	NO	NSW
		1821	Prince of Orange	NO	NSW
		1821	Lord Sidmouth (2)	NO	NSW
		1821	Dick	NO	NSW
		1821	Speke (2)	NO	NSW
		1821	Adamant	NO	NSW
		1821	Grenada (2)	NO	NSW
		1821	John Barry (2)	NO	NSW
		1821	Hindustan (2)	NO	NSW
		1821	Minerva	NO	NSW
		1820	Dromedary	NO	NSW/VDL
		1820	Coromandel	NO	NSW/VDL
		1820	Guildford (4)	NO	NSW/VDL
		1820	Caledonia	NO	NSW
		1820	Maria (2)	NO	NSW
		1820	Juliana	NO	NSW
		1821	Medway	NO	NSW
		1821	Lady Ridley	NO	NSW
		1821	Countess of Harcourt (	NO	NSW
		1821	Malabar (2)	NO	NSW

SRNSW	Fiche Nos	YEAR	Transport Ship	M/S Asked	Arrived
4/4008	647 - 648	1822	Mary (2)	NO	NSW
		1822	Isabella (2)	NO	NSW
		1822	Southworth	NO	NSW
		1822	Shipley (2)	NO	NSW
		1822	Guildford (5)	NO	NSW
		1822	Asia (2)	NO	NSW
		1822	Mangles (2)	NO	NSW
		1822	Eliza (2)	NO	NSW
		1822	Countess of Harcourt (	NO	NSW
		1822	Surrey	NO	NSW
		1822	Princess Royal	NO	NSW
		1822	Brampton	NO	NSW
		1822	Richmond	NO	NSW/VDL
		1822	Claudine	NO	VDL
		1822	Hungerford	NO	VDL
		1822	Phoenix	NO	VDL
		1822	Prince of Orange (2)	NO	VDL
		1822	Caledonia (2)	NO	VDL
		1822	Arab	NO	VDL
		1823	Morley (4)	NO	VDL
4/4009	650 -652	1823	Recovery (2)	NO	NSW
		1823	Henry (1)	NO	NSW
		1823	Ocean (3)	NO	NSW
		1823	Earl St Vincent (3)	NO	NSW
		1823	Isabella (3)	NO	NSW
		1823	Medina	NO	NSW
		1823	Castle Forbes (2)	NO	NSW
		1824	Guildford (6)	NO	NSW
		1824	Countess of Harcourt (	NO	NSW
		1824	Prince Regent (3)	NO	NSW
		1824	Competitor	NO	VDL
		1824	Commodore Hayes	NO	VDL
		1824	Albion	NO	VDL
	n.d.	Sir Geoffrey Webster	NO	VDL	
	1824	Asia (3)	NO	VDL	

SRNSW	Fiche Nos	YEAR	Transport Ship	M/S Asked	Arrived
4/4009A	653 -657	1823	Earl St Vincent (3)	NO	NSW
		1823	Isabella (3)	NO	NSW
		1824	Medina	NO	NSW
		1824	Castle Forbes	NO	NSW
		1824	Guildford (6)	NO	NSW
		1824	Countess of Harcourt (2)	NO	NSW
		1824	Prince Regent (3)	NO	NSW
		1824	Mangles (3)	NO	NSW
		1824	Minerva	NO	NSW
		1825	Ann & Amelia	NO	NSW
		1825	Asia (4)	NO	NSW
		1825	Hooghley	NO	NSW
		1825	Royal Charlotte	NO	NSW
		1825	Asia (5)	NO	NSW
		1825	Hercules (2)	NO	NSW
		1825	Norfolk	NO	NSW
		1825	Minstrel	NO	NSW
		1825	Lonach	NO	NSW
		1825	Henry Porcher	NO	NSW
		1826	Marquis of Hastings	NO	NSW
4/4011	660	1826	Sir Geoffrey Webster	YES	NSW
		1826	Mangles (4)	YES	NSW
		1826	Sesostris	YES	NSW
		1826	Regalia	YES	NSW
		1826	Marquis of Huntly	YES	NSW
		1826	Boyne	YES	NSW
		1826	England (1)	YES	NSW
		1826	Speke (3)	YES	NSW
		1826	Phoenix (3)	YES	NSW
		1826	Portland	YES	VDL & NSW

SRNSW	Fiche Nos	YEAR	Transport Ship	M/S Asked	Arrived
4/4012	663 - 67	1827	Albion	YES	NSW
		1827	Midas	YES	NSW
		1827	Mariner (3)	YES	NSW
		1827	Countess of Harcourt (4)	YES	NSW
		1827	Guildford (7)	YES	NSW
		1827	Marquis of Hastings (2)	YES	NSW
		1827	Manlius	YES	NSW
		1827	Cambridge	YES	NSW
		1827	Prince Regent (4)	YES	NSW
		1827	Champion	YES	NSW
		1827	Eliza (3)	YES	NSW
		4/4013	668 - 70	1827	John (1)
1828	Florentina			YES	NSW
1828	Marquis of Huntley			YES	NSW
1828	Hooghley (2)			YES	NSW
1828	Morley (4)			YES	NSW
1828	Asia (6)			YES	NSW
1828	Mangles (5)			YES	NSW
1828	Borodino			YES	NSW
1828	Phoenix (3)			YES	NSW
1828	Bussorah Merchant			YES	NSW
1828	Countess of Harcourt			YES	NSW
1828	Master of Hastings			YES	NSW
1828	Albion (2)			YES	NSW
1828	Eliza (4)			YES	NSW
1828	Royal George			YES	NSW
4/4014	671 -673	1829	Governor Ready	YES	NSW
		1829	Sophia	YES	NSW
		1829	Vittoria	YES	NSW
		1829	Fergusson	YES	NSW
		1829	Mellish	YES	NSW
		1829	Lord Melville	YES	NSW
		1829	Eliza (5)	YES	NSW
		1829	Waterloo	YES	NSW
		1829	America	YES	NSW
		1829	Norfolk	YES	NSW
		1829	John (2)	YES	NSW
		1829	Guildford (8)	YES	NSW
		1829	Layton	YES	NSW
		1829	Morley (5)	YES	NSW
		1829	Claudine	YES	NSW
1829	Sarah	YES	NSW		
1829	Larkins	YES	NSW		

## APPENDIX 2:

SRNSW SR 4/1112.1A, 'Petitions from husbands for their Wives, families or other relatives to be Given A Free Passage to Settle in New South Wales', doc. 36, pages 101-104.

### Transcript of letter from Susanna Francis to her husband Thomas.

#### Annotations on the document:

- (i) "A Memorial was written for this man for his Wife and Family a long time since; but he never put it in –".
- (ii) Children's names and ages have been appended to the sheet:

Elizabeth	15
John	13
James	9
Jane	6

"Newport 28<sup>th</sup> June 1822

My Dear Husband,

It is with great pleasure that I inform you of having received your Letter of the 10<sup>th</sup> January 1821 being the first and last, I had almost gave up that I should ever hear from you more, and that you had forgotten me and your Children, or that you were number'd with the Dead, the thoughts of which gave me great uneasiness and trouble, but thank God I have the satisfaction to hear you were in health when your Letter left, and that you still think of your poor wife and children, who with myself are in Good health you mention that you have written several Letters to me, if you did I never received them, otherwise you may relay I should have immediately sent you an Answer, Indeed I should have written before this but was at a loss to know how and where to direct, and you know how welcome the news was of hearing of your being well and in health, you would not entertain a thought for one moment of my neglecting to return you an Answer, and if I could but obtain leave or find the Means I would not loose one moment and be the bearer of this myself, the Children are well thank God and in transports with the thoughts of our once more meeting together and of seeing their Father, I lost no time in sending a Copy of your letter of Mr Morgan of Ross beggin[g] of him to inform me if there were any hopes of my obtaining a passage over, his answer to which I am sorry to say is not that which my heart wish'd for and in reply to that point this is what he says, 'I have made enquiry and find thy request cannot be granted and that there is no other way than by paying thy own Passage over, - it is considered that Transportation would be no punishment if a family could go together. It must be a pleasing thing for thee to know he is so well settled and will be best for you both to be resigned to the Separation here, and by each leading a Virtuous Life you will with the Blessing of the Most high meet again in another and a better world where sin and Sorrow cannot enter in, it would have been a pleasure to me to have had better tidings in reply to thy request thus, you may inform Thomas if thou please when thou write to him' – which I have done in order to convince you of my doing every thing in my power to obtain a passage to live and die with you, I hope

and trust something yet will turn out that we may meet on earth again which is the wish & constant Prayer of your poor Wife and Children – who thank God never have wanted a Meal of Victuals, since you are gone Mr & Mrs Kingson have been very kind and good to me I work constantly there, and Mr & Mrs Vern likewise are very kind to me, that with the Goodness of Providence we never wanted a Bit of Bread & Betsey is a fine Girl, John works on the Canal, James and Jane continue in School, my Mother has paid the debt of Nature and is no more this 4 years My Sister Mary died 3 Years ago and left her poor Children Motherless. The Gentlemen of the Town are all willing to help me over if you will write and inform me the particulars in what manner I am to proceed and also what the expence would be & how I am to support myself when with you if I can obtain work, which I do not care for, to be with you. Mr M Brown is very kind to me he wrote to Mr Morgan of Ross, and will assist me with something to go over if there is a probability of my obtaining leave, My Dear Husband I would sooner come over to you than stay here, my friends being all dead except my Sister Nanny & Betty and they are both gone far from Newport. Your Brother Matthew met with a sad accident from a Tram and lived but a short time after about a Week, his Wife was put to bed about six Weeks ago, the two boys work with Mr Webb, I should like to know if James have heard from his Wife, she was put to bed with a fine Boy and have since buried him – She is at home with her Father as for your Mother and Brother I cannot inform you anything about them for they never send to me nor make any enquiry for me or the Children since you are gone, Richard ... desires to be remembered to you and all your old Neighbours, I have nothing further to add than request you will lose no time in writing and inform me how I am to proceed to obtain my passage as I am determind God willing to use my utmost endeavour to go over & bring the Children if they will be allowed. Until which the Children join me in our best love & Duty and believe me to be Your

Most Affectionate  
Wife ‘till Death  
Susanna Francis”

The letter was addressed to:

“Mr Thomas Francis  
At Wm Redfern’s Esq.  
Port Jackson,  
New South Wales”

### APPENDIX 3:

SRNSW SR 4/1112.1A, 'Petitions from husbands for their Wives, families or other relatives to be Given A Free Passage to Settle in New South Wales', doc. 7 (pp. 18-21):

#### Transcript of letter attached to Richard Bankin's Petition:

#### Annotation on the document:

- (i) "In list sent home Informed 23 March 1827"

"Dear Kinsman,

We received your letter about the first of September bearing date 14<sup>th</sup> March 1824 which gave great satisfaction to all your relations and friends, to find that you had been favoured by the bountiful protection of providence in a far distant country and they all with me unite in these well wishes for your future prosperity being all in good Health at present; since your departure I have lost my Sister Sarah who like your mother died in a decline.

Agreeable to your request I enquired of your Wife and Child to know whether they were desirous of coming over to your settlement; to your Daughter Mary I first applied who lives at the Greyhound Little Warley who most warmly and confidentially assured me that she would venture life and all that is dear to her to be again under the protection of her Father, and your Wife who is now living with her Brother and Sister Reed on Bulphan Fen is equally desirous of coming, your youngest daughter I have not seen: your Wife informs me that she has sent you letters before but fear they were misdirected as they were not named in yours. the subjoined is a copy of lines sent to me by your Wife to be enclosed in this letter:

Doc. 7 [b]: (pp. 22-23)

"Richard Bankin

Dear Husband,

I am happy to hear you are in good health and well situated, and I and your children will be very happy to see you, if you can convey us into your Country, I hope these few lines will find you in good health, bless God it leaves us all well at present: I have lost both Father and Mother, I have no friends only one sister who send love to you: your Daughter Mary is at the Greyhound Little Warley, Sarah is where you left her, and myself at my Sister Reed, no more at present from your loving Wife and Daughters –

Yours truly, Prudence Bankin"



“A copy of lines delivered to me by your sister Bennett, to be enclosed in this

“Dear Brother,

Though you may be many miles from your native Country, yet you are under the protection of the same good and gracious God who has promised in his most sacred word, that he will never leave nor forsake them that put their trust in him; and that you may pray to that God and be thankful is the prayer of your loving Sister – Sarah Bennett”

“Your brother James and his wife are living near [ ... ] Wollds End at Hornchurch your sister and her [ ... ] Husband living where you left them and our dwelling is unaltered. We hope to hear from you again as soon as convenient. I remain your Affectionate Nephew, John Bankin, Junior.”

The outside of the document bears the following address:

For Richard Bankin,  
At the town of Richmond,  
In the Country of Cumberland,  
New South Wales,  
North America

[franked & postmarked “29 OC 29 1824”]

APPENDIX 4 (a):

PRO/PC1/68:

Transcript of two letters from Lydia Ann Halloran to Lord Sidmouth and Mr Henry Capper of the Secretary of State for the Home Department's office:

“My Lord,

Distresses severe as ours must plead my apologies for intruding upon your Lordship's notice, as your Lordship will recollect when Dr Halloran was sailed from this Country he was personally – also thro' the medium of his friend Colonel Nicoll, and his Brother in Law Mr Browne, assured, that when the requisite returns reached this Government from Sydney, that his family should be allowed to join him, their arrival we have with respect and patience awaited, and as we have been favourably recommended in those Despatches to be immediately sent out, we presume to hope your Lordship, in consideration of the entirely unprotected state of Dr Halloran's infant family, will direct that we may be received on board the first Female Ship which sails for New South Wales.

Oh my Lord! Could you be aware of our trials and sufferings, as a parent yourself; I am convinced you must possess too much Benevolence and Humanity to allow us to be exposed to such affliction and poverty longer than absolute necessity may require. We do therefore most fervently implore your Lordship to enable us to proceed to Sydney to rejoin a beloved parent, that may educate his children and protect his daughters, and your Lordship will have the heartfelt satisfaction, which must result to a great mind from the consciousness of having rescued an orphan family from an almost state of starvation, in mercy my Lord we entreat that you will favourable receive our request, and we shall ever pray that our Heavenly Father will bless and protect your Lordship in health and safety.

I have the honour to subscribe myself

With Respect

Your Lordship's

OBEDIENT HUMBLE SERVANT

L. A. HALLORAN”

[address]

No 5 Providence Row

Charles Street

BUTT LANE

Deptford.

Not dated but to be found in the August bundle for 1820.

APPENDIX 4 (b)

Dated 22<sup>nd</sup> September 1820

Sir,

Having had the Honor to address you by Letter 28<sup>th</sup> of August and since having waited upon you at your Office, in the hope of being favor'd with an interview, when in consequence of your absence I was disappointed, I therefore presume again to address you by Letter, hoping you will condescend Sir, to confirm what our friend Colonel Nicholl has assured me is your attention in our behalf as favourable returns have reached this Government, could you Sir, be aware of the dreadfully distressing situation in which we are placed; I am persuaded your benevolent disposition would induce you to commiserate the unprotected state of eight orphan children reduced to the extremest want, which to them is the more painfully severe, contrasted with their former comfortable competence, I must therefore earnestly implore of you Sir, to favor us with an early intimation as to the probable period of the sailing of the next Female Ship, as the Colonel has told me, you certainly intend to help us by a confirmation of your promise in sending us out to rejoin our exiled Parent at Sydney – and thus rescue from famine and distress my unfortunate orphan children. The poignancy of my sufferings from my inability to procure Bread only, for my dear infant family must plead with you Sir, my excuse for again trespassing upon your attention, entreating to be favor'd with an early notice when we may indulge the hope of being released from our present afflicting situation, which, now Winter advances will be dreadful in the extreme,

I have the honor to remain Sir, very respectfully,

Your obliged humble servant

L. A. HALLORAN

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**State Records of New South Wales, (S.R.N.S.W.)**  
**COLONIAL SECRETARY'S OFFICE**

<b>Location:</b>	<u>Transportation Records</u>	<b>Year</b>
S.R. 1/8272 and 4/1732		1815
S.R. 2/8266		1817
S.R. 2/8260 and 4/1740		1818
S.R. 2/8263 and 2/8269		1825
S.R. 2/8246		1827
S.R. 2/8256		1828
S.R. 2/8257		1829

Petitions from husbands to have Their Wives, families or  
other relatives Given A Free Passage to Settle in New South Wales

S.R. 4/1112.1A	1824 – 1825
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Petitions from Wives of Convicts to have their Husbands  
assigned to them

S.R. 4/7084	1826 – 1827
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Assignment Register

S.R. 4/7084	1826
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Applications for the Publication of Banns

S.R. 4/2003	1828
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Consents to Marriages

S.R. 5/7691	1826 – 1850
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Births, Marriages and Deaths  
Sydney, Parramatta and Hawkesbury Districts

S.R. 2/8293	1811 – 1820
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## Petitions

S.R. 4/1846 – 4/1847	1810
S.R. 4/1848	1811 - 1812
S.R. 4/1849	1813 - 1816
S.R. 4/1850 – 4/1853	1817
S.R. 4/1854 – 4/1856	1818
S.R. 4/1857 – 4/1860	1819
S.R. 4/1861	1820
S.R. 4/1862 – 4/1863	1821
S.R. 4/1864 – 4/1868	1822
S.R. 4/1869 – 4/1870	1823
S.R. 4/1872	1824
S.R. 4/1873 – 4/1875	1825

## Bench Records and Court of Criminal Jurisdiction: Colonial Trials and Court Records

S.R. 7/2691	1815 – 1821
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## Bench of Magistrates Sydney

S.R. 5/1153	1801 – 1814
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## Court of Criminal Jurisdiction Case Papers

S.R. 5/1145	1811
S.R. SZ776	1816
S.R. SZ777)	
S.R. SZ778)	
S.R. SZ779)	
S.R. SZ780)	
S.R. SZ781)	April 1817 -
S.R. SZ782)	December 1818
S.R. SZ783)	
S.R. SZ784)	
S.R. SZ785)	
S.R. SZ786	1819
S.R. SZ787	June 1819
S.R. SZ788	September 1819
S.R. COD 449	1819
S.R. COD 450	1820

## Bench of Magistrates, Parramatta

S.R. 4/7640	1820 – 1821
S.R. SZ1050	1822

Bench of Magistrates, Court of Petty Sessions,  
Melville Island, Bathurst, Liverpool, Maitland

S.R. 4/2772.4 1827 – 1829

Female Factory, Parramatta

S.R. 2/855 1822 1823  
S.R. 2/857 1823 – 1824  
S.R. 2/858 1824  
S.R. 4/1917.6 1826  
S.R. 4/2011.1 1827 – 1828

Female and Male Orphanages

S.R. 9/2731 1803  
S.R.4/1740 1818  
S.R. 4/400 1819

Colonial Secretary's Correspondence

S.R. SZ757 & SZ 760 1808  
S.R. 4/3490B 1809 - 1810  
S.R. 4/3491 1811 - 1813  
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S.R. 4/3498 4/3500 1818 - 1819  
S.R. 4/1742 1819  
S.R. 4/1749 1821  
S.R. 4/3412 1824  
S.R. 4/1902.1 1826  
S.R. 4/1913.2 1826  
S.R. 4/2073 1829 – 1830

**Principal Superintendent of Convicts Bound Indents of Convict Ships**

**MANUSCRIPT SOURCES HELD IN THE PUBLIC RECORD OFFICE,  
London, (P.R.O.)**

P.R.O. Privy Council 1/67 –72  
'Convicts' 1819 – 1824

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P.L. MASSINGBERD  
MISCELLANEOUS ITEMS  
MISCELLANEOUS ITEMS  
MISCELLANEOUS ITEMS
- William B. NEVILLE
- John OXLEY
- H.J. RUMSEY
- John RUSSELL
- G. SUTTOR
- T.T. SYDNEY
- Wesleyan Methodist  
Missionary Society  
**Unpublished Doctoral**  
Clare ANDERSON
- James BRADLEY
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