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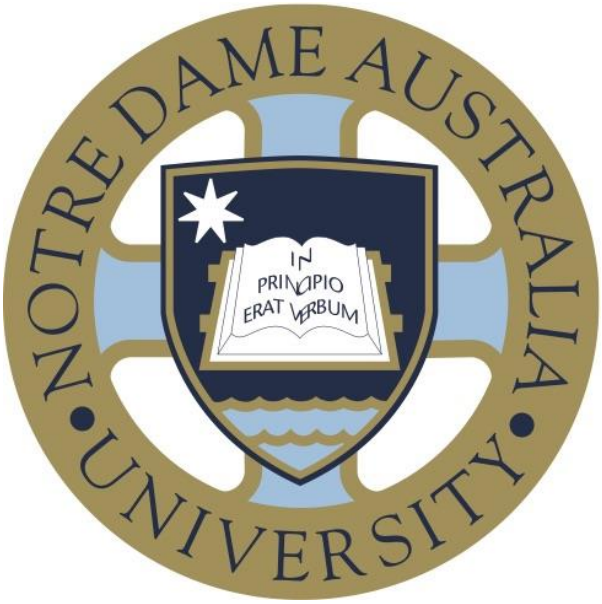
THE UNIVERSITY OF NOTRE DAME AUSTRALIA

PRISONERS, POWER AND PANOPTICON: INVESTIGATING FREMANTLE GAOL, 1831–1841

Emily Lanman

Submitted in partial fulfilment for the Master of Philosophy



School of Arts and Sciences

Fremantle Campus

May 2021

Declaration of Authorship

To the best of the candidate's knowledge, this thesis contains no material previously published by another person, except where due acknowledgement has been made.

This thesis is the candidate's own work and contains no material which has been accepted for the award of any other degree or diploma in any institution.

Emily Lanman

May 2021

Abstract

The history of crime and punishment is intertwined with Australia's colonisation, including the foundation of the Swan River Colony in 1829. It can be demonstrated that Jeremy Bentham's writings on criminal reform, specifically through his work on the panopticon model prison, influenced the development of punishment and prisons in the colony. This is evident in the construction of Fremantle Gaol (1831), which was built on the principles set forth by the panopticon and provides an interesting insight into what was deemed important in the penal system the colony continued to establish between 1831 and 1841. While Fremantle Gaol conformed to the core principles of the panopticon, it cannot be argued to be a true representation of the model; instead, it was adapted to suit the colony's needs. This thesis explores the panoptic infrastructure of Fremantle Gaol by examining how its location, architecture and utilisation mirror Bentham's scheme. From this, its operations and the punishments inflicted can be analysed, while also highlighting how the model was modified for colonial requirements. An understanding of prisoners' reactions to punishment is ascertained by exploring escape attempts as well as correspondence sent by and on behalf of prisoners. This study utilised a methodology comprising historical analysis and hermeneutics, with a theoretical underpinning based on the work of French philosopher Michel Foucault and his concept of power. This study contributes to the expanding literature on panopticon-inspired institutions by interpreting Fremantle Gaol as a colonial adaptation of the model. It further contributes to the knowledge surrounding the gaol's operations and prisoner experience, which is underdeveloped in the literature on the Swan River Colony.

Acknowledgements

I wish to express my deepest gratitude to the people who have supported and guided me through this process: my supervisor, Dr Leigh Straw, for her invaluable guidance and encouragement throughout each step of this thesis and my secondary supervisor, Dr Shane Burke, for his valuable and helpful advice.

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Acknowledgement of Country

I acknowledge the Whadjuk Noongar people as the traditional custodians of the land on which this research was conducted. I also pay my respects to elders past, present and emerging. Aboriginal people should be aware that this thesis contains the names of deceased persons.

List of Publications

Lanman, Emily. “Establishing a Panoptic Prison: An Examination of Fremantle Gaol, 1831–1841.” *Revue d’études benthamiennes* 19 (2021). https://doi.org/10.4000/etudes-benthamiennes.8465.

Lanman, Emily. “The Panopticon Archetype in the Swan River Colony: Establishing Fremantle Gaol, 1831–1841.” In *Bentham and Australia: Convicts, Utility and Empire*, edited by Tim Causer. London: UCL Press, forthcoming 2021.

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Chapter 1: Introduction

Opening in 1831, Fremantle Gaol[1] was the first significant public building in the non-penal Swan River Colony (established in 1829). The gaol was a model prison, conforming to the core principles of Jeremy Bentham's (1748–1832) panopticon.[2] The panopticon was designed as a circular prison with cells occupying the perimeter of the building, with a central tower which housed the prison's inspector.[3] Central to Bentham's philosophy was reformation, which would be achieved through constant surveillance by a centrally placed, omnipresent inspector.[4] Fremantle Gaol was closely related to the panopticon through its architect, Henry Willey Reveley. Henry Reveley was connected to Bentham through his father, Willey Reveley, who had worked alongside Bentham to finalise the model's design in 1791.[5] Bentham was an English philosopher, economist and theoretical jurist and is considered the founder of the modern school of utilitarianism.[6] His ideas were predominantly formulated at the end of the eighteenth and early nineteenth centuries during the Industrial Revolution.[7]

Fremantle Gaol represents an enduring symbol of British authority. It stood over a fragile settlement occupied by early settlers who believed that the colony's potential had been

[1] While now known as The Round House, it will be referred to as Fremantle Gaol as this is what it was known as officially during the period under investigation. Although there is a contemporary reference to it being called The Round House on the 16 December 1837 in the *Perth Gazette*, it does not appear to be a common name for it. See: Charles Macfaull, "Civil Court," *Perth Gazette and Western Australian Journal*, December 16, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639728.txt.

[2] Bob Reece, "Glimpses of Fremantle 1829–1929," *in Voices from the West End: Stories, People and Events that Shaped Fremantle*, ed. Paul Longley Arthur and Geoffrey Bolton (Welshpool: Western Australia Museum, 2012), 24; Henry Reveley, "Letter from Henry Reveley to Peter Broun, January 18, 1831," Perth: SROWA, AU WA S2941 cons39 012, folio 84; Simon Adams, "Capital Punishment and the Spectacle of Death in Colonial Fremantle," in *Voices from the West End: Stories, People and Events that Shaped Fremantle*, ed. Paul Longley Arthur and Geoffrey Bolton (Welshpool: Western Australia Museum, 2012), 87–88; Pamela Statham, "Contrasting Colonies, or a Tale of Three Colonies," in *Beyond Convict Colonies*, ed. Barrie Dyster (Sydney: Department of Economic History University of New South Wales, 1996), 34; Reginald Whitaker, *The End of Privacy: How Total Surveillance is Becoming a Reality* (New York: The New Press, 1999), 32–33.

[3] Jeremy Bentham, "Panopticon; or the Inspection-House: Containing the Idea of a New Principle of Construction Applicable to Any Sort of Establishment, in Which Persons of any Description are to be Kept Under Inspection; and in Particular to Penitentiary Houses," in *The Panopticon Writings*, ed. Miran Bozovic (London: Verso, 1995), 29–95.

[4] Whitaker, *The End of Privacy*, 32–33.

[5] Philip Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," *Journal of Bentham Studies* 9, no.1:2 (2007): 9, https://doi.org/10.14324/111.2045-757X.030.

[6] Walter L. Arnstein, *Britain Yesterday and Today: 1830 to the Present* (Lexington: D.C. Heath and Company, 1971), 43; Brian Duignan, *The History of Philosophy: Modern Philosophy from 1500 CE to the Present* (New York: Britannica Educational Publishing, 2011), 157; Tim Mulgan, *Understanding Utilitarianism* (Milton Park: Routledge, 2007), 8.

[7] Mulgan, *Understanding Utilitarianism*, 8; Lawrence L. Martin, "Jeremy Bentham: Utilitarianism, Public Policy and the Administrative State," *Journal of Management History* 3, no.3 (1997): 274, https://doi.org/10.10.1108/13552529710181622.

misrepresented, leading them to feel trapped.[8] This feeling was compounded by the local Indigenous people's unrest and resentment caused by the British takeover of their homeland.[9] Thus, the consolidation of power and authority became paramount for the local government, which sought to recreate the class structure they had left behind in Britain.[10] The power dynamics within the panoptic gaol epitomised the British fight for dominance in the Swan River Colony's formative years. This struggle for superiority, coupled with a new incarceration method, highlights the emerging ideas that were at play in the developing colony and the establishment of an experimental social order. This was the framework from which the colony would grow, and it determined the penal structure to be used when control was perceived to be vital.[11]

This thesis focuses on the panoptic architecture and operations of Fremantle Gaol to gain a glimpse of prison life through the prisoners' experiences and reactions to incarceration. With its implementation of an underutilised imprisonment method, the construction of Fremantle Gaol marked a crucial point in the colony's evolution.[12] Because of the gaol's panoptic design, the experiences of prisoners in the Swan River Colony were vastly different from those of prisoners exposed to more traditional punishment methods in Britain. It also meant that the Swan River Colony was an anomaly on the Australian continent because, at the time of its foundation, both New South Wales (1788) and Van Diemen's Land (1825) were still receiving transported convicts from Britain.[13]

To limit this research. this thesis does not examine the Parkhurst apprentices, who were convicted in Britain and sent to the colony after a period of imprisonment,[14] nor the arrival of later convicts, which led to Western Australia becoming a penal colony and a shift in the colony's social dynamics.[15] Rather, it explores Fremantle Gaol from 1831 to 1841, when it was the main

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[8] Adams, "Capital Punishment and the Spectacle of Death in Colonial Fremantle," 87–88; Mark Peel, and Christina Twomey, *A History of Australia* (London: Palgrave, 2018), 52; Geoffrey Bolton, *Land of Vision and Mirage: Western Australia Since 1826* (Crawley: University of Western Australia Press, 2008), 9.
[9] David Phillips and Susanne Davies, *A Nation of Rogues? Crime, Law and Punishment in Colonial Australia* (Carlton, Melbourne University Press, 1994), 3–4.
[10] Jeremy Martens, *Government House and Western Australian Society 1829–2010* (Crawley: UWA Publishing, 2011), 27.
[11] Martens, *Government House and Western Australian Society 1829–2010*, 27; Sean Winter, "Coerced Labour in Western Australia During the Nineteenth Century," *Australasian Historical Archaeology* 34, (2016): 4, https://www.jstor.org/stable/26350188.
[12] Martens, *Government House and Western Australian Society 1829–2010*, 27.
[13] Llewellyn Woodward, *The Age of Reform 1815–1870*, 2nd ed. (Oxford: Oxford University Press, 1962), 384–385; W.D. Hussey, *British History 1815–1939* (London: Syndics of the Cambridge University Press, 1971), 135.
[14] N.J. Meinzer, "The Western Australian Convicts," *Australian Economic History Review* 55, no.2 (2015): 165, https://doi-org.ipacez.nd.edu.au/10.1111/aehr.12070; Kirwan Ward, and Bruce Wroth, *Fremantle Sketchbook* (Perth: Rigby Limited, 1974), 6.
[15] John K. Ewers, *The Western Gateway: A History of Fremantle*, 2nd ed. (Nedlands: University of Western Australia Press, 1971), 42.

prison in the colony.[16] Other penal institutions established during this period such as Perth Gaol (1830), Albany Gaol (1837) and the Aboriginal prison at Wadjemup (Rottnest Island) (1838) are referenced where relevant. However, a detailed analysis of these has been omitted for brevity.[17]

Research Aims

This thesis examines Fremantle Gaol, specifically its architecture and operations, as a model of Jeremy Bentham's panopticon to analyse prisoners' experiences of incarceration. The primary aim of the thesis is addressed by the following overarching research question:

- How did the panoptic infrastructure of Fremantle Gaol influence its operations and the experiences of prisoners?

The main research question will be answered through the following subquestions, based on archival evidence:

1. What specific aspects of Fremantle Gaol's architecture and operations made it a panoptic institution?
2. What were the day-to-day operations of the gaol?
3. How did prisoners interact with the institution?
4. What were the consequences of prisoner disobedience?

Methodology

Given the complexities of engaging with comparison and understanding prisoner experience, a range of methodologies was used to analyse Fremantle Gaol's panoptic qualities. Historians argue that different areas and eras of history require different approaches.[18] This study primarily used historical and comparative methodologies as well as calling upon hermeneutics and elements of prison research as required to fulfil the research aims.

The primary methodologies used throughout the research were comparative and historical analysis. Comparison is argued to be an integral aspect of human culture, with some

[16] J.K. Hitchcock, *The History of Fremantle: The Front Gate of Australia 1829–1929* (Fremantle: The S.H. Lamb Printing House, 1929), 22.
[17] Louise J. Bavin-Steding, *Crime and Confinement: The Origins of Prisons in Western Australia (*Perth: Stone's Publishing, 1996), 55; J.E. Thomas, and Alex Stewart, *Imprisonment in Western Australia: Evolution, Theory and Practice* (Nedlands: University of Western Australia Press, 1978), 123, 125, 131; Peter Broun, "Letter from Peter Broun to Laurence Welch, August 10, 1838," Perth: SROWA, AU WA S2755 cons49 008, folio 376.
[18] G.R. Elton, *The Practice of History* (Oxford: Blackwell Publishers Ltd., 2002), 58.

sociologists arguing that 'thinking without comparison is unthinkable'.[19] Comparison is fundamental to analysis because it provides a method of identifying how elements of social reality relate to one another in an organised way.[20] This is done by contrasting two or more cases to explore their similarities and differences.[21] Comparative analysis is pertinent to this research because it seeks to establish Fremantle Gaol as an example of Bentham's panopticon prison to understand the gaol and its place in society more deeply. While the main goal of historical comparison is to observe similarities and differences between cases, the methodology can also be used to better understand an individual case,[22] as this thesis will demonstrate. Comparison was vital in this research for its ability to assist in gaining historical insights into the relationship between the panopticon and Fremantle Gaol.[23]

The historical method was crucial for this research because, alongside interpretation, it helps in the understanding of the actions and lives of historical people.[24] History can only be reconstructed through the extraction of information left behind in the evidence.[25] This evidence must be understood in its historical context to uncover the truth 'in the deep substrata of detail'.[26] For this to be achieved, relevant primary sources must be located and critically examined to find the connections between historical events, places and people, which can then be synthesised into a cohesive historiography.[27] The textual materials for this thesis were predominantly primary in nature; however, secondary materials were also required to contextualise the wider historical context. Secondary sources may be read first to examine the writings of historians and contextualise the primary sources,[28] which may then be used to further support or redefine the overall understanding of the historical narrative.[29] Put simply, historical methods involve the

[19] David Wilson, "To Compare is Human: Comparison as a Research Methodology," in *Globalisation, Policy and Comparative Research*, ed. J. Zajda and V. Rust (Dordrecht: Springer Netherlands, 2017), https://doi.org/10.1007/978-1-4020-9547-4_4, 49; Reza Azarian, "Potentials and Limitations of Comparative Method in Social Science," *Journal of Humanities and Social Science* 1 (2011): 115, https://www.researchgate.net/publication/281269760_Potentials_and_Limitations_of_Comparative_Method_in_Social_Science.
[20] Azarian, "Potentials and Limitations of Comparative Method in Social Science," 124.
[21] Azarian, "Potentials and Limitations of Comparative Method in Social Science," 115.
[22] William H. Sewell Jnr, "Marc Bloch and the Logic of Comparative History," *History and Theory* 6, no.2 (1967): 218, https://www.jstor.org/stable/2504361; Azarian, Potentials and Limitations of Comparative Method in Social Science, 115.
[23] Jurgen Kocka, "Comparison and Beyond," *History and Theory* 42, no.1 (2003): 39–40, https://www.jstor.org/stable/3590801.
[24] Elton, *The Practice of History*, 7.
[25] Elton, *The Practice of History*, 54.
[26] W.B. Gallie, *Philosophy and the Historical Understanding (*London: Chatto and Windus, 1964), 105; Robert V. Daniels, *Studying History: How and Why (*New Jersey: Prentice-Hall Inc., 1972), 76.
[27] G. Garraghan, *A Guide to Historical Method (*New York: Fordham University Press, 1957), 33; Alun Munslow, *Deconstructing History* (Oxon: Routledge, 2006), 4; Elton, *The Practice of History*, 59.
[28] Daniels, *Studying history*, 78.
[29] Daniels, *Studying history*, 76.

interpretation of available sources; however, because these sources originate from a different era, they must be 'understood as ... cultural product[s] existing *within* society'.[30] This inevitably means that new works are both influenced by and influence the present day.[31]

Primary materials included correspondence from the Colonial Secretary's Office, government gazettes and notices, statistical reports and newspaper articles. Given that this thesis examines the colony's early history, it is unrealistic to expect that all documents produced at the time have survived, and it is difficult to overcome the loss of evidence.[32] Although materials were sourced from government archives and repositories and possess a level of authenticity, it was not assumed that they were in accordance with each other or external sources, thus demanded careful reading and interpretation. Primary materials were also used to obtain a contemporary understanding of Bentham's panopticon through his works, namely *Panopticon; or the Inspection House* (1787), *Postscripts Part I and Part II* (1791) and *Principles of Penal Law* (1843),[33] which, combined with Swan River Colony documents and secondary sources, could be used to analyse Fremantle Gaol for its panoptic infrastructure and prisoner experience.

The secondary methodologies used in this methodology included hermeneutics and elements taken from modern prison research. Specifically, this research adopted the ideas of Hans-Georg Gadamer (1900–2002), who argued that to deeply understand a topic, it is important to understand the broader historical context rather than simply reading sporadic texts.[34] Gadamer believed that individual texts have no inherent value without reference to their broader historical context, which the historian must construct.[35] This methodology was used to embed the gaol in the wider context of the Swan River Colony society. Following this, an exploration of those incarcerated could be undertaken through the surviving documents pertaining to the institution's

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[30] Munslow, *Deconstructing History*, 7, 12.
[31] Elizabeth A. Clark, *History, Theory, Text: Historians and the Linguistic Turn (*Cambridge: Harvard University Press, 2004), 111–112; Arthur Marwick, *The New Nature of History: Knowledge, Evidence, Language (*Houndsmill: Palgrave, 2001), 22.
[32] Elton, *The Practice of History*, 66.
[33] Bentham, "Panopticon; or the Inspection-House," 29–95; Jeremy Bentham, "Postscript Part I – Containing Further Particles of Construction Applicable to Any Sort of Establishment, in Which Persons of Any Description are to be Kept Under Inspection; and in Particular to Penitentiary Houses," in *The Works of Jeremy Bentham vo.VI*, ed. John Bowring (Edinburgh: William Tait, 1843), https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf, 124–212; Jeremy Bentham, "Postscript Part – II. Principles and Plan of Management," in *The Works of Jeremy Bentham vol.VI.*, ed. John Bowring (Edinburgh: William Tait, 1843), https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf, 213–288; Jeremy Bentham, "Principles of Penal Law," in *The Works of Jeremy Bentham vol.VI.*, ed. John Bowring (Edinburgh: William Tait, 1843), https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf, 660–1235.
[34] Hans-Georg Gadamer, *Truth and Method* (London: Continuum, 2004), 195; Jean Grondin, and Kathryn Plant, *The Philosophy of Gadamer* (Chesham: Acumen, 2003), 1; Jon Nixon, *Hans-Georg Gadamer: The Hermeneutical Imagination* (Cham: Springer International Publishing AG, 2017), 1.
[35] Gadamer, *Truth and Method*, 195–196.

operations. The thesis also adapted methods used in contemporary prison research. In particular, participant observation was the most useful because the 'most direct way to increase our understanding would be to interact with participants'.[36] While it was not possible to use ethnographic methods, they can be adapted for the purposes of historical research. Rather than engaging with inmates in person, it was possible to engage with them through the evidence they left behind through their words and actions, particularly with the help of hermeneutics.

Historical research cannot be done in isolation—interpretation of the evidence is crucial to deepen one's understanding.[37] Through the research aim and questions, I will demonstrate that Fremantle Gaol was a practical adaptation of the panopticon model in response to colonial requirements. While it could not be definitively proven that Fremantle Gaol was designed as a panopticon given the lack of surviving records pertaining to its construction, by analysing surviving materials, I will interpret Fremantle Gaol as an example of a modified panopticon through its architecture and operations.

Theoretical Perspective

This research uses Michel Foucault's (1926–1984) work on power as a theoretical lens through which to examine Fremantle Gaol in the Swan River Colony. However, it is also important to outline Bentham's theory of utilitarianism, which underpins his work on the panopticon.[38]

Given that utilitarianism was at the core of Bentham's philosophy, understanding its principles is essential in comprehending his approach to penal reform. As an empiricist, Bentham promoted the use of quantitative methods for social research, as well as the removal of emotive and ambiguous language in such approaches.[39] For Bentham, self-interest was central to human nature, an approach he adopted from Thomas Hobbes.[40] However, in contrast to many Enlightenment thinkers, Bentham did not subscribe to the inherent goodness of man or man's natural rights.[41] A fundamental principle of utilitarianism is the 'promotion of the greatest good

[36] Richard S. Jones, "Uncovering the Hidden Social World: Insider Research in Prison," *Journal of Contemporary Justice* 11, no.2 (1995): 108, https://doi.org/10.1177/104398629501100203.
[37] G. Kitson Clark, *The Critical Historian (*London: Heinemann Education Books Ltd., 1967), 42; Hayden White, "Interpretation in History," *New Literary History* 4, no.2 (1973): 281, https://www.jstor.org/stable/468478.
[38] Dianna Taylor, *Michel Foucault: Key Concepts* (Milton: Routledge, 2014), 187; Gary Guttery, *Foucault: A Very Short Introduction* (Oxford: Oxford University Press, 2005), 19.
[39] Mulgan, *Understanding Utilitarianism*, 9; Martin, "Jeremy Bentham: Utilitarianism, Public Policy and the Administrative State," 273.
[40] Jeremy Waldron, *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (Milton Park: Routledge, 2015), 44.
[41] Edward Royle, *Modern Britain: A Social History 1750–1985* (London: Edward Arnold, 1987), 191.

for the greatest number'.[42] Simply put, the government should attempt to ensure the happiness of as many individuals in a community as possible. Thus, according to utilitarianism, the individual is prioritised over the wider community, with Bentham stating, 'It is vain to talk of the interest of the community without understanding what the interest of the individual is'.[43] Bentham argued that people were ruled by 14 pleasures and 12 pains that they sought to maximise and minimise, respectively.[44] These pleasures and pains were the tools that legislators had at their disposal to create legislation that would positively influence society and subsequently promote happiness.[45] The Benthamite concept of happiness was to reach a level of mental serenity[46] through the balancing of these pleasures and pains, leading to the advancement of society. This notion was crucial for understanding Fremantle Gaol. A second principle of the theory is the principle of utility, the likelihood of promoting happiness to either the individual or community.[47]

To understand the experience of prisoners incarcerated in the panoptic Fremantle Gaol, it is important to understand the Foucauldian notion of power. Power was central to Foucault's poststructuralist theory of human relationships. According to Foucault, power is embedded into the fabric of society but does not form a rigid regime.[48] He postulated that a society without power relations can be no more than an abstract concept and that power is not merely limited to the language of institutions or individuals but rather functions between the two at the micro-level.[49] The fluid nature of power means that it can be executed by both the holder and the subject, provided both parties consent to the relationship.[50]

Such a definition of power can be simply read as 'a relation between forces'.[51] Foucault

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[42] Robert E. Goodin, *Utilitarianism as a Public Philosophy* (Cambridge: Press Syndicate of the University of Cambridge, 1995), 3.
[43] Jeremy Bentham, "An Introduction to Principles of Morals and Legislation," in *A Fragment on Government and An Introduction to the Principles of Morals and Legislation,* ed. Wilfrid Harrison (Oxford: Basil Blackwell, 1960), 126–127.
[44] Bentham, "An Introduction to the Principles of Morals and Legislation," 125, 155.
[45] Bentham, "An Introduction to the Principles of Morals and Legislation," 151, 147.
[46] Nigel Warburton, *Philosophy: The Classics*, 3rd ed. (Milton Park: Routledge, 2006), 153.
[47] Bentham, "An Introduction to the Principles of Morals and Legislation," 126.
[48] Paul Oliver, *Foucault – The Key Ideas* (London: Hodder Education, 2010), 44; Paul Rabinow, *Ethics: Subjectivity and Truth* (London: Penguin Books Ltd., 1997), 283; Michel Foucault, "The Subject and Power," Critical Inquiry 8 no.4 (1982): 791. https://www.jstor.org/stable/1343197; Colin Gordon, "Governmentality Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*, ed. Gordon Burchell, Colin Gordon and Peter Miller (Chicago: The University of Chicago Press, 1991), 5.
[49] Foucault, "The Subject and Power," 786, 791, 793; Terry Eagleton, *Ideology: An Introduction* (London: Verso, 1991), 7; Geoff Danaher, Tony Schirato, and Jen Webb, *Understanding Foucault* (London, Sage Publications, 2007), xiv, 47.
[50] Hubert L. Dreyfus, and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Brighton: The Harvester Press Limited, 1982), 186.
[51] Gilles Deleuze, *Foucault* (London: The Athlone Press, 1988), 70.

did not intend for it to be used as a theoretical understanding in isolation. Instead, he insisted that power be contextualised, considered and read in its historical and social institutions.[52] It follows that the exercise of power comes in the form of using a set of actions to modify the actions of others, immediately or in the future.[53] This attempt at modification can create what Foucault called 'anti-authority struggles' because it has the potential to make individuals dependent on powerholders.[54]

While Foucault also wrote about the panopticon in his book *Discipline and Punish* (1977), this work is not referenced heavily in this thesis, which focuses more on Bentham's model prison portrayed in works such as *Panopticon; or the Inspection House* (first published in 1787), *Postscript Part I and Part II* (first published in 1791) and *Principles of Penal Law* (posthumously published in 1843).[55] This is to maintain an accurate representation of Bentham's interpretation of the model in its contemporary era. Some have argued that Foucault's interpretation of the panopticon evolved from a twentieth-century understanding, thus creating the potential for misrepresentation.[56]

Structure

This thesis is arranged into two parts. The first part establishes the context needed to analyse Fremantle Gaol, namely the research aims and questions, methodology, theoretical perspective and study significance, which are covered in this introductory chapter. It also includes a review of the relevant literature (Chapter 2), encompassing themes such as punishment methods, Jeremy Bentham and the panopticon model and an overview of the Swan River Colony, including crime and Fremantle Gaol. Chapter 3 explores the events surrounding the settlement of the Swan River Colony and the establishment of Fremantle Gaol.

The second part of the thesis analyses the gaol itself. Chapter 4 discusses the location, architecture and use of Fremantle Gaol, which are compared with these elements of the panopticon. The gaol's operations are examined in Chapter 5, where two sets of rules mandated for the gaol (in 1831 and 1835, respectively) are compared with the panopticon model. Chapter 6 discusses the methods of punishments inflicted on those who transgressed British law and how

[52] Foucault, "The Subject and Power," 786; Dreyfus, and Rabinow, *Michel Foucault,* 184.
[53] Foucault, "The Subject and Power," 786.
[54] Foucault, "The Subject and Power," 780–781.
[55] David Rosen, and Santesson, Aaron, "The Panopticon Reviewed: Sentimentalism and Eighteenth-Century Interiority," *ELH* 77, no.44 (2010): 1044, https://muse.jhu.edu/article/406162; Bentham, "Panopticon; or the Inspection-House"; Bentham, "Postscript Part I"; Bentham, "Postscript Part – II"; Bentham, "Principles of Penal Law".
[56] Rosen, and Santesson. "The Panopticon Reviewed," 1042, 1055.

these compare with Bentham's arguments on suitable consequences for infractions. Finally, Chapter 7 analyses how prisoners reacted to their incarceration, primarily through escape—including failed attempts—and the surviving correspondence sent by and on behalf of prisoners. This analysis makes it possible to interpret Fremantle Gaol as a colonial adaptation of the panopticon model.

Significance

There is a lack of substantial work on the operation of Fremantle Gaol prior to the transportation of convicts to Western Australia. Most of the literature on punishment in colonial Fremantle focuses on the convict era from 1850 onwards.[57] This thesis seeks to fill this gap by analysing the gaol's panoptic infrastructure and operations and its relationship with inmates in the early years of the colony, from 1831 to 1841. Prison life and the experiences of prisoners' have also been neglected by the literature, meaning that the gaol's history is devoid of its inhabitants. Overlooking methods of discipline in the pre-convict era has led to a gap in the knowledge of the frictions that occurred after colonisation and which led to the establishment of the gaol.

This thesis contributes to the literature on the application of the panopticon model in penal institutions, the use of which has been widely debated by academics.[58] It is demonstrated that Fremantle Gaol conformed to the panopticon model. Disagreements about the use of the model mean that the lived experiences of prisoners have been overlooked in the discourse. More widely, this research is significant because penal reform remains a prevalent discussion in both academia and the wider media globally, including celebrity campaigns by the likes of Kim Kardashian to have sentences overturned and prisoners released.[59] In Australia the push for penal

[57] George Rude, *Protest & Punishment: The Story of Social and Political Protesters Transported to Australia, 1788–1868* (Oxford: Oxford University Press, 1978), 172.
[58] Whitaker, *The End of Privacy*, 33; Simon Werret, "Potemkin and the Panopticon: Samuel Bentham and the Architecture of Absolutism in Eighteenth Century Russia," *Journal of Bentham Studies* 2, no.1 (1999): 3, https://discovery.ucl.ac.uk/id/eprint/648; Jerome E. Dobson, and Peter F. Fisher, "The Panopticon's Changing Geography," *Geographical Review* 97, no.3 (2007): 308, https://www.jstor.org/stable/30034174; Barry Godfrey, "Prison Versus Western Australia: Which Worked Best, the Australian Penal Colony or the English Convict Prison System?," *The British Journal of Criminology* 59 (2019): 1140, https://doi.org/10.1093/bjc/azz012; Bavin-Steding, *Crime and Confinement,* 55.
[59] Richard T. Boylan, and Naci Mocan. "Intended and Unintended Consequences of Prison Reform," *Journal of Law, Economics, & Organization* 30, no.3 (2014): 558–586, https://doi-org.ipacez.nd.edu.au/10.1093/jleo/ewt006; Robin Andersen, "Prison Reform," in *Culture Wars in America: An Encyclopedia of Issues, Viewpoints, and Voices*, ed. Roger Chapman, and James Ciment (London: Routledge, 2013), http://ipacez.nd.edu.au/login?url=https://search.credoreference.com/content/entry/sharpecw/prison_reform/0?institutionId=1939; Dawn K. Cecil, "Newsworthiness of Reform: Prison News Stories in an Era of Change," *Journal of Crime and Justice* 42, no.2 (2019): 221–235, https://doi-org.ipacez.nd.edu.au/10.1080/0735648X.2018.1507834; Chloe Peacock, "Curative, Regenerating, Redemptive and Liberating? The Systematic Production of Ignorance in Michael Gove's Rhetoric on Prison Reform at a Time of Crisis," *Crime, Media, Culture: An International Journal* 15, no.1 (2019): 89–105, https://doi.org/10.1177/1741659017740714; Paul Michael Garrett, "Confronting

reform is most evident around the rates of Aboriginal incarceration and deaths in custody as this occurs at a greater rate when compared to non-Indigenous people.[60] However, this is not just a modern issue and has been a concern to the authorities since colonisation and the start of Aboriginal incarceration.[61] While this research does not seek solutions for contemporary problems, acknowledging how the modern system has evolved from historic institutions is crucial in recognising how the system can be further developed.

Neoliberal Penality: Placing Prison Reform and Critical Criminology at the Core of Social Work's Social Justice Agenda," *Journal of Social Work* 16, no.1 (2016): 83–103, https://doi.org/10.1177/1468017314565753; Spring-Serenity Duvall, and Nicole Heckemeyer, "BlackLivesMatter: Black Celebrity Hashtag Activism and the Discursive Formation of a Social Movement," *Celebrity Studies* 9, no.3 (2018): 391–408, https://doi-org.ipacez.nd.edu.au/10.1080/19392397.2018.1440247; Helena Andrews-Dyer, *Kim Kardashian is Still Fighting for Criminal Justice Reform*. Washington, D.C: WP Company LLC d/b/a The Washington Post, 2019, https://www.washingtonpost.com/arts-entertainment/2019/01/31/kim-kardashian-is-still-fighting-criminal-justice-reform/; Sarah Polus, *Kim Kardashian: When it Comes to Trump, Prisoners Don't Care Who Signs that Clemency Paper*. Washington, D.C: WP Company LLC d/b/a The Washington Post, 2019, https://www.washingtonpost.com/arts-entertainment/2019/05/13/kim-kardashian-says-when-it-comes-trump-prisoners-dont-care-who-signs-that-clemency-paper/; Joseph F. Spillane, *Coxsackie: The Life and Death of Prison Reform* (Baltimore: Johns Hopkins University Press, 2014); Linda M. Richmond, "First Step Act is Start Toward Meaningful Prison Reform," *Psychiatric News* 54, no.3 (2019): 3. https://doi-org.ipacez.nd.edu.au/10.1176/appi.pn.2019.2a10.

[60] David McDonald and Chris Cunneen, "Aboriginal Incarceration and Deaths in Custody: Looking Back and Looking Forward," *Current Issues in Criminal Justice* 9, no.1 (1997): 10. https://heinonline-org.ipacez.nd.edu.au/HOL/P?h=hein.journals/cicj9&i=9; Richard W. Harding, "Prisons are the Problem: A Re-Examination of Aboriginal and Non-Aboriginal Deaths in Custody," *The Australia and New Zealand Journal of Criminology* 32, no.2 (1999): 113. https://doi.org/10.1177/000486589903200202; Miriam Kelly and Hilde Tubex, "Stemming the Tide of Aboriginal Incarceration," *The University of Notre Dame Australia Law Review* 17, no.2 (2015): 1-2. https://researchonline.nd.edu.au/undalr/vol17/iss1/2.

[61] Kristyn Harman, "Colonial Australia was Surprisingly Concerned about Aboriginal Deaths in Custody," *Australasian Policing: A Journal of Professional Practice and Research* 13, no.2 (2021): 20-21. https://search-informit-org.ipacez.nd.edu.au/doi/10.3316/informit.848862289770608; Kristyn Harman and Hamish Maxwell-Stewart, "Aboriginal Deaths in Custody in Colonial Australia, 1805-1860," *Journal of Colonialism and Colonial History* 13, no.2 (2012): n.p. https://muse.jhu.edu/article/483775.

Chapter 2: Literature Review

Introduction

To position Fremantle Gaol as an example of a colonial adaptation of the panopticon, it is important to review the relevant literature. In doing so, this review examines four key interlinking themes: (i) the significance of Jeremy Bentham and his panopticon model, (ii) the society that developed in the Swan River Colony, (iii) crime in the colony and the establishment of Fremantle Gaol and (iv) prisoners' experiences.

The Significance of Jeremy Bentham

Research by historians on the significance of Bentham is diverse. Kitson Clark (1965) asserted that the role of Bentham is overstated, while Gash (1979) and Roberts (2011) reduced Bentham to a mere product of his society, contending that the reform accredited to him would have eventuated without his input.[1] However, these views fail to consider the later thinkers his philosophy inspired, including historians such as Thomson (1967) and Houghton (1985).[2] Historians of philosophical thinking such as Germino (1972), Jackson (1989) and Stumpf (1994) have also highlighted Bentham's influence on nineteenth-century philosophical thought through the adaptation of his theory of utilitarianism.[3] Schofield (2009), a historian of law and politics, argues that Bentham's work still holds great significance for disciplines such as ethics, politics and law.[4] The conflicting opinions of historians demonstrate the disparity in Bentham's legacy and the controversy of his writings. Rosen and Santesso (2010) maintain that despite his prominence, Bentham's work is misunderstood, leading to a misrepresentation of his intellectual theory.[5] Later philosophers integrated Bentham's theories by reworking his writings.

The literature recognises Bentham's contribution to ideas surrounding colonialism. Woodward (1938) examined Bentham's belief that colonies are economically useless to the

[1] G. Kitson Clark, *The Making of Victorian England: Being the Ford Lectures Delivered Before the University of Oxford* (London: Methuen, 1965), 19; Norman Gash, *Aristocracy and People: Britain 1815–1865* (London: Edward Arnold, 1979), 46; David Roberts, "Jeremy Bentham and the Victorian Administrative State," in *Jeremy Bentham: Ten Critical Essays*, ed. Bhikhu Parekh (Milton Park: Routledge, 2011), 200.
[2] David Thomson, *England in the Nineteenth Century* (Harmondsworth: Penguin Books Ltd., 1966), 30; Walter E. Houghton, *The Victorian Frame of Mind 1830–1870* (New Haven: Yale University Press, 1985), 94.
[3] Dante Germino, *Modern Western Political Thought: Machiavelli to Marx* (Chicago: Rand McNally & Company, 1972), 30; R.V. Jackson, "Bentham's Penal Theory in Action: The Case Against New South Wales," *Utilitas* 1, no.2 (1989): 226, https://doi.org/10.1017/S0953820800000248; Samuel E. Stumpf, *Philosophy: History & Problems* (New York: McGraw-Hill, Inc., 1994), 36.
[4] Philip Schofield, *Bentham: A Guide for the Perplexed* (London: Continuum International Publishing Group, 2009), 16–17.
[5] Rosen, Santesso, "The Panopticon Reviewed: Sentimentalism and Eighteenth-Century Interiority," 1041.

mother country but stressed his vital reservation that colonies had the potential to be beneficial for surplus populations.[6] Wood (1960) also addressed Bentham's economic concerns, including that the colonial system could impose restrictions on commercial enterprises in Britain and impede the growth of British industries.[7] Ward (1976) observed that in his later years, Bentham modified his ideas about colonial expansion because of the changing social conditions and the rising concerns about overpopulation. This shift in Bentham's thinking may also have occurred because of the establishment of America as an independent country, where the lack of an established legal tradition did not prevent the formation of a rational government.[8] Jackson (1998) and Cain (2011) also acknowledged Bentham's overarching disdain for colonialism and explored his unsuccessful desire to implement his panopticon model into the New South Wales penal colony.[9]

Collins (1985) discussed the significance of Bentham's philosophy in Australia, claiming that Benthamism was the dominant ideology throughout Australian history. Nevertheless, he points out that Manning Clarke, author of five volumes on Australian history (1962–1981), rejects the notion that Benthamism has dominated in Australia.[10] This rejection is echoed by Berg (2017), who argues that utilitarian thought gained prominence through Paley, a theologian writer with strong utilitarian ethics.[11] This is noteworthy because it provides a different position on the extent of Bentham's influence on Australian ideology. Winter (2017) argues that the prevailing Benthamite penal policy in Tasmania resulted in the creation of separate police districts to assist in the management of convicts.[12] Thus, further exploration into the significance of Bentham in Australian ideology is of great importance.

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[6]Woodward, *The Age of Reform 1815–1870*, 368.
[7] Anthony Wood, *Nineteenth Century Britain 1815–1914*, 2nd ed. (Burnt Mill: Longman Group Limited, 1983), 215.
[8] John Manning Ward, *Colonial Self-Government: the British Expansion 1759–1856* (London: The Macmillan Press Ltd., 1976), 222.
[9] R.V. Jackson, "Jeremy Bentham and the New South Wales Convicts," *International Journal of Social Economics* 25, no.2/3/4 (1998): 370, 376–377, https://doi-org.ipacez.nd.edu.au/10.1108/03068299810193641; Peter Cain, "Bentham and the Development of the British Critique of Colonialism," *Utilitas* 23, no.1 (2011): 10, 11, 13–14, https://doi.org/10.1017/S0953820810000427.
[10] Hugh Collins, "Political Ideology in Australia: The Distinctiveness of a Benthamite Society," *Daedalus* 114, no.1 (1985): 150, 160, https://www.jstor.org/stable/20024958.
[11]Chris Berg, "Adam Smith and Jeremy Bentham in the Australian Colonies," *History of Economics Review* 68, no.1 (2017): 10–11, https://doi.org/10.1080/10370196.2018.1449084.
[12] Sean Winter, *Transforming the Colony: The Archaeology of Convictism in Western Australia* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2017), 45.

The panopticon model

Jeremy Bentham's panopticon principle has attracted vast scholarly attention.[13] Bentham's proposed penitentiary was an obsession and a unique attempt to integrate his theory of utilitarianism with penal reform as a means of 'obtaining power "of mind over mind"'.[14] Gombert (2014) argued that the panopticon aims to make punishment meaningful by connecting criminal justice to the community.[15] However, as Causer (2019) highlights, the most significant hurdle in achieving this goal was overturning transportation as the most prominent punishment mode. The government was only interested in removing criminals from the British Isles, a practice that Bentham vehemently opposed.[16]

There is extensive literature surrounding the panopticon model, with Porter (1994) hinting that it may have even been overstudied. However, this is disputed by Gombert (2014), who argues that it 'has suffered neglect in scholarship'.[17] Contemporary authors such as Jackson (1989), Pratt (1993), Whitaker (1999), Hutchings (1999) and Steadman (2007) believe that the panopticon is primarily the creation of Jeremy Bentham[18] However, this is not strictly true. While Bentham predominantly wrote about his proposed institution and pushed for its implementation, his younger brother, Samuel Bentham, was the first to design a panopticon under the name of 'inspection house' or 'elaboratory' while working in Russia. This was recognised by Werret (1999), Dobson and Fisher (2007) and Gombert (2014), who identified the use of the design for a school of arts in St Petersburg rather for a prison.[19] Referring to the early role of Bentham's younger brother, Dinwiddy (1989) described this as a 'joint invention' between the brothers, while Steadman (2012) discusses the role of Samuel Bentham but makes little distinction

[13] Jackson, "Bentham's Penal Theory in Action," 226.
[14] Karolina Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," *Journal of Bentham Studies* 14, no.1 (2014): 2, https://doi.org/10.14324/111.2045-757X.003.
[15] Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 14.
[16] Tim Causer, "The Evacuation of that Scene of Wickedness and Wretchedness': Jeremy Bentham, the Panopticon and New South Wales, 1802–1803," *Journal of Australian Colonial History,* no.21 (2019): 8, https://discovery.ucl.ac.uk/id/eprint/10085007.
[17] Roy Porter, "Rethinking Institutions in Late Georgian England," *Utilitas* 6, no.1 (1994): 69, https://doi.org/10.1017/S0953820800001333; Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 2.
[18] Jackson, "Bentham's Penal Theory in Action," 227; John Pratt, "This is Not a Prison': Foucault, the Panopticon and Pentonville," *Social & Legal Studies* 2, no.4 (1993): 374, https://doi.org/10.1177/096466399300200402; Whitaker, *The End of Privacy,* 32; Peter Hutchings, "Spectacularizing Crime: Ghostwriting the Law," *Law and Critique* 10, no.1 (1997): 38, https://link-springer-com.ipacez.nd.edu.au/article/10.1023%2FA%3A1008808028744; Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 1.
[19] Werret, "Potemkin and the Panopticon," 3; Dobson and, Fisher. "The Panopticon's Changing Geography," 308; Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 3.

between the importance of the two brothers (unlike in his 2007 work).[20] Porter (1994) notes that both Bentham brothers were interested in institutions, machines and mass production, thus would have been equally interested in the model.[21]

Foucault's *Discipline and Punish* (1977) and Semple's *Bentham's Prison: A Study of the Panopticon Penitentiary* (1993) are considered seminal works on the panopticon by scholars such as Pratt (1993), Whitaker (1999), Hutchings (1999), Guidi (2004) and Steadman (2007).[22] Gombert (2014) argues that Foucault's work on the panopticon brought the knowledge of the institution to a wider audience and solidified his reputation 'as the scholarly master of universal control'.[23] Porter (1994) states that Semple's work stresses the institution's complexity and should be regarded as important in panopticon studies.[24] Despite this, Werret (1999) criticises Semple for failing to recognise Samuel Bentham as the originator of the panopticon design.[25] Criticisms of Foucault include Porter (1994), who suggests that while Foucault revolutionised the way in which historians view eighteenth and nineteenth-century society, his view of institutions and their status is too grandiose.[26] This view is mirrored by Willis (2008), who suggests that although Foucault has had a profound effect on punishment studies, he presents a revisionist theory of penal reform, and by focusing narrowly on the rise of the penitentiary, he ignores other factors such as the British dependence on transportation.[27] Rosen and Santesso (2010) argue that Foucault's examination of the model within the confines of twentieth-century thought is too limited.[28]

The use of the model is contested by researchers such as Jackson (1989), Whitaker (1999), Hutchings (1999), Dobson and Fisher (2007), Priestley and Vanstone (2010) and Godfrey (2019), who argue that the panopticon is no more than an unimplemented theoretical

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[20] John R. Dinwiddy, *Bentham* (Oxford: Oxford University Press, 1989), 7, 38; Philip Steadman, "Samuel Bentham's Panopticon," *Journal of Bentham Studies* 14, no.1 (2012): 1, 3, https://doi.org/10.14324/111.2045-757X.044.

[21] Porter, "Rethinking Institutions in Late Georgian England," 71.

[22] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977); Janet Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary* (Oxford: Oxford University Press, 1993); Pratt, "This is Not a Prison," 374; Whitaker, *The End of Privacy: How Total Surveillance is Becoming a Reality*, 32; Hutchings, "Spectacularizing Crime," 44; Marco E.L. Guidi, "My Own Utopia'. The Economics of Bentham's Panopticon," *The European Journal of the History of Economic Thought* 11, no.3 (2004): 406, https://doi.org/10.1080/096725604200246485; Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 3.

[23] Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 4, 9.

[24] Porter, "Rethinking Institutions in Late Georgian England," 69, 75–76.

[25] Werrett, "Potemkin and the Panopticon," 21.

[26] Porter, "Rethinking Institutions in Late Georgian England," 72–73.

[27] James J. Willis, "Punishment and the Cultural Limits to State Power in Late 18th-Century Britain," *Punishment and Society* 10, no.4 (2008): 419–420, https://doi.org/10.1177/1462474508095318.

[28] Foucault, *Discipline and Punish*, 200–201, 203; Rosen, Santesso, "The Panopticon Reviewed: Sentimentalism and Eighteenth-Century Interiority," 1044.

concept, with Dobson and Fisher admitting that this has been recognised since the 1790s.[29] This may well be the case, yet they restrict their reading of the panopticon to the theoretical, ignoring its use in practice. What is often missed by proponents of this idea is that while Bentham intended to instigate widespread penal reform, he also planned on profiting from his idea. Therefore, the design could be adapted by whoever was running it.[30] According to Guy (2002), this argument ignores the fact that the panopticon was intended to be implemented in 1794.[31] Bentham attempted to engage governments in Ireland, France and Britain but struggled to carry out the plan, mainly because of the outbreak of war with France in 1793.[32] However, Ignatieff (1978) and Gombert (2014) argues that while Bentham never actually built his panopticon, it is still a significant symbol.[33] Brodie et al. (2013) postulates that Bentham's panopticon was likely not used as its sophisticated design would have been too advanced for its era.[34] Both Ignatieff and Brodie, Croom and O Davies argue that Bentham's influence and legacy lies in the architectural principles of his design which captured the importance of surveillance to the penal reformers of the nineteenth century and the radial prisons that would be developed.[35] This argument is also used by Kerr (1988) who argued that while panopticons were built in Europe and America, its name was often applied to institutions that conformed to a radial or cruciform design.[36] According to Causer (2019), Bentham sought to have the panopticon implemented between 1791 and 1803 but 'more or less accepted defeat' at the start of 1802, even though it was authorised twice by statute.[37] After the publication of Bentham's *Letters to Lord Pelham* and *A Plea for the Constitution* did not convince the government to implement his panopticon, it disappeared from his memory so much so that in the 1830s, following a renewed discussion about transportation, the bookseller Thomas Egerton asked Bentham about his work on the subject, to which Bentham replied that he had never written on such a topic.[38] The lack of use of the panopticon is disputed by multiple scholars, including Hughes (1987), Butlin (1993), Pratt (1993), Bavin-Steding

[29] Jackson, "Bentham's Penal Theory in Action," 241; Whitaker, *The End of Privacy*, 33; Hutchings, "Spectacularizing Crime," 42–43; Dobson and Fisher, "The Panopticon's Changing Geography," 307; Philip Priestley, and Maurice Vanstone, *Offenders or Citizens: Readings in Rehabilitation* (Cullompton: Willian Publishing, 2010), 6; Godfrey, "Prison Versus Western Australia," 1140.
[30] Jackson, "Jeremy Bentham and the New South Wales Convicts," 371.
[31] Josephine M. Guy, *The Victorian Age: An Anthology of Source Documents* (London: Routledge, 2002), 27.
[32] Jackson, "Bentham's Penal Theory in Action: The Case Against New South Wales," 227–228.
[33] Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* (London: The Macmillan Press Ltd., 1978), 113; Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 2, 14.
[34] Allan Brodie, Jane Croom and James O Davies, *English Prisons: An Architectural History* (Swindon: English Heritage, 2013), 59.
[35] Ignatieff, *A Just Measure of Pain*, 113; Brodie, Croom and O Davies, *English Prisons*, 59.
[36] Joan Kerr, "Introduction", in *Out of Sight, Out of Mind: Australia's Places of Confinement, 1788-1988*, ed. James Semple Kerr (Sydney: S.H. Ervin Gallery, 1988), 1.
[37] Causer, "'The Evacuation of that Scene of Wickedness and Wretchedness'," 1.
[38] Causer, "'The Evacuation of that Scene of Wickedness and Wretchedness'," 23.

(1996),Werret (1999) and Brodie et al. (2013). They argue that the model has been used in institutions such as Pentonville Prison in the United Kingdom, Fremantle Gaol, in Philadelphia, on the Potemkin estate in Russia and in Geneva.[39] Barteaux (2016) considers the use of the panopticon in a broader setting, namely the town of Fremantle, arguing that the visual line from the Fremantle Gaol to the Anglican church in King's Square (1844) creates a panoptic environment in which either the law or the church will always be watching.[40]

Society in the Swan River Colony Before 1850

The literature on European settlement in the Swan River Colony before 1850 focuses primarily on the colony's establishment, administration economics, immigration, labour and religion. However, the literature on crime and discipline in the colony is underdeveloped.

Staples (1994) describes the Swan River Colony as an 'untypical' Australian colony, with Cameron (1997) calling it 'a bold experiment in colonisation'. This 'experiment' occurred during the so-called Settler Revolution beginning in the 1780s, when emigration transitioned from an act of 'social excretion' to being more acceptable.[41] Gare (2016) argues that the settlers of the Swan River Colony must be understood in this context.[42] Both Staples (1994) and Gare (2016) suggest that following the arrival of Stirling's report in 1827, there was significant enthusiasm from potential settlers, with Gare also describing the debates and subsequent satirising at Whitehall.[43] This enthusiasm is disputed by Cameron (1997), who suggests that Stirling's report was given a cold reception.[44]

Staples (1994) argues that although the pinnacle of Stirling's career was his establishment of the Swan River Colony, this took place over no more than 12 years in an otherwise long career, and that there is ignorance of his naval career, including his observations of Spanish America.

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[39] Robin A. Butlin, *Historical Geography: Through the Gates of Space and Time* (London: Edward Arnold, 1993), 151–152; Robert Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787–1867* (London: Collins Harvill, 1987), 37; Bavin-Steding, *Crime and Confinement,* 55; Werrett, "Potemkin and the Panopticon," 3; Pratt, "This is Not a Prison," 373; Brodie, Croom and Davies, *English Prisons*, 59.

[40] Jillian Barteaux, "Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia," *Australasian Society for Historical Archaeology* 34 (2016): 27, https://jstor.org/stable/26350190.

[41] A.C. Staples, "Spanish Colonial Influence on Sir James Stirling,*" Early Days* 10, no.6 (1994): 604, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn960706971;res=IELAPA; James Cameron, "Thomas Moody, James Stirling and Swan River," *Early Days* 3, no.11 (1997): 321, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=990908854;re=IELAPA. James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939* (Oxford: Oxford University Press, 2011), 145–146.

[42] Deborah Gare, "In the Beginning: Empire, Faith and Conflict in Fremantle," *Studies in Western Australian History* 31 (2016): 9, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=160596023500023;res=IELAPA.

[43] Gare, "In the Beginning," 7,10.

[44] Cameron, "Thomas Moody, James Stirling and Swan River," 332.

Staples postulates that Stirling's determination and resourcefulness prevented the colony from becoming a complete failure.[45] Cameron (1997) points to deficiencies in the literature surrounding Stirling's career, including that credit for gaining support for the colony is typically reserved for him alone. He shows that Major Thomas Moody was also a key player and was central to negotiations with the Colonial Office. The literature typically confines Moody's role to that of Stirling's co-proposer, severely underrepresenting his influence. On further consideration of the wider context, Cameron reduces these two men to minor players in a larger scheme of establishing control over the continent. Stirling's position before departing for Swan River is disputed by the literature, with Cameron (1997) and Strong (2010) both claiming he was appointed as the colony's governor from the start.[46] However, Bunn and Gilchrist (2013) use primary materials to refute this, showing that the report stating his appointment to the position of governor was not received in the colony until the end of 1831.[47]

In examining the administrative framework, White (2000) observed that visitors to the colony identified a middle-class culture among the majority and their involvement in organisations such as agricultural societies.[48] Bunn and Gilchrist (2013) offer an in-depth examination of the colony's government framework and the responsibilities of the lieutenant-governor, which was restricted by the Imperial Government and Treasury. They also discussed figures not widely covered by the literature, such as Colonial Secretary Peter Broun, and Mark Currie, the colonial auditor.[49]

It cannot be refuted that the Swan River Colony was initially designated as a non-penal colony. However, some authors define it further. Cameron (1978), for example, postulated that the colony was the first established agricultural colony, and Statham (1996) states that it was 'a private enterprise agreement'.[50] Connell and Irving (1980) remark that the granting of land made the colony unique compared with other colonies, with Haast (2015), Burke (2016) and Petchell (2017) indicating that this was done to reduce the financial burden associated with colonising. Burke also documents the complexity of the initial land allocation because of inexperienced

[45] Staples, "Spanish Colonial Influence on Sir James Stirling," 593, 595.
[46] Cameron, "Thomas Moody, James Stirling and Swan River," 321, 322, 332; Rowan Strong, "Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827–1857," *Journal of Ecclesiastical History* 61, no.3 (2010): 517, https://doi.org/10.1017/S0022046909991266.
[47] Michelle Bunn, and David J. Gilchrist, ""A Few Good Men": Public Sector Audit in the Swan River Colony, 1828–1835," *Accounting History* 18, no.2 (2013): 198, 202, https://doi.org/10.1177/1032373212471171.
[48] Michael White, "Agricultural Societies in Colonial Western Australia 1831–1870," *History of Education* 29, no.1 (2000): 5, https://doi.org/10.1080/004676000284463.
[49] Bunn, and Gilchrist, ""A Few Good Men"," 198–199, 201.
[50] Cameron, "The Foundation of Western Australian Reconsidered," *Studies in Western Australian History* 3 (1978): 1–2; Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 34.

surveyors and the stipulations of the British government.[51] Hallam (1975), Green (1984), Carter (2006) and Gare (2016) discuss the Aboriginal groups who used the land in the context of the British invasion and settlement of the Swan River region.[52]

Recent literature on the townships of Perth and Fremantle presents them positively. White (2000) comments on the establishment of an Anglican church and societies for missionary work, temperance, the arts and sports.[53] Gare (2016) agrees with this view but focuses on Fremantle, asserting that, over time, the early Fremantle camps developed into a comfortable town.[54] This is echoed by Burke (2016), who argues that despite the negative reviews and the colony's reputation for being chaotic and disorganised in its early years, archaeological records, specifically those from the Swan Valley, cast doubts over this claim. He also suggests that agricultural settlers were more prepared and experimental than previously thought.[55] However, White (2000) and Burke (2016) explain that many colonists were misled and unprepared, evidenced by the luxury goods they bought with them.[56]

The economic struggles of the colony are also well documented in the literature. Bunn and Gilchrist (2013) insist that despite the lack of adequate instruction on government financial management, Stirling established a satisfactory system to manage government accounts, with no apparent mismanagement of funds.[57] Hasluck (1965) notes the debts owed by colonists and the British government's reluctance to supply financial relief, with Appleyard and Manford (1979) observing that 1832 marked the beginning of a deterioration in the colony's economy.[58] This was also when Stirling returned to England to appeal directly to the Colonial Office for financial

[51] R.W. Connell, and T.H. Irving, *Class Structure in Australian History: Documents, Narrative and Argument* (Melbourne: Longman Cheshire Pty. Limited, 1980), 35; Alyce Haast, "Convicts and Commodities: An Archaeological Approach to the Economic Value of the Western Australian Penal System," *Archaeology in Oceania* 50, no.3 (2015): 138–139, https://doi.org/10.1002/arco.5075; Shane Burke, "Fences, Furrows, Ditches and Settlement Policy: Rapid Landscape Change in the Swan River," *History Australia* 4, no.1 (2016): 03.3, 03.5–03.6, https://doi.org/10.2104/ha07003; Bill Petchell, *The Swan River Colony: Did the British Government want it to Survive*? (Rivervale: Stone's Publishing, 2017), 17.

[52] Sylvia J. Hallam, *Fire and Hearth: A Study of Aboriginal Usage and European Usurpation in South-Western Australia* (Canberra: Australia Institute of Aboriginal Studies, 1975), 66–71; Neville Green, *Broken Spears: Aboriginals and Europeans in the Southwest of Australia (*Cottesloe: Focus Education Services, 1984), 1–22; Bevan Carter, *Nyungah Land: Records of Invasion and Theft of Aboriginal Land on the Swan River 1829–1850* (Guildford: Swan Valley Nyungah Community, 2006), 1–29; Gare, "In the Beginning," 14.

[53] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 14.

[54] Gare, "In the Beginning," 14.

[55] Shane Burke, "Innovation and Adaptability: The European Archaeology of the Swan Valley," *Early Days* 12, no.4 (2004): 359, 365, 366, 368, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=177032841538179;res=IELPAPA.

[56] Burke, "Innovation and Adaptability," 359, 368; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 4.

[57] Bunn and Gilchrist, ""A Few Good Men"," 194, 195, 198.

[58] Alexandra Hasluck, *Thomas Peel of Swan River* (Melbourne: Oxford University Press, 1965), 182; R.T. Appleyard and, Toby Manford, *The Beginning: European Discovery and Early Settlement of Swan River Western Australia* (Nedlands: University of Western Australia Press, 1979), 199.

aid, a request that was denied.[59] Vanden Driessen (1986) credits the economic decline to the lack of cash brought by settlers, whose physical assets decided their eligibility, meaning that precedence was given to investors in equipment and livestock.[60] This placed the colony in a precarious state due to a shortage in circulating money, which became so severe that influential settlers considered setting up a bank so farmers 'could borrow against their coming harvests'.[61] Thus, the colony depended largely on its wealthier settlers.[62] Strong (2010) and Godfrey (2019) take a broader view, arguing that the Swan River Colony was the most impoverished of the Australian colonies until the 1890s and the gold rush. This destitution resulted in the colony's stunted growth and led to the depression of the 1840s, which took until 1848 to recover.[63] This is contrary to claims by Staples (1994), who suggests that by 1839 Stirling had managed to guide the infant colony through the economic depression in Indian Ocean trade (provoked by the bankruptcy of commerce in Calcutta in the early 1830s).[64] White (2000) agrees with this, maintaining that when Hutt took over as governor in 1839, the colony's economy had already begun to improve. Another consequence of the economic downturn that began in the mid–1830s was increased criminal activity.[65]

The colony's poor economic growth is generally attributed to reduced immigration rates. Twenty years after its foundation, the colony's slow growth resulted in a European population of less than 5,000 (Hussey, 1971). White (2000) states that the population numbered 2,154 at the beginning of Hutt's period as governor in 1839, while Strong (2010) provides more definitive figures, stating the British population of the Swan River Colony in 1840 was 2,300.[66] According to Appleyard and Manford (1979), the decrease in immigration began in 1832. This is countered by Staples (1994), who argues that between 1838 and 1839, the colony had increased rates of immigration attributable to the Papineau Rebellion disrupting the development of Canada.[67] Strong (2010) disputes this, contending that few people wanted to migrate to the Swan River

[59] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 7.
[60] I.H. Vanden Driesen, *Essays on Immigration Population in Western Australia 1850–1901* (Nedlands: University of Western Australia Press, 1986), 14.
[61] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 7.
[62] Peel and Twomey, *A History of Australia,* 52; Haast, "Convicts and Commodities," 138–139.
[63] Strong, "Church and State in Western Australia," 518, 531; Godfrey "Prison Versus Western Australia," 1140–1141.
[64] Staples, "Spanish Colonial Influence on Sir James Stirling," 603; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 14.
[65] Martens, *Government House and Western Australian Society 1829–2010,* 31.
[66] Hussey, *British History 1815–1939,* 135; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 14; Strong, "Church and State in Western Australia," 146.
[67] Appleyard and Manford, *The Beginning,* 199; Staples, "Spanish Colonial Influence on Sir James Stirling," 603.

Colony, and those who did often regretted their decision.[68] This produced a discrepancy in gender ratios, with 64 women to 100 men (excluding Whadjuk people) in 1848.[69]

Reduced immigration rates created a shortage of labour and exacerbated the colony's economic issues. Researchers such as Mazzarol (1978), White (2000), Winter (2016), Burke (2016) and Moss (2020) have examined this labour shortage in terms of the use of indentured servants.[70] Mazzarol (1978) remarked that the relationship between servant and master was often fraught following their arrival in the colony, which was usually attributed to the 'flawed characters' of the servants.[71] Indentured servants recruited from English poorhouses were ill prepared for the harsh realities of settler life.[72] Winter (2016) emphasises that the colonial economy was heavily dependent on coerced labour and highlights the methods of coercion.[73] Burke (2016) examined the possible underlying reasons for the behaviours of indentured servants.[74] Finally, Moss (2020) looks beyond indentured servants to coerced labour, challenging the traditional narrative that the colony was founded on the hard work of free settlers.[75]

Crime and Fremantle Gaol

Research on crime and punishment in the Swan River prior to the arrival of convicts in the colony is lacking. Green (1984), White (2000), Carter (2006) and Gare (2016) discuss the conflicts that occurred between Aboriginal groups and settlers as the British encroached further into Aboriginal land. These conflicts were inevitable as Aboriginal people sought to protect their land from further invasion and settlers desperately sought to protect their assets.[76] White (2000), Devenish (2008) and Reece (2017) discuss the troubles arising from alcohol abuse among indentured servants, particularly those who remained in the colony after their masters had

[68] Strong, "Church and State in Western Australia," 518.
[69] Winter, *Transforming the Colony,* 149.
[70] T.W. Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," *Studies in Western Australian History* no.3 (1978): 30, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=790815240;res=IELAPA; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 5; Winter, "Coerced Labour in Western Australia During the Nineteenth Century," 4; Shane Burke, "A Culture for All: Servant Class Behaviour at the Swan River in the Context of the British Empire," *Studies in Western Australian History* 31 (2016): 25, https://search.informit.com.au/documentSummary;dn=160614654671281;res=IELHSS; Kellie Moss, "The Swan River Experiment: Coerced Labour in Western Australia 1829–1868," *Studies in Western Australian History* 34 (2020): 23, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426378299927843;res=IELAPA.
[71] Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30.
[72] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 5.
[73] Winter, "Coerced Labour in Western Australia During the Nineteenth Century," 3, 9.
[74] Burke, "A Culture for All," 26, 38–39.
[75] Moss, "The Swan River Experiment," 23.
[76] Green, *Broken Spears,* 71–74, 99–107, 119–129; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 7, 9; Carter, *Nyungah Land,* 61–64, 89–98; Gare, "In the Beginning," 15–19.

abandoned the colony.[77] Hitchcock (1929) and Martens (2011) allude to the process of discipline in their respective works but only superficially.[78] Elements of discipline are briefly mentioned in some works, with Ward and Wroth (1974) and Bavin (1993) referencing the use of stocks in Fremantle Gaol until 1849 and the only case of a European being hanged in this period.[79] Finnane and Kaledelfos (2016) show that justice in the colony was delivered through the Court of Quarter Sessions, with the first homicide conviction, in which both the perpetrator and victim were Aboriginal, occurring in 1838. However, most of this paper focuses on later convictions, thus falls outside of the scope of this study.[80] Curthoys (2020) highlights that an internal system of transportation was established in the colony for Aboriginal offenders.[81] Extending from an article published in 1993, a 1996 work by Bavin-Steding provides the most comprehensive study into the discipline methods of the era. While Bavin-Steding's research offers a complete history of discipline across colonial Western Australia, the methods of punishment employed prior to the introduction of convicts, including those at Fremantle Gaol, lacks detailed inquiry.[82]

Fremantle Gaol has not been the subject of substantial academic research, and existing publications focus mainly on its architecture[83] or location.[84] Reece (2017) categorised Fremantle Gaol as merely a lock-up. While this was true following the introduction of convicts, prior to

[77] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 5; Bruce Devenish, "A Most Maligned Man," *Early Days* 13, no.2 (2008): 158, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=330270122283326;res=IELAPA; Bob Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," *Early Days* 101 (2017): 33, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=350430309079419;res=IELAPA.

[78] Hitchcock, *The History of Fremantle,* 22; Martens, *Government House and Western Australian Society 1829–2010*. 39–40.

[79] Ward and Wroth, *Fremantle Sketchbook,* 6; Louise J. Bavin, "Punishments, Prisons and Reform: Incarceration in Western Australia in the Nineteenth Century," *Studies in Western Australian History* 14, no.1 (1993): 123, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=940504846;res=IELAPA.

[80] Mark Finnane, and Andy Kalapdelfos, "Race and Justice in an Australian Court: Prosecuting Homicide in Western Australia, 1830–1954," *Australian Historical Studies* 47, no.3 (2016): 445, https://doi.org/10.1080/103146x.2016.1194442.

[81] Ann Curthoys, "The Beginnings of Transportation in Western Australia: Banishment, Forced Labour, and Punishment at the Aboriginal Prison on Rottnest Island Before 1850," *Studies in Western Australian History* 34 (2020): 59, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426415565870359;res=IELAPA.

[82] Bavin, "Punishments, Prisons and Reform"; Bavin-Steding, *Crime and Confinement: The Origins of Prisons in Western Australia.*

[83] Edward J. Watson, *Rottnest: its Tragedy and its Glory* (Perth: Frank Daniels Pty Ltd., 1998), 127; John White, "Building in Western Australia 1829–1850," in *Western Towns and Building*, ed. Margaret Pitt Morison and John White (Nedlands: University of Western Australia Press, 1979), 81; Adams, *Capital Punishment and the Spectacle of Death in Colonial Fremantle,* 88.

[84] Bavin-Steding, *Crime and Confinement;* Michal Bosworth, *Convict Fremantle: A Place of Promise and Punishment* (Crawley: University of Western Australia Press, 2009); Reece, "Glimpses of Fremantle 1829–1929"; Adams, "Capital Punishment and the Spectacle of Death in Colonial Fremantle"; Barteaux, "Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia."

this it functioned as the colony's primary prison.[85] Thomas and Stewart (1978) were the first to offer insights into Fremantle Gaol as a penal institution.[86] Bavin-Steding (1993, 1996) also presents an interpretation of the gaol's operations while predominantly focusing on issues of prisoner reform.[87] Litchfield (1998) questioned the place of Fremantle Gaol in the context of the modern community but also examined its role as a transport node for Aboriginal men being sent to Wadjemup.[88] Interestingly, Hudson-Rodd and Farrell (1998) and Maude (2013) deviate from the use of Fremantle Gaol as a prison, examining its role as the first asylum in the colony,[89] with the former offering the most in-depth examination of the institution's operations.[90] Most recently, a conservation management plan has been released for the City of Fremantle (2020) which provides an overview of Fremantle Gaol's use and the steps needed to conserve it for future generations.[91]

There is little work on Henry Willey Reveley, the architect of Fremantle Gaol. In their respective works, Pit Morison and White (1983), Kerr (1988), Bosworth et al. (1995), Bavin-Steding (1996) and Reece (2012) name Reveley as the architect but do not provide information about his life, work or time in the colony.[92] However, Uren (1948), Hasluck (1959), White

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[85] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 33, 36; Hitchcock, *The History of Fremantle*, 22; John White, "Henry Reveley, Architect and Engineer," *Early Days* 7, no.8 (1976): 24–42; Neville Green, "Aboriginal and White Settlers in the Nineteenth Century," in *A New History of Western Australia*, ed. C.T. Stannage (Nedlands, University of Western Australia Press, 1983), 93; Bavin-Steding, *Crime and Confinement*, 66.

[86] Thomas, and Stewart, *Imprisonment in Western Australia: Evolution, Theory and Practice.*

[87] Bavin, "Punishments, Prisons and Reform"; Bavin-Steding, *Crime and Confinement.*

[88] John Litchfield, "The Round House and its Questions about Community in Fremantle," in *Imagined Places: The Politics of Making Space*, eds. Christopher Houston, Fuyuki Kurasawa and Amanda Watson (Bundoora: School of Sociology, Politics and Anthropology La Trobe University, 1998), 34–36.

[89] N. Hudson-Rodd, and G.A. Farrell, "The Round House Gaol: Western Australia's First Lunatic Asylum," *Australian and New Zealand Journal of Mental Health Nursing* 7 (1998):152–162, https://www.ncbi.nlm.nih.gov/pubmed/10095465; Phil Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," Australasian Psychiatry 21, no.4 (2013): 397–401, https://doi.org/10.1177/1039856213492863.

[90] Hudson and Farrell, "The Round House Gaol," 156–157.

[91] Griffin, Prue, Gemma Dewar and Renae Canterbury. Round House, Fremantle – Conservation Management Plan. Fremantle: Hocking Planning & Architecture Pty Ltd., 2020. https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/a751c347dc79990c076fd6dadb6a47e8bbfd9508/original/1602210307/Round_House_CMP_FINAL_with_Appendices_compressed_%281%29.pdf_fffc00f1d553f7644182dcce6c9f2509?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20210913%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20210913T015821Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=257b9a72f2f8e07941383230f8ee621e2d3a936ce7d6a21ac8c2ecbe6987833e.

[92] Margaret Pitt Morison, and John White, "Builders and Buildings," in *A New History of Western Australia*, ed. C.T. Stannage (Nedlands: University of Western Australia Press, 1983), 517; James Semple Kerr, *Out of Sight, Out of Mind: Australia's Places of Confinement, 1788-1988*, (Sydney: S.H. Ervin Gallery, 1988), 65.Michal Bosworth, David Hutchinson, Meredith Walker, and Penelope Pike. *City of Fremantle Thematic Historical Framework (*Fremantle: Fremantle City Council, 1995); Bavin-Steding, *Crime and Confinement;* Martens, *Government House and Western Australia Society 1829–2010*, 39–40; Reece, "Glimpses of Fremantle 1829–1929."

(1979), Statham-Drew (2003) and Martens (2011) offer more detailed accounts of Reveley's background.[93] There appears to be only one standalone article on Reveley, written by White (1976).[94] Thus, the contributions of Reveley to the colony and Fremantle Gaol need to be examined in greater depth.

The relationship between Fremantle Gaol and the panopticon is also underdeveloped in the academic literature. In both her 1993 and 1996 publications, Bavin-Steding indicates that Fremantle Gaol is reminiscent of the panopticon. While this proposition is developed more fully in her 1993 article, even this focuses on architectural elements without reference to prison operations.[95] Martens (2011) reasons that Fremantle Gaol is modelled on the panopticon and references the connections between the engineer of Fremantle Gaol and Jeremy Bentham himself. Maude (2013) also makes these links but does not take a position on the panoptic elements of Fremantle Gaol.[96] Barteaux (2016) argues that it was the visual image of Fremantle Gaol and the church in King's Square (built in 1844) dominating either end of the town that created a panoptic environment, introducing the idea of the settler society being based on punitive surveillance.[97] This research seeks to contribute to the literature surrounding Fremantle Gaol's panoptic qualities and how this was used to punish and reform prisoners.

Prisoner Experience

Research on the lived experience of prisoners in the Swan River Colony is lacking. Primary sources offer two key indicators of prisoner experiences: escapes and correspondence by and on behalf of prisoners. The secondary literature offers examples of escape attempts by Aboriginal prisoners from Carnac Island in 1832 and Wadjemup in 1838.[98] Watson (1998) and Curthoys (2020) briefly discuss escapes by Aboriginal people from mainland gaols.[99] Young (2020) analysed convict escapes from the New South Wales outpost at King George's Sound before its

[93] Malcom Uren, *Land Looking West: The Story of Governor James Stirling in Western Australia* (London: Oxford: Oxford University Press, 1948), 171*;* Alexandra Hasluck, *Unwilling Emigrants: A Study of the Convict Period in Western Australia* (Melbourne: Oxford University Press, 1978), 44–45; Pitt Morison, and White. "Builders and Buildings," 517; Pamela Statham-Drew, *James Stirling: Admiral and Founding Governor of Western Australia* (Crawley: University of Western Australia Press, 2003), 39–40.
[94] White, "Henry Reveley, Architect and Engineer," 24–42.
[95] Bavin, "Punishments, Prisons and Reform," 126; Bavin-Steding, *Crime and Confinement*, 55.
[96] Martens, *Government House and Western Australia Society 1829–2010*, 39–40; Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398.
[97] Barteaux, "Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia," 27.
[98] Katherine Roscoe, "A Natural Hulk: Australia's Carceral Islands in the Colonial Period, 1788–1901," *IRSH* 63, no. S26 (2018): 61, https://doi.org/10.1017/S0020859018000214.
[99] Curthoys, "The Beginnings of Transportation in Western Australia," 66.

dissolution and absorption into the Swan River Colony in 1831.[100] However, there is no discussion of the correspondence sent from settler prisoners. More broadly, there is literature on the writings of convicts across Australia by authors such as Mortlock, Wilkes and Mitchell (1965), Webby (1990), Frost and Maxwell-Stewart (2001), Cartwright (2013), Causer (2015, 2017) and Price (2019).[101]

Conclusion

Although historians generally agree that Jeremy Bentham is central to the discussion of penal reform, his overall influence on philosophical thought in the nineteenth century is controversial.[102] This is also true concerning Bentham's model prison, the panopticon. The creation and design of the panopticon are mainly credited to Jeremy Bentham. However, his brother Samuel conceptualised the model while in Russia towards the end of the eighteenth century.[103] The deployment of the model is also a topic of debate by scholars, who either suggest that the model is simply a metaphor for surveillance or highlight institutions in which panoptic elements are found in the design.[104] The literature reveals a gap concerning imprisonment in the Swan River Colony before the introduction of convicts in 1850 because it mostly focuses on the colony's economic struggles rather than its crime and discipline.[105] The existing works on crime and discipline offer superficial accounts of discipline methods, while those on Fremantle Gaol

[100] Denise Young, "Layers of Visibility: Convict Discipline, Crime and Punishment, King George's Sound, Western Australia, 1826–1831," *Studies in Western Australian History* 34 (2020): 47, 52, 56, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426396932899101;res=IELAPA.
[101] J.F. Mortlock, G. A. Wilkes, and A. G. Mitchell, *Experiences of a Convict, Transported for Twenty-One Years (*Sydney: Sydney University Press, 1965); Elizabeth Webby, *Colonial Voices: Letters, Diaries, Journalism and Other Accounts of Nineteenth-Century Australia* (St. Lucia: University of Queensland Press, 1990); Lucy Frost, and Hamish Maxwell-Stewart (eds.), *Chain Letters: Narrating Convict Lives* (Melbourne: Melbourne University Press, 2001); Celia Cartwright, "A Miserable Place for Prisoners: Nineteenth Century Convict Letters from Tasmania," *Papers and Proceedings - Tasmanian Historical Research Association* 60, no.2 (2013): 75–80, https://search.informit.com.au/documentSummary;dn=608741727020270;res=IELAPA; Tim Causer, "Crime, Punishment and Redemption: A Convict's Story," *The Mariner's Mirror* 101, no.3 (2015): 365–367, https://doi.org/10.1080/00253359.2015.1061278; Tim Causer, *Memorandums by James Martin: An Astonishing Escape from Early New South Wales* (London: UCL Press, 2017). https://doi.org/10.14324/111.9781911576815; Kim Price, "Time to Write: Convict Petitions in the 19th Century," *Family & Community History* 22, no.1 (2019): 22–39, https://doi.org/10.1080/14631180.2019.1638598.
[102] Daniel Pick, *Faces of Degeneration: a European Disorder, c.1848–c.1918* (Cambridge: Press Syndicate of the University of Cambridge, 1989), 136; Winter, *Transforming the Colony,* 18; Thomson, *England in the Nineteenth Century,* 30; Houghton, *The Victorian Frame of Mind 1830–1870,* 94.
[103] Pratt, "This is Not a Prison," 374; Whitaker, *The End of Privacy,* 32; Hutchings, "Spectacularizing Crime," 38; Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 1; Werrett, "Potemkin and the Panopticon," 3; Dobson and Fisher, "The Panopticon's Changing Geography," 308.
[104] Whitaker, *The End of Privacy,* 33; Hutchings, "Spectacularizing Crime," 42–43; Dobson and Fisher, "The Panopticon's Changing Geography," 307; Priestley, Vanstone, *Offenders or Citizens,* 6; Butlin, *Historical Geography,* 151–152; Hughes, *The Fatal Shore,* 37; Bavin-Steding, *Crime and Confinement,* 55; Werrett, "*Potemkin and the Panopticon,"* 3.
[105] Rude, *Protest & Punishment,* 172.

primarily focus on its architecture, with some linking it to the panopticon.[106] Substantial research is needed to increase the knowledge of the gaol and the prisoners incarcerated within it. This thesis seeks to explore how the panopticon model was represented in Fremantle Gaol and the manifestation of power within the prison, contributing to the debate on the application of the panopticon. The most significant gap in the literature is the relationship between the panoptic design of Fremantle Gaol and the lived experiences of its inmates.

[106] Bavin, "Punishments, Prisons and Reform," 126; Bavin-Steding, *Crime and Confinement,* 55; Martens, *Government House and Western Australia Society 1829–2010,* 39–40; Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398.

Chapter 3: The Establishment of Fremantle Gaol

Introduction

The Swan River Colony, established in 1829, was the first non-penal colony in Australia. However, prior to the British invasion, Aboriginal people had inhabited the land for approximately 50,000 years.[1] This chapter analyses the establishment of Fremantle Gaol in the Swan River Colony. The introduction of British laws and customs was essential to early imprisonment practices, which would affect the settlers and traditional custodians, the Whadjuk people of the Noongar nation, and have far-reaching consequences for Aboriginal peoples outside of Noongar territory. This chapter analyses the circumstances that led to Britain creating a colony in Western Australia to illustrate the wider context of the establishment of Fremantle Gaol.

Before Colonisation

Aboriginal history

Aboriginal accounts of the past are of great significance because their knowledge and stories of Country predate European documentation.[2] The Aboriginal history of Australia is vast.[3] It is generally accepted that Aboriginal Australians migrated from Africa through the south and south-eastern land mass at least 50,000 years ago.[4] The earliest evidence of human habitation in the area now encompassed by Western Australia varies across the region, ranging from 38,000 to 48,000 years ago.[5] The oral history and creation stories of the traditional custodians align with Western scientific knowledge of the natural phenomena during this period.[6] As the planet entered into a glacial period between 35,000 and 22,000 years ago, the climate became colder and drier, becoming more extreme 25,000–17,000 years ago.[7] It is speculated that firestick farming was

[1] Francesca Robertson, Glen Stasiuk, Noel Nannup, and Stephen Hopper, "Ngalak Koora Djinang (Looking Back Together): a Nyoongar and Scientific Collaborative History of Ancient Nyoongar Boodja," *Australian Aboriginal Studies* 1 (2016): 46, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=220817786606525;res=IELIND.
[2] Len Collard, and Sandra Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl? (Which Knowledge Path Will We travel?)," *Studies in Western Australian History* 26 (2010): 76, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=014516066224158;res=IELAPA.
[3] Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 76.
[4] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 46; Peter Hiscock, *Archaeology of Ancient Australia* (London: Taylor and Francis Group, 2008), 1, 56, 95, https://doi.org/10.4324/9780203448359.
[5] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 46–47.
[6] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 40.
[7] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 48.

developed along with other farming techniques in response to this change in conditions.[8] The creation story of Kwenda, Djilidjili and Wata (bandicoot, sparrowhawk and pigeon), passed down from elders to children, provides instructions on fire and the best materials to use.[9] However, Aboriginal people still moved within their tribal countries according to the seasons and where food sources could be found.[10]

The traditional custodians who inhabit the south-west of Western Australia are known as Noongar,[11] a gender-neutral term meaning 'people' or 'person'.[12] Noongar boodja (meaning 'country') extends from Geraldton in the north to Esperance in the south.[13] Noongar boodja comprises 14 language groups and 12 geopolitical groups: Balardong, Juat, Kaneang, Koreng, Minang, Njakinjaki, Pibelmen, Pindjarup, Wandandi, Whadjuk, Wilman and Wundjari.[14] The region in which colonial Perth and Fremantle would develop (and thus pertinent to this research) is Whadjuk boodja.[15] At the start of British occupation, the area around Swan River (Beelya) was inhabited by four family groups, each led by a headman at the ethnographic present: Yellagonga to the north, Weeip to the north-east, Munday to the east and Midgeooroo to the south-west.[16]

[8] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 48; Hallam, *Fire and Hearth*, 8, 12,15.
[9] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 48–49; Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 81, 93.
[10] Green, *Broken Spears*, 2–3, 14; Kingsley Palmer, *Noongar People, Noongar Land: the Resilience of Aboriginal Culture in the South West of Western Australia (*Canberra: AIATSIS Research Publications, 2016), 53.
[11] Noongar academics, Len Collard and Sandra Harben, argue for the universal use of language group names, stating: "The term 'Aborigine' does not tell us anything about Indigenous Australians' regional diversity." For the purposes of this research, the Aboriginal people of southwest Western Australian will be referred to as Noongar – with reference to the language group where possible. See: Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 78.
[12] Manuhuia Barcham, "Noongar Nation," in *Contested Governance: Culture, Power and Institutions in Indigenous Australia*, eds. Janet Hunt, Diane Smith, Stephanie Garling and Will Sanders (Canberra: ANU Press, 2008), https://www.jstor.org/stable/j.ctt24hcb3.18, 265; Collard and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 75.
[13] Len Collard and Dave Palmer. "Noongar and Non-Aboriginal People Going Along Together (Ngulla Wangkiny, Ni, Katitjin Noongar Nyidyung Koorliny, Kura, Yeye, Boorda)," in *Indigenous Intermediaries: New Perspectives on Exploration Archives* eds. Shino Konishi, Maria Nugent and Tiffany Shellam (Canberra: ANU Press, 2015), https://www.jstor.org/stable/j.ctt19705zg.15, 191; Hannah McGlade, "The *McGlade* Case: A Noongar History of Land, Social Justice and Activism," *Australian Feminist Law Journal* 43, no.2 (2017): 186, https://doi.org/10.1080/13200968.2017.1400371; Kaartidjin Noongar: Sharing Noongar Culture, "Noongar," Accessed March 09, 2021, https://www.noongarculture.org.au/noongar/.
[14] Collard and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 76–77; Collard and Palmer, "Noongar and Non-Aboriginal People Going Along Together," 191.
[15] Collard and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 80.
[16] Collard and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 79.

Early European exploration

Western Australia's coastline was most likely first sighted in the early sixteenth century, but it was first charted by the Dutch in the seventeenth century. By 1628, the shape and dimensions of the western part of the continent were known, and by the 1650s it had been named New Holland.[17] In 1659, Dutch explorers sailing near Cape Leeuwin aboard the vessel *Elburgh* spotted three Noongar people, who believed the European explorers to be the spirits of their dead ancestors. However, when Captain Willem de Vlamingh explored the area surrounding Fremantle in 1696–1697, the Whadjuk Noongar did not interact with the foreigners. Noongar academics explain that this was because they were fearful of the returned spirits of their ancestors.[18] Britain's first interaction with the area was in 1688, with William Dampier's visit to the north-west coast. While Dampier's initial report led to a government-sponsored expedition in 1699, he concluded that it was not worth further pursuit.[19] With the English and Dutch disinterest in the region, the European consensus in the seventeenth century was that it was not worthy of settlement.[20]

King George Sound in the southern part of the territory was the first area of Western Australia to be claimed for the British, specifically by George Vancouver in 1791. During his time onshore, Vancouver acknowledged that the land was occupied by making reparations for timber he had taken from a nearby hut.[21] Serious British or French interest in the west coast was not ignited until the early nineteenth century, when further exploration was carried out from 1801 to 1803 by Captain Matthew Flinders on behalf of the British.[22] Captain Phillip Parker King also explored the area between 1818 and 1822. Both Flinders and King had cordial relations with the Minang people during their voyages.[23] A small number of British soldiers and convicts from New South Wales landed at King George Sound on 25 December 1826 to establish a military

[17] Bolton, *Land of Vision and Mirage*, 5; Appleyard and Manford, *The Beginning*, 21, 18; J. O'Brien, and P. Statham-Drew, *On We Go the Wittenoom Way: The Legacy of a Colonial Chaplain (*Fremantle: Fremantle Press, 2009), 5.
[18] Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 85.
[19] Appleyard and Manford, *The Beginning*, 21–23.
[20] Brian de Garis, "Settling on the Sand: The Colonisation of Western Australia," in *European Impact on the West Australian Environment 1829–1979*, ed. Brian de Garis (Nedlands: University of Western Australia Press, 1979), 2–3.
[21] Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 85–86.
[22] Petchell, *The Swan River Colony*, 4; Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 86. Kenneth Morgan, "Finding Longitude: The *Investigator* Expedition, 1801–1803," *The International Journal of Maritime History* 29, no.4 (2017): 774, https://doi.org/10.1177/0843871417725688.
[23] Collard and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 86.

outpost for Britain.[24] This would be solidified through a ceremonial hoisting of the British flag in late January 1827. The outpost was established by 52 people under Major Edmund Lockyer of the 57th Regiment.[25] Twenty-three of these were male convicts between the ages of 17 and 48, predominantly from England and Ireland, who were selected for the skilled labour they could provide.[26] This was not a formal claim of the area for civilians but rather a declaration of British sovereignty given that the French were also seeking to colonise the area. Despite the Napoleonic Wars ending in 1815, the two nations were still on uncertain terms, and the British did not want to compromise their eastern penal colonies.[27] The outpost continued until it was disbanded in 1831, when King George Sound was absorbed into the Swan River Colony.[28]

Exploration of the Swan River

The exploration of the Swan River and the initial British rejection of a colony are essential in understanding the eventual foundation of the settlement. Captain James Stirling, together with Charles Frazer, the New South Wales Government botanist, spent three weeks in February and March 1827 exploring the west coast for a potential settlement.[29] This exploration was motivated by Stirling's interest in the region, backed not by the colonial government but by Governor Darling of New South Wales. Despite the earlier reports of the location's unsuitability, Stirling was not convinced, arguing that it would be advantageous to British interests to have a colony in the continent's west, which was well located for trade and could be a staging post for those travelling to the eastern colonies. He also argued that the environment was not only well suited to agricultural endeavours but also held the potential for the mining of iron and coal.[30] More likely, Stirling's deep-rooted interest in colonising the area arose from the benefits to which he and his family would be privy, particularly given the money lost by his brother in the American cotton industry in 1826.[31] Although Stirling's report convinced Darling, it was not so well received in London, with the Colonial Office finding no justification for settlement despite the glowing reports.[32] This was initially because of the vast costs associated with establishing a new

[24] Bolton, *Land of vison and mirage*, 5; de Garis, *Settling on the Sand*, 3; Denise Young, "Convict Builders of Fredrick's Town: Outpost Convict Experience, King George's Sound, Western Australia, 1826–1831," *Studies in Western Australian History* 33 (2020): 84, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=132182316732123;res=IELAPA.
[25] Young, "Convict Builders of Fredrick's Town," 84.
[26] Young, "Convict Builders of Fredrick's Town," 87; Young, "Layers of Visibility," 42.
[27] Bolton, *Land of vison and mirage*, 6; de Garis, *Settling on the Sand*, 3; Young, "Layers of Visibility," 41.
[28] Young, "Convict Builders of Fredrick's Town," 85.
[29] Brian Fletcher, *Colonial Australia Before 1850 (*Melbourne: Thomas Nelson Australia, 1989), 98.
[30] de Garis, *Settling on the Sand*, 4.
[31] Petchell, *The Swan River Colony*, 4, 15; Fletcher, *Colonial Australia Before 1850*, 98.
[32] Cameron, "Thomas Moody, James Stirling and Swan River," 324; Fletcher, *Colonial Australia Before 1850*, 98.

settlement. However, as concerns around population size and urbanisation grew, opinions concerning the Swan River changed, particularly with the backing of wealthy investors such as Thomas Peel, cousin of Robert Peel.[33] Initially, these investors requested 4 million acres for an investment of £100,000. Given their experience with the East India Company, the British were reluctant to hand a small private group such a monopoly of influence and rejected the offer.[34]

Bentham also wrote extensively on the subject of colonies claimed by both British and European powers. His earlier works predominantly focused on the negative aspects of colonialism, as evident in *New Wales* (1791), *Emancipate Your Colonies! Addressed To The National Convention of France* (written in 1793 but not published until 1830) and *Letters to Lord Pelham*, commonly referred to as *Panopticon Versus New South Wales* (1802–1803).[35] His views began to shift with the rising concerns about the population becoming unsustainable, demonstrated in *Institute of Political Economy* (1801), *A Plea for the Constitution* (1802) and, most notably, *Colonisation Company Proposal* (1831), which was Bentham's suggestion for the colonisation of South Australia.[36] This trend was slightly disrupted in his 1821 work, *Rid Yourselves of Ultramaria,* which urged Spain to abandon its colonies in South America.[37] This, however, is reflected in British political attitudes towards Spain: as early as 1817, the Foreign Office was contemplating recognising the independence of South American colonies and would later overtly support their independence.[38] Despite Bentham's changing views on colonialism, this was not reflected in the opinions of other prominent utilitarian thinkers such as John Stuart

[33] Cameron, "Thomas Moody, James Stirling and Swan River," 2.
[34] Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 41.
[35] Jeremy Bentham, "New Wales," in *Writings on Australia,* ed. Tim Causer and Phillip Schofield (London; The Bentham Project, 2018 pre-publication version), https://discovery.ucl.ac.uk/id/eprint/10055298/1/3.%20First%20Letter.pdf; Jeremy Bentham, "Emancipate Your Colonies! Addressed to the National Convention of France*," in The Works of Jeremy Bentham vol.VI.,* ed. John Bowring (Edinburgh: William Tait, 1843), https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf, 629–646; Jeremy Bentham, "Third Letter to Lord Pelham," in *Writings on Australia,* ed. Tim Causer and Phillip Schofield (London: The Bentham Project, 2018 pre-publication version), https://discovery.ucl.ac.uk/id/eprint/10055302/1/5.%20Third%20Letter.pdf.
[36] Jeremy Bentham, *Institute of Political Economy,* in *Jeremy Bentham's Economic Writings: Critical Edition Based on his Printed Works and Unprinted Manuscripts Vol.3,* ed. Wagner Stark (London: Routledge, 2004), 303–381; Jeremy Bentham, "A Plea for the Constitution," in *Writings on Australia,* ed. Tim Causer and Phillip Schofield (London: The Bentham Project, 2018 pre-publication version), https://discovery.ucl.ac.uk/id/eprint/10055304/1/6.%20Plea.pdf; Jeremy Bentham, "Colonization Company Proposal," in *Writings on Australia,* ed. Tim Causer and Phillip Schofield (London: The Bentham Project, 2018 pre-publication version), https://discovery.ucl.ac.uk/id/eprint/10055306/1/7.%20Colonization%20Company%20Proposal.pdf; Woodward, *The Age of Reform 1815–1870,* 384.
[37] Jeremy Bentham, "Rid Yourselves of Ultramaria*," in Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramaria and Other Writings on Spain and Spanish America*, ed. Philip Schofield (Oxford: Oxford University Press, 1996), 1–277.
[38] Staples, "Spanish Colonial Influence on Sir James Stirling," 594, 601.

Mill and his father, James Mill, who both overtly supported imperialism and were involved in British affairs in India.[39]

The Swan River Colony

Despite the British initially rejecting the idea of a colony at Swan River, it became more appealing as concerns around urbanisation and population growth grew.[40] In *An Essay on the Principle of Population*, Thomas Malthus notes that population growth was a fundamental aspect of society from 1750.[41] According to the census, the population of Britain proliferated in the first half of the nineteenth century, increasing from 10,500,000 in 1801 to 26,700,000 in 1841 (excluding Ireland)[42] because of high birth rates and an increase in life expectancy.[43] By 1831, this rapid growth was undeniable and was affecting all aspects of society.[44] Larger cities became more numerous throughout the nineteenth century as Britain went from being a rural society to becoming increasingly urbanised.[45] However, the poor living conditions in nineteenth-century towns were largely attributable to the mass migration of impoverished people from country areas.[46] This led to low birth rates and increased child mortality in newly developing urban areas compared with rural populations, slowing population growth.[47] These factors, coupled with stipulations placed on the colony through the Conditions of Settlement, made the venture far more appealing to the British government. Thus, Stirling's brief exploration of the region would affect the colony's development for the remainder of the nineteenth century.[48]

The Conditions of Settlement, finalised between December 1828 and February 1829, established how land would be granted to settlers. Instead of assigning land based on liquid funds, it would instead be granted according to the assets settlers could bring to the colony with

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[39] Katherine Smits, "John Stuart Mill on the Antipodes: Settler Violence Against Indigenous Peoples and the Legitimacy of Colonial Rule," *Australian Journal of Politics and History* 54, no.1 (2008): 2, https://doi-org.ipacez.nd.edu.au/10.1111/j.1467-8497.2008.00480.x.
[40] Cameron, "Thomas Moody, James Stirling and Swan River," 2.
[41] W.D. Rubinstein, *Britain's Century: A Political and Social History 1815–1905 (*London: Arnold, 1998), 261; Thomas Robert Malthus, *An Essay on the Principle of Population (*London: Electric Book Company Ltd., 2001).
[42] J.F.C. Harrison, *The Early Victorians 1832–51* (New York: Praeger Publishers, Inc., 1971), 1; Rubinstein, *Britain's century*, 261; Pauline Gregg, *A Social and Economic History of Britain 1760–1965* (London: George G. Harrap & Co. Ltd, 1965), 62.
[43] Rubinstein, *Britain's century*, 264, 266.
[44] Harrison, *The Early Victorians 1832–51*, 2; J.H. Clapham, *An Economic History of Modern Britain: The Early Railway Age 1820–1850 (*Cambridge: Cambridge University Press, 1964), 53.
[45] B.I. Coleman, *The Idea of the City in Nineteenth–Century Britain (*London: Routledge & Kegan Paul Ltd, 1973), 1.
[46] Kitson Clark, *The Making of Victorian England*, 95.
[47] Rubinstein, *Britain's century*, 264, 266.
[48] J.M. Powell, "Assertions of a Bold 'Periphery': Further Interpretations of Environment and Society in Swan River Colony," *Studies in Western Australian History* 5 (1982): 73, https://research-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=8111421910;res=IELAPA.

the aim of decreasing British expenses and attracting private investors.[49] Stirling and the first settlers departed on the *Parmelia* on 5 February 1829, and the Swan River was claimed by Captain Charles Howe Fremantle on 2 May 1829.[50] The colony was officially established on 1 June 1829. Between August 1829 and June 1830, a further 39 ships arrived, carrying 1,000 new immigrants.[51] As a non-penal colony (although convicts were present in King George Sound until 1831), it was the first of its kind in Australia and the first free British colony of its type since the loss of the American colonies in 1776 and the settlement at Port Elizabeth in 1820.[52] Stirling's confidence in the colony did not falter on the voyage, possibly contributing to the new settlers' high expectations.[53] However, the colony would later be deemed a failure after the settlers began to believe that its potential had been grossly oversold.[54] In particular, in contrast to Stirling's anticipation of its agricultural potential, the colony's sandy soil meant that European production methods had to be adapted, which was not immediately successful.[55]

Although Stirling was not given in-depth instructions about how to govern the colony, British law applied universally, with the governor's proclamations covering specific issues.[56] At times, this afforded the colony more autonomy, such as the rapid implementation of legislative structures to allow for the administration of justice.[57] The brief instructions issued to Stirling focused on land grants, which were based on New South Wales guidelines about how to protect Noongar people in a similar way to British subjects.[58] As the overarching leader, Stirling had to solve problems incurred by the early settlers and manage the local Whadjuk population.[59] From

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[49] Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 41; Haast, "Convicts and Commodities, 138.
[50] Cameron, "Thomas Moody, James Stirling and Swan River," 332; Barteaux, "Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia," 22.
[51] Penelope Hetherington, *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910* (Crawley: UWA Publishing, 2009), 3.
[52] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 397; Margaret Pitt Morison, "Settlement and Development: The Historical Context," in *Western Towns and Building*, eds. Margaret Pitt Morison and John White (Nedlands: University of Western Australia Press, 1979), 11; Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 34; Fletcher, *Colonial Australia Before 1850*, 99; Gare, "In the Beginning," 9; Amina Marzouk Chouchene, "Master Servant Relationships in the Eastern Cape: The 1820 Settlement," *African Studies Quarterly* 20, no.1 (2021): 19, https://www.africa.ufl.edu/asq/v20/v209laz.pdf.
[53] Appleyard and Manford, *The Beginning*, 133.
[54] Peel and Twomey, *A History of Australia*, 52; Bolton, *Land of vison and mirage*, 9.
[55] Peel and Twomey, *A History of Australia*, 52; John Gascoigne, *The Enlightenment and the Origins of European Australia (*New York: Cambridge University Press, 2002), 71; Burke, "Innovation and Adaptability," 359.
[56] Bunn and Gilchrist, ""A Few Good Men"," 198; Hetherington, *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910*, 3.
[57] Amanda Nettelbeck, "Equals of the White Man": Prosecution of Settlers for Violence Against Aboriginal Subjects of the Crown, Colonial Western Australia," *Law and History Review* 31, no.2 (2013): 361, https://doi.org/10.1017.S073824801300060.
[58] Ann Hunter, "European-Noongar Relations: The Status of Outlawry," *Legal History* 14, no.3 (2012): 3, 6, https://heinonline.org/HOL/P?h=hein.journals/ausleghis14&i=31.
[59] Shane Burke, ""Should we have Beethoven's *Moonlight* Sonata… or a Hot Dinner?" Resource Stress as an Alternative to the Abandonment of Peel Town, Swan River Colony, 1829–1830," *Historical Archaeology* 51 (2017): 489, https://doi.org/10.1007/s4163-017-0060-0; Hunter, "European-Noongar Relations," 3.

the outset, the colonial government wished to assert their authority over the inhabitants of the region.[60] One way in which Stirling sought to maintain order was through the appointment of six government residents in August 1830. Although these residents could not authorise government expenditure, they were employed as 'agents of civil authority', acting as informants and guardians of the local Noongar population, setting an example for new settlers and working towards the advancement and welfare of their regions.[61] Despite limited guidance, Stirling used segregation of classes as a means of control[62] and, although he did not formally declare it, he may have imposed martial law as a further security measure.[63]

With food scarcity and sickness being common, life was challenging for the new settlers — by 1832, 12 per cent of the first arrivals had died.[64] Settlers sent reports about the colony's abysmal conditions to family and friends back in Britain, leading to a stark drop in immigration rates, with the colony struggling to reach a population of 5,000 two decades after settlement.[65] This is comparable to a medium-sized market town in England in the same period.[66] With this stagnation in population growth, labour shortages ensued.[67] Approximately 80 per cent of adult colonists, predominantly from labouring or trade backgrounds, belonged to the servant class, with most arriving as indentured servants in the first decade.[68] Their indentureship to members of the professional-agricultural class ranged from three to seven years as a way of ensuring a sufficient labour force in the colony.[69] However, the relationship between employer and servant was often tumultuous because the former often complained about the behaviour of the latter.[70] Employers also resented that labourers who remained in the colony could utilise the situation to push for higher wages and improved working conditions.[71] While not all servants had agricultural backgrounds, their willingness to push for better wages and conditions may have

[60] Hunter, "European-Noongar Relations," 3.
[61] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 25–26.
[62] Burke, "A Culture for All," 35.
[63] Hunter, "European-Noongar Relations," 7.
[64] Bob Reece, "Eating and Drinking at Early Swan River Colony," *Royal Western Australian Historical Society* 13, no.4 (2010): 463, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=324855463120469;res=IELAPA; Gare, "In the Beginning," 17.
[65] Vanden Driesen, *Essays on Immigration Population in Western Australia 1850–1901*, 14; Hussey, *British history 1815–1939*, 135.
[66] Powell, "Assertions of a Bold 'Periphery'," 76.
[67] Winter, "Coerced Labour in Western Australia During the Nineteenth Century," 4.
[68] Burke, "A Culture for All," 25; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30.
[69] Burke, "A Culture for All," 25; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30; Moss, "The Swan River Experiment," 25.
[70] Burke, "A Culture for All," 25–26; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30.
[71] Winter, "Coerced Labour in Western Australia During the Nineteenth Century," 4.

been related to the unrest among agricultural labourers in Britain in the 1820s.[72] Privileged settlers, who did not want the traditional class structure challenged, complained about these activities.[73] However, much like the professional-agricultural class, the servant classes had moved to the unknown in the hope of a better life, thus were willing to conduct themselves in untraditional ways to achieve this.

Nevertheless, not everyone was able to secure employment, largely because many settlers had land but not enough funds to hire labour.[74] The labour shortages arising from the inability to generate sufficient capital meant that by the 1840s, some colonists were petitioning for convict labour.[75] The procurement of labour had been discussed since 1834, with attempts to employ Whadjuk people, Indian servants, orphans from Calcutta and child migrants from the Children's Friend Society.[76] It was only through the introduction of convict labour that the colony was able to advance.[77]

In its formative years, the colony was facing economic collapse,[78] so much so that Stirling returned to England in 1832 to petition—unsuccessfully—for financial support from the Colonial Office.[79] The economic downturn was partly attributable to the limited quantities of cash brought by settlers because it was assets, rather than money, that qualified them for land; therefore, precedence was given to investing in equipment and livestock.[80] This became such a concern that in an attempt to ease the colony's financial woes, prominent settlers considered establishing a bank from which farmers could borrow against their predicted harvests. Thus, the colony was placed in a precarious state in which it was dependent on its small group of wealthy settlers—a situation the Colonial Office had sought to avoid.[81] This stunted the colony's growth, resulting in a depression that continued for much of the 1840s.[82] The colony's dire state was widely known, with Karl Marx commenting on it in the first volume of *Das Kapital*.[83]

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[72] Burke, "A Culture for All," 26.
[73] Winter, "Coerced Labour in Western Australia During the Nineteenth Century," 4; Moss, "The Swan River Experiment," 28.
[74] Devenish, "A Most Maligned Man," 166.
[75] Elizabeth Humphrys, "The Birth of Australia: Non-Capitalist Social Relations in a Capitalist Mode of Production?" *Journal of Australian Political Economy* 70 (2012): 110, https://search.informit.com.au/documentSummary;dn=042690693167412;res=IELAPA.
[76] Moss, "The Swan River Experiment," 29, 31, 33.
[77] Humphrys, "The birth of Australia," 110.
[78] Humphrys, "The birth of Australia," 110.
[79] Appleyard and Manford, *The Beginning*, 199.
[80] Vanden Driesen, *Essays on Immigration Population in Western Australia 1850–1901*, 14; Haast, "Convicts and Commodities, 138–139.
[81] White, "Agricultural Societies in Colonial Western Australia 1831–1870, 7; Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 41.
[82] Strong, "Church and State in Western Australia," 518, 531; Godfrey, "Prison Versus Western Australia," 1140–1141.
[83] Humphrys, "The birth of Australia," 110.

The Establishment of Fremantle Gaol

Despite its status as a non-penal colony, incarceration began within the first year of settlement because of issues with indentured servants and drunkenness.[84] However, as time progressed, unruly sailors also increasingly became an issue.[85] The construction of a gaol early in the colony's history highlights the British obsession with the control and confinement of 'criminal citizens of British colonies'.[86] Between December 1829 and July 1830, the wreck of the *Marquis of Anglesea* at Anglesea Point was used as a prison hulk for 27 prisoners.[87] Confinement in the hulk was injurious to the health of the prisoners. In March 1830, a request submitted to the governor to remit the sentence of Michael Coleman, a prisoner in feeble health, was granted.[88] However, this was not a suitable solution for the colony because the boats used to transport prisoners to the wreck were susceptible to damage by nearby rocks.[89] Carnac Island was briefly used in 1829 as a prison for settlers, typically indentured servants.[90]

Crime and dissent were challenging to manage during the period under study, particularly in Fremantle on account of the prevalent 'heavy drinking and fighting'.[91] Intoxication was a widespread problem and is thought to have been the leading cause of crime.[92] However, theft of food and robbery in general—crimes that were treated severely—were also prevalent given the scarcity of food in the struggling colony.[93] There was also conflict between settlers and Whadjuk people, resulting in deaths on both sides, but total figures are not known.[94] Fremantle Gaol went some way to combating crime, with the gaoler often serving as the town's sole constable.[95] Along with the Quarter Sessions, the gaol was a key element of the colony's penal system. It was

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[84] Bavin-Steding, *Crime and Confinement*, 54; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30; M.M.C. "Letter from M.M.C., September 18, 1832," in *Swan River Letters vol.1*, ed. Ian Berryman, (Glengarry: Swan River Press, 2002), 238–245; Reece, "Eating and Drinking at Early Swan River Colony," 463.
[85] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 33.
[86] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865" 399.
[87] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398; Dena Garratt, "The Long Jetty in Bathers Bay, Fremantle a Case Study," *The Bulletin of the Australian Institute for Maritime Archaeology* 11, no.1 (1987): 7, https://search-informit-com-au/documentSummary;dn=954314497699320;res=IELHSS.
[88] George Leake, and Thomas Bannister, "Letter from George Leake and Thomas Bannister to Peter Broun, March 30, 1830," Perth: SROWA, AU WA S2941 cons36 005, folio 187; Peter Broun, "Letter from Peter Broun to the Justices of the Peace, March 30, 1830," Perth: SROWA, AU WA S2755 cons49 002, folio 99–100.
[89] John Hobbs, "Letter from John Hobbs to Peter Broun, March 23, 1830," Perth: SROWA, AU WA S2941 cons36 005, folio 179; Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398.
[90] Peter Broun, "Government Notice, November 3, 1829," Perth: SROWA, AU WA S2755 cons49 001, folio 176.
[91] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 33.
[92] Devenish, "A Most Maligned Man," 166.
[93] Martens, *Government House and Western Australia Society 1829–2010*, 31; White, "Agricultural Societies in Colonial Western Australia 1831–1870," 7; Nettelbeck, "Equals of the White Man," 361.
[94] Devenish, "A Most Maligned Man," 158.
[95] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 33–34.

chaired by William Mackie, who was assisted by justices of the peace appointed in the months following settlement. This was to ensure that crime could be handled swiftly, which would become pertinent as frontier conflicts escalated.[96] The colony's legislative framework was different from that of other colonies because the lack of instructions given to Stirling meant that he had more discretion in decisions.[97] Statistics on crime were periodically reported in the colony's main newspaper, the *Perth Gazette*, with one report noting that between July 1830 and January 1836, 116 people had been convicted of crimes.[98] However, a piece published later in 1836 stated that there had been a gradual decrease in crime.[99] Despite this overall trend, groups of people were known to cause trouble within the colony; for example, the crews of 16 American whaling vessels moored at Fremantle between 1837 and 1839 became well known for their misconduct.[100] Another group was the local Whadjuk population, which challenged British authority because no treaty had been made nor sovereignty ceded. Thus, the British implemented means of control, including an 'internal system' of transportation by which Aboriginal men would be sent to Rottnest Island (Wadjemup) after mainland gaols were deemed inappropriate for them.[101]

By April 1830, the need for a permanent prison was deemed necessary by the local government. Stirling suggested to the magistrates that Perth was the most suitable location. While a gaol would also be constructed in Perth, Fremantle was considered more deserving of the colony's primary place of incarceration,[102] mainly because of drunkenness among new settlers and the fact that Fremantle, as a port town, was often 'plagued by undesirable strangers'.[103] Following further lobbying for a prison at the colony's first Quarter Session in July 1830, the location of Arthur Head was chosen, and plans were drawn up.[104] Henry Willey Reveley, the colony's civil engineer, was responsible for the design and oversight of the construction and used the panoptic archetype for the prison.[105] This was no coincidence because Reveley had an association with Bentham through his father, Willey Reveley. The latter had

[96] Nettelbeck, "Equals of the White Man," 361.
[97] Hunter, "European-Noongar Relations," 3.
[98] Steve Errington, "Swan River Newspapers and Their Editors," *Early Days* 13, no.5 (2011): 556–557, 563, https://search.informit.com.au/documentSummary;dn=344579556104345;res=IELAPA; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal,* June 18, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640412.txt.
[99] "Quarter Sessions," *Perth Gazette and Western Australian Journal*, April 9, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640482.txt.
[100] Reece, "Richard McBryde Broun Fremantle's Government Resident, 1834–1858," 34.
[101] Curthoys, "The Beginnings of Transportation in Western Australia," 60–62.
[102] Bavin-Steding, *Crime and Confinement*, 55.
[103] Pitt Morison, "*Settlement and Development*," 11.
[104] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398.
[105] Pitt Morison, and White, "*Builders and Buildings,"* 517.

worked alongside the Bentham brothers to refine the panopticon model in 1791.[106] Although Willey Reveley died when his son was young, his architectural style influenced Henry Reveley. This is evidenced by the latter's works in the colony, particularly the Perth Court House, which was modelled on Greek Doric architecture, a prominent feature in Willey Reveley's work.[107] Reveley also had exposure to other radical political philosophers such as William Godwin and Mary Wollenstonecraft through familial connections. He would later go on to be educated at the University of Pisa, where he studied science and engineering.[108] While Reveley wished to be remembered for his skills as an engineer, he is most known for his work as an architect.[109]

Tenders for the construction of Fremantle Gaol were put out on 20 July 1830 and accepted until 1 August 1830, with at least three quotes provided from Richard Lewis, William Manning and John Duffield, respectively.[110] Richard Lewis won the contract, charging £1,840 for the construction on Arthur Head.[111] Concerns over the cost of the proposed stonework were raised in late August, with Reveley proposing to lower it from £84. 13 shillings to £73. 13 shillings.[112] This concern did not appear to affect progress because the first stone was laid a week after Reveley's letter on 1 September 1830.[113] Reveley sent the first estimate for the roof (£56) in October 1830, which was approved.[114] The work continued to progress quickly, so much so that on 18 January 1831, Reveley informed the local government that the contractors had completed the work.[115]

Imprisonment and Panopticon

The establishment of Fremantle Gaol followed a long history of confinement. Imprisonment was first used in the Middle Ages; however, it was used to hold people awaiting trial instead of as a

[106] Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 9.
[107] R.D. Nicholson, "Seats of Justice – Courthouses as Places of History," *Early Days* 10, no. 6 (1994): 635, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=960706974;res=IELAPA; Martens, *Government House and Western Australian Society 1829–2010*, 38.
[108] Martens, *Government House and Western Australian Society 1829–2010*, 38; White, Henry Reveley, Architect and Engineer, 26.
[109] Hasluck, *Unwilling Emigrants*, 45.
[110] Richard Lewis, "Letter from Richard Lewis to Peter Broun, August 6, 1830," Perth: SROWA, AU WA S2941 cons36 008, folio 64; William Manning, "Letter from William Manning to Peter Broun, August 12, 1830," Perth: SROWA, AU WA S2941 cons36 008, folio 79.
[111] Lewis, "Letter from Richard Lewis to Peter Broun, August 6, 1830," 64.
[112] Henry Reveley, "Letter from Henry Reveley to Peter Broun, August 23, 1830," Perth: SROWA, AU WA S2941 cons36 008, folio 108.
[113] Henry Reveley, "Letter from Henry Reveley to Peter Broun, September 1, 1830," Perth: SROWA, AU WA S2941 cons36 008, folio 133.
[114] Henry Reveley, "Letter from Henry Reveley to Peter Broun, October 13, 1830," Perth: SROWA, AU WA S2941 cons36 009, folio 65; Peter Broun, "Letter from Peter Broun to Henry Reveley, October 14, 1830," Perth: SROWA, AU WA S2755 cons49 003, folio 25.
[115] Peter Broun, "Letter from Peter Broun to Richard Lewis, December 21, 1830," Perth: SROWA, AU WA S2755 cons49 003, folios 81–82; Reveley, "Letter from Henry Reveley to Peter Broun, January 18, 1831," 84.

standalone punishment. The most significant step in the use of imprisonment came with the rise of 'houses of correction' in the sixteenth century, specifically through the erection of the London Bridewell in 1553, legislated in 1609. These institutions acted as a catchall for criminals and the poor. By the eighteenth century, they had become inefficient because of inadequate facilities and administration.[116] As the discourse on punishment began to change, the late eighteenth and nineteenth centuries proved to be a crucial period for the development of penitentiaries. During this time, the role of prisons evolved from retributive justice to the reformation of criminals through segregation, surveillance and labour.[117] However, this was not an immediate success because prisons were often centres for disease and did not adequately prevent the spread of criminal practices within them.[118] These issues were highlighted by prison reformers, most notably John Howard, who published *The State of Prisons in England and Wales* in 1777.[119] A decade later (1786), the Bentham brothers developed the panopticon as a model prison archetype.[120] Despite the penitentiary gaining traction during this period, it was arguably not a 'flagship of institutional change' in the nineteenth century.[121] Millbank Prison (1816) in London was Britain's first national penitentiary, but by 1867 there were only nine across the country.[122]

The panopticon was symbolic of Enlightenment thought on punishment because it was based on psychological reformation rather than bodily force.[123] Observation and surveillance were central to life within the prison; to this end, prisoners were held in a circular building, with the inspector's quarters occupying a central position from which the inmates could be watched.[124] This constant observation, or at least the belief that one was being constantly watched, led to inmates internalising the panopticon's rules to such an extent that the inspector could be rendered superfluous.[125] Prisoners within the panopticon were made into a spectacle—they would be subjected to the gaze of not only the inspector but also to that of visitors, who were permitted to enter as a way to deter possible future offenders.[126] Bentham even stated that

[116] Pratt, "This is Not a Prison," 376–378.
[117] Bavin, "Punishments, Prisons and Reform," 125; Winter, *Transforming the Colony*, 18.
[118] Wood, *Nineteenth Century Britain 1815–1914*, 68; E.P. Thompson, *The Making of the English Working Class* (London: Penguin Books Ltd., 2013), 61; Guidi, "My Own Utopia'," 405.
[119] Wood, *Nineteenth Century Britain 1815–1914*, 68; Thompson, *The Making of the English Working Class*, 61; Guidi, "My Own Utopia'," 405; John Howard, *The State of Prisons in England and Wales: With Preliminary Observations, and an Account of Some Foreign Prisons and Hospitals*, 2nd ed. (London: Warrington, 1780).
[120] Gombert, "An 'Opportunistic Interpretation' of Bentham's Panopticon Writings," 3.
[121] Willis, "Punishment and the Cultural Limits to State Power in the Late 18th-Century Britain," 16; C.P. Hill, *British Economic and Social History 1700–1975*, 4th ed. (London: Edward Arnold (Publishers) Ltd., 1977), 227.
[122] Bavin, "Punishments, Prisons and Reform," 126–127; Willis, "Punishment and the Cultural Limits to State Power in the Late 18th-Century Britain," 402.
[123] Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 6.
[124] Dinwiddy, *Bentham*, 7.
[125] Whitaker, *The End of Privacy*, 33.
[126] Pick, *Faces of Degeneration*, 137; Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 19.

theatrics were central to the panopticon—his design incorporated a gallery from which visitors could observe prisoners. However, because the inmates would wear masks, they could not see who was observing them.[127]

Jeremy Bentham campaigned tirelessly to have his panopticon implemented. His efforts were concentrated predominantly in Britain and the penal colony of New South Wales, but he also attempted to secure its use in France. He considered the French Revolution the perfect opportunity to implement reform.[128] Bentham first offered the panopticon to the British government in 1791 with some success, for in 1792, he won a contract by the government to build a prison that could accommodate a thousand prisoners. Bentham himself was to manage this prison.[129] However, because of the conflict with France in 1793, construction was delayed.[130] Indeed, while it was approved by a parliamentary act in 1794, it would not be constructed.[131] Regardless of its initial success, it was defeated in 1803.[132] Despite Bentham's optimism in 1809 about the future of the panopticon, it was rejected by the House of Commons in 1810 following a commission, and he finally abandoned the scheme in 1812–1813.[133] The establishment of Fremantle Gaol will be analysed in Chapters 3 and 4.

Conclusion

Within two years of its establishment, the Swan River Colony had a permanent prison. To contextualise its construction, it must be considered along with the region's Aboriginal history and its colonisation by the British. While the colony overcame an initial rejection to be founded in 1829, it was not an immediate success. Land was assigned according to settlers' assets rather than their finances, leading to a lack of circulating cash and economic struggles. However, the colony also suffered from poor agricultural endeavours and labour shortages, leading to drunkenness and disputes between indentured servants and their employers. This was a concern for the local government, which decided to construct Fremantle Gaol following the failure of islands and shipwrecks as prisons. The construction of the gaol symbolised the British obsession with the control of their citizens, particularly those who violated the rules. Fremantle Gaol

[127] Werrett, "Potemkin and the Panopticon," 12–13; Miran Bozovic, "An Utterly Dark Spot," *Qui Parle* 8, no.2 (1995): 86–87, https://www.jstor.org/stable/20686026.
[128] Dinwiddy, *Bentham*, 7.
[129] Causer, "The evacuation of that Scene of Wickedness and Wretchedness," 1; Jackson, "Jeremy Bentham and the New South Wales Convicts," 371; Jackson, "Bentham's Penal Theory in Action," 226.
[130] Jackson, "Jeremy Bentham and the New South Wales Convicts," 371.
[131] Guy, *The Victorian Age: An Anthology of Sources and Documents*, 27.
[132] Causer, "'The Evacuation of that Scene of Wickedness and Wretchedness'," 1.
[133] Jackson, "Jeremy Bentham and the New South Wales Convicts, 378; Werret, "Potemkin and the Panopticon," 2–3; Pratt, "This is Not a Prison," 374.

echoed the colony's connections to Britain and its legal and carceral institutions, which was evident in the prison's panoptic nature. The following chapter examines Fremantle Gaol's panoptic qualities in relation to its location, architecture, use and inmate demographics.

Chapter 4: Architecture, Location and Use

Introduction

Fremantle Gaol is an impressive feat of architecture, especially given its rapid construction and the fact that contractors would have had to adapt to the conditions and materials of their new location.[1] An examination of its fundamental features shows that Fremantle Gaol was a panoptic prison. However, this evaluation is made under the caveat that it did not fully comply with the designs of Samuel and Jeremy Bentham, nor those of Willey Reveley. Instead, Fremantle Gaol must be viewed as a colonial response to the penal needs of an isolated colony with limited resources. To identify the similarities between the panopticon and the gaol, it is important to first analyse the events that led to the gaol's establishment. The location of Fremantle Gaol is comparable to Bentham's ideas about suitable localities for panopticons. Architectural similarities between Bentham's prison and Henry Reveley's gaol are then drawn to demonstrate the panoptic resemblance of Fremantle Gaol. The use of the gaol outside of its capacity as a place of criminal incarceration also offers a deeper understanding of the role played by the panopticon and the gaol in society. Finally, the demographics of the incarcerated prisoners is also analysed to understand the type of people imprisoned and the crimes they committed.

Location

To examine the panoptic archetype of Fremantle Gaol, the building's location must first be analysed. The gaol was built on Whadjuk Noongar country in an area known as Walyalup.[2] However, following colonisation, this identity was censored and the area was renamed Fremantle.[3] Fremantle Gaol is located 32°S, 115°E on a limestone cliff, now known as Arthur Head, at the western end of High Street.[4] The gaol is elevated 10 metres above sea level and five metres over the surrounding flat areas.[5] This was one of two possible locations for the goal, with the other being the flats surrounding Arthur Head.[6] Ultimately, the gaol was built on Arthur Head

[1] Bavin-Steding, *Crime and Confinement,* 58; White, "Henry Reveley, Architect and Engineer," 29.
[2] Gare, "In the Beginning," 7.
[3] Gare, "In the Beginning," 7.
[4] Heritage Council of Western Australia, *Register of Heritage Places – Permanent Entry: Roundhouse* (Perth: Heritage Council of Western Australia, 1993), 4, http://inherit.stateheritage.wa.gov.au/Admin/api/file/16d28870-b519-a23d-3704-07e42af8e754; Location Maintenance and Delivery. *2033-IV-NE*. 2020. 1:25,000 scale. Midland, Landgate. https://www0.landgate.wa.gov.au/maps-and-imagery/topographic-maps.
[5] Location Maintenance and Delivery. *2033-IV-NE*. 2020.1:25,000 scale. Midland, Landgate.
[6] Lewis, "Letter from Richard Lewis to Peter Broun, August 6, 1830," 64.

however, the reasoning behind this decision remains unclear.[7] The gaol dominates the local landscape, symbolising British power, and its status was heightened by being one of the colony's earliest public buildings. Its position on the coast meant it was one of the first signs of the infant colony as ships approached the shore, serving as a reminder of home to those arriving in the foreign land and a symbol of British control.[8] This symbolism was further solidified by settlers referring to the building as resembling a castle, although the gaol was not frequently discussed in surviving letters to England.[9] This was most likely attributable to Swan River Colony being free from convicts at the time of foundation; thus, settlers did not wish to tarnish the area's reputation by drawing attention to a system of incarceration.[10] The location of Fremantle Gaol aligns with Bentham's ideas. Bentham believed that the panopticon needed to be visible to wider society to elicit a sense of seclusion, restraint and terror, stating that it is the 'dwelling-place of crime'.[11] Fremantle Gaol was not the only building on Arthur Head; in September 1834, Reveley designed a courthouse to sit adjacently to the gaol.[12] It could be argued that the addition of another building so close to Fremantle Gaol could detract from the symbolic meaning it was supposed to represent. However, this is arguably not the case, as the courthouse is a building that forms a part of the judicial system and is not another type of public establishment. This means that Bentham's 'dwelling place of crime' is still visible on Arthur Head.[13]

[7] Barteaux "Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia," 27; Bavin-Steding, *Crime and Confinement*, 55; Bavin, "Punishments, Prisons and Reform," 126.
[8] Bavin-Steding, *Crime and Confinement*, 58–9; Adams, "Capital punishment and the spectacle of death in colonial Fremantle," 88.
[9] William Stirling, "Letter from William Stirling, December 16, 1830," in *Swan River Letters vol.1,* ed. Ian Berryman, (Glengarry: Swan River Press, 2002), 206–207.
[10] Bosworth, *Convict Fremantle.* 3.
[11] Bentham, "Principles of Penal Law," 424.
[12] Robin Mck. Campbell, *The Round House Report No.2* (Perth: City of Fremantle, 1973), 5.
[13] Bentham, "Principles of Penal Law," 424.

Figure 1 Fremantle Gaol from ground level[14]

Known as Manjaree to the local Whadjuk Noongar people, Arthur Head was a significant site used for many social and cultural purposes. Its abundance of food and fresh water meant it was a place for meetings and trade between different family groups. The use of the area by the colonialists made 'a perverse mimicry of the traditional use of the area' because, in both instances, people were brought together, but for vastly different reasons.[15] However, the area was still used somewhat for its traditional purposes. When a Whadjuk man was shot by a man named John Mckail,[16] the Court decided that Mckail would offer blankets and flour to the

[14] Photo by author.
[15] Litchfield, "The Round House and its Questions about Community in Fremantle," 34.
[16] "Quarter Sessions," *Perth Gazette and Western Australian Journal,* July 11, 1835, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640843.txt. The name 'Mckail' was also occasionally presented as 'Mackail'. For the purpose of consistency, Mckail will be used unless in direct quotation.

victim's tribe as reparations for his actions.[17] Contemporary reports describe the fraught atmosphere that arose when this meeting was suggested to the victim's surviving relatives. However, one man—possibly an elder—agreed and encouraged others to do the same, diffusing the tension. Consequently, some of the victim's family members were permitted to enter the gaol and face Mckail. It was reported that 'they shook hands with him, and appeared to be perfectly satisfied', and the prisoner handed over the items.[18] It must be noted that this meeting does not truly replicate the traditional use of Manjaree because it was a forced interaction between the two parties and the British would have had no knowledge of Manjaree's original purpose.[19] However, it can be described as a blend of the traditional and colonial use of the land. This was not an isolated case—there have been other examples of where the colonial use of land mirrored the Noongar use, including churches built on sacred sites and hospitals built in places of healing.[20] Given that the colonisers would have had no knowledge of these traditional uses, this would have been coincidental.

Architecture

The architecture of Fremantle Gaol conforms to the design of the panopticon model. The design of the gaol demonstrates the importance placed on the management of prisoners through supervision and control.[21] The architect Henry Reveley attempted to give the prison an appearance worthy of its status in the colony—Fremantle Gaol was built as a dodecagon, with the gaoler's quarters being centrally placed.[22] While the panopticon was typically circular, Bentham did allow other shapes but noted that other forms were not ideal. However, the central location of the inspector was a critical factor.[23] The gaol was constructed of local limestone, with two flights of jarrah-edged concrete steps approaching the gaol—the first ascended the cliff itself, while the second led to the entrance. The exterior walls overlooking the townsite had no windows. Internally, the cell floors were the natural rock of the cliff, made level with limestone concrete, while the flooring in areas occupied by the gaoler was suspended timber.[24]

[17] Peter Broun, "Letter from Peter Broun to William H. Mackie, June 30, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 223–224.
[18] "Quarter Sessions," *Perth Gazette and Western Australian Journal,* 11 July 1835.
[19] Litchfield, "The Round House and its Questions about Community in Fremantle," 34.
[20] Robertson, Stasiuk, Nannup, and Hopper, "Ngalak Koora Djinang (Looking Back Together)," 51.
[21] Bavin, "Punishments, Prisons and Reform," 127; Dinwiddy, *Bentham*, 7.
[22] Bavin-Steding, *Crime and Confinement,* 55.
[23] Bentham, *"*Panopticon; or the Inspection-House," 43.
[24] Heritage Council of Western Australia. *Register of Heritage Places – Permanent Entry*, 5.

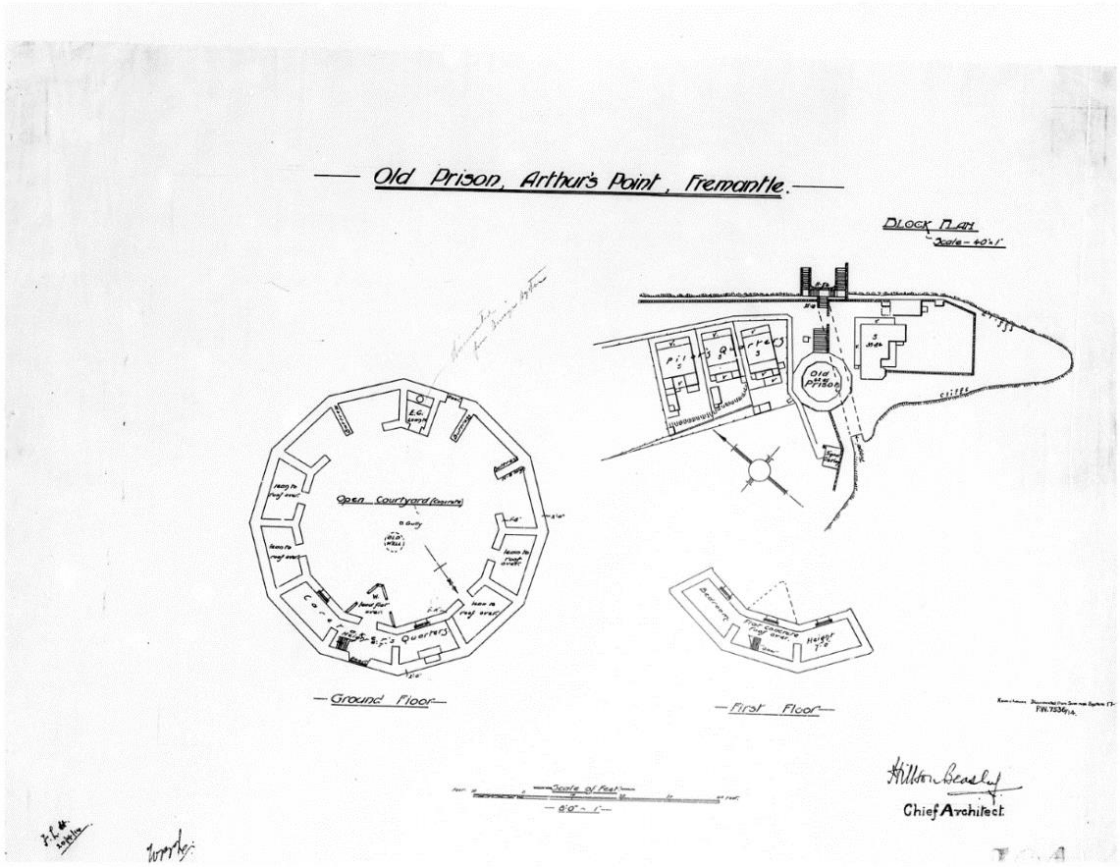

Figure 2 A map which shows the layout of Fremantle Gaol[25]

The gaol was compartmentalised into 12 sections, each measuring 4 x 1.9 metres: one for the entrance, one for the gaoler's accommodation, one for the kitchen, two for privies and seven for prisoner cells. A separate bakehouse was constructed beneath the stairs leading to the prison entrance.[26] *The areas used by the gaoler and for administrative purposes had windows opening into the courtyard; however, prison cells had no significant source of natural light when the cell door was shut.*[27] *The lack of windows in the cells did not create a conflict with the panoptic archetype because under Bentham's scheme, prisoners were afforded some privacy when naked, such as when washing or changing, with the caveat that they would show themselves to the inspector on request.*[28] *All sections opened into the shared courtyard, which spanned 12 metres and was used for exercise and ablutions.*[29] *The outer wall, closest to the town of Fremantle, held the gaoler's quarters, with most prisoners held along the opposite wall, allowing for constant observation.*[30] *This arrangement ensured the security of the gaoler because the inmates would be unable to surround him.*[31] *Incarcerated women and children were the exception and were housed adjacent to the gaoler to keep them separate from male prisoners while also permitting observation.*[32] *This meant that the gaoler could not remain anonymous, as stipulated by Bentham in the panopticon. However, given that the*

[25] H. Wray. *Fremantle Government Buildings, Old Gaol, Proposed Extension of Round House – Sketch by H. Wray. Sketch of Chapel at Fremantle Prison.* Perth: SROWA, AU WA S399 cons1647 00104.
[26] *Blue book (Statistical Returns for the Swan River Colony)*, 1837, 172.
[27] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 400.
[28] Bentham, "Panopticon; or the Inspection-House," 38.
[29] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 400.
[30] Bavin-Steding, *Crime and Confinement*, 55.
[31] Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 23.
[32] Bavin-Steding, *Crime and Confinement*, 55.

inspection principle was central to Bentham's prison, the gaol may be considered a colonial adaptation of the model.[33]Figure 3 The interior of Fremantle Gaol showing the gaoler's quarters (centre) and surviving cells (left and right)[34]

The gaol's small size meant that any classification other than by age, gender and conviction was impossible.[35] While prisoners of all races, ages and genders were confined within the gaol, the building was much smaller than Bentham's panopticon,[36] which was initially designed to span six storeys. In contrast, Fremantle Gaol had only seven cells with two to three inmates per cell, holding up to 21 prisoners in total.[37] Bentham had initially intended for prisoners to be kept in solitude but later deemed it proper to house two inmates per cell, or up to four if necessary. This was because he believed solitary confinement would cause 'a degree of barbarous perfection never yet given'.[38] The limited capacity of Fremantle Gaol was attributable not only to the lack of available resources at the time of construction but also to the colony's small population, which by 1839 had only reached 2,154 inhabitants.[39]

Capacity

As the colony's population grew, the gaol could no longer serve as Swan River's primary prison

[33] Bentham, "Panopticon; or the Inspection-House," 43; William H. Mackie, "A Report on the State of the Prisons in Western Australia as called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," Perth: SROWA, AU WA S2941 cons 36 048, folios 123–128; Bavin-Steding, *Crime and Confinement,* 55.
[34] Photo by author.
[35] *Blue Book (Statistical Returns for the Swan River Colony),* 1837, 173.
[36] Bavin-Steding, *Crime and Confinement,* 65; *Blue Book (Statistical Returns for the Swan River Colony),* 1838. Perth: SROWA, AU WA S4148 cons 1855 02, 170.
[37] Bentham, "Postscript Part – II," 209.
[38] Bentham, "Postscript Part I," 134.
[39] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 5, 14.

because of its small capacity.[40] From 1838, its location also became increasingly problematic. The local government considered Perth the preferred place for a penitentiary to reduce expenditure and manage prisoners closer to a 'higher authority'.[41] By the 1840s, the crowded state of the gaol was widely recognised.[42] However, there had been previous attempts to address concerns about capacity. The most significant attempt occurred in March 1834, when Reveley was called on to prepare plans for the extension of the gaol.[43] After a revision of the estimated costs and the awarding of the tender, the plans were sent to the gaoler to organise the prisoners for the stonework.[44] Concerns arose in May as to the suitability of the proposed plans, and Reveley was asked to explain how the extension would rectify the underlying capacity issues.[45] It can be assumed that Reveley's answers were satisfactory because, by June, he had been instructed to make a start on the stonework.[46] Construction was further stalled in July after the gaoler believed that the labourers did not have the sufficient skills, and as a result, a new tender was put out.[47] A petition protesting the use of prison labour when free tradesmen were in desperate need of work, which the government explained was a cost-saving measure, was also lodged to Fremantle's government resident.[48] Despite further tenders put out in September, no work was undertaken, and no further correspondence exists on this matter.[49]

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[40] *Blue Book (Statistical Returns for the Swan River Colony),* 1838, 170.
[41] Charles Macfaull, "Statistical Report," *Perth Gazette and Western Australian Journal,* June 16, 1838, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639510.txt; "VIII State of Crime," *Inquirer,* March 31, 1841, http://nla.gov.au/nla.news-article65582294.
[42] Richard Broun, "To the Editor of the Perth Gazette," *Perth Gazette and Western Australian Journal,* April 11, 1840, https://trove.nla.gov.au/newspaper/rendition/nla.news-article638747.txt; Charles Symmons, "Letter from Charles Symmons to Peter Broun, January 8, 1841," Perth: SROWA, AU WA S2941 cons36 095, folio 5.
[43] Peter Broun, "Letter from Peter Broun to Henry Reveley, March 20, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 272.
[44] Peter Broun, "Letter from Peter Broun to Henry Reveley, April 16, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 294.
[45] Peter Broun, "Letter from Peter Broun to Henry Reveley, May 7, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 312.
[46] Peter Broun, "Letter from Peter Broun to Henry Reveley, June 10, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 345.
[47] William Manning, "Letter from William Manning to Peter Broun, July 8, 1834," Perth: SROWA, AU WA S2941 cons36 033, folio 38; Broun, "Letter from Peter Broun to Henry Reveley, June 10, 1834", 345; Peter Broun, "Letter from Peter Broun to Henry Reveley, July 8, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 371; Henry Vincent. "Letter from Henry Vincent to George Leake, July 8, 1834," Perth: SROWA, AU WA S2941 cons36 033, folio 41.
[48] Peter Broun, "Letter from Peter Broun to W.T. Graham, July 9, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 373; Vincent, "Letter from Henry Vincent to George Leake, July 8, 1834," 41; Peter Broun, "Letter from Peter Broun to Henry Reveley, July 9, 1834," Perth: SROWA, AU WA S2755 cons49 006, olio 373, 1834; Additional Building to be Attached to the Jail at Fremantle," *Perth Gazette and Western Australian Journal,* June 14, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641457.txt; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* June 28, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641436.txt.
[49] Peter Broun, "Government Notice, September 16, 1834," Perth: SROWA, AU WA S2755 cons49 010, folios 15–16.

Maintenance

Fremantle Gaol often needed general maintenance and repairs for issues adversely affecting the incarcerated prisoners. These issues began soon after the gaol opened in 1831. Following the death of an inmate, the coroner's report strongly recommended improvements to the building's structure and interior comforts.[50] By April 1831, some improvements had been made, with the *Colonial Times* reporting that 'the improvements in the interior of Fremantle Gaol are nearly completed'.[51] The roof was an endless source of difficulty for the civil engineer, apparently almost immediately after the opening of the gaol. In both March and June 1831, rain leaked into the gaol, causing the destruction of supplies in one incident.[52] Following the incident in June, the superintendent of Fremantle Gaol applied to the government for permission to rent a house in which to keep the prisoners because the gaol could not provide adequate shelter.[53] These issues were not rectified until April 1832.[54] Further inconvenience was caused in 1837, when heavy rain penetrated the roof, flooding the prisoners' cells and two rooms used by the gaoler. At 3:00 am, the inmates were moved to the neighbouring courthouse because the gaol had been rendered uninhabitable.[55] This issue was rectified a month later by replastering and repairing the parapets, with the contractor entering into a bond to ensure it would remain watertight for at least four months.[56] The suffering of the prisoners as a result of the conditions in the gaol was something Bentham sought to prevent through the provision of adequate shelter.[57] The constant maintenance required for the roof of the gaol is primarily attributed to its flat design, which was

[50] Peter Broun, "Letter from Peter Broun to W.T. Graham, June 26, 1831," Perth: SROWA, AU WA S2755 cons49 004, folios 125–126.
[51] "Hobart Town," *Colonial Times*, June 29, 1831, https://trove.nla.gov.au/newspaper/rendition/nla.news-article8645939.txt; Henry Reveley, "Letter from Henry Reveley to Peter Broun, April 23, 1831," Perth: SROWA, AU WA S2941 cons36 014, folio 106.
[52] Peter Broun, "Letter from Peter Broun to the Deputy Harbour Master, March 29, 1831," Perth: SROWA, AU WA S2755 cons49 004, folio 24; Peter Broun, "Letter from Peter Broun to Henry Reveley, March 29, 1831," Perth: SROWA, AU WA S2755 cons49 004, folio 25; Reveley, "Letter from Henry Reveley to Peter Broun, April 23, 1831," 106; Henry Reveley, "Letter from Henry Reveley to Peter Broun, March 31, 1831," Perth: SROWA, AU WA S2941 cons36 013, folio 219; Henry Reveley, "Letter from Henry Reveley to Peter Broun, January 14, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 17.
[53] Richard Lewis, "Letter from Richard Lewis to Peter Broun, June 11, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 15.
[54] Henry Reveley, "Letter from Henry Reveley to Peter Broun, February 29, 1832," Perth: SROWA, AU WA S2941 cons36 020, folio 168; Henry Reveley, "Letter from Henry Reveley to Peter Broun, May 1, 1832," Perth: SROWA, AU WA S2941 cons36 022, folio 2; Henry Vincent, "Letter from Henry Vincent to Peter Broun, April 4, 1832," Perth: SROWA, AU WA S2941 cons36 021, folio 148.
[55] Richard Broun, "Letter from Richard Broun to Peter Broun, June 25, 1837," Perth: SROWA, AU WA S2941 cons36 054, folio 84.
[56] Henry Reveley, "Letter from Henry Reveley to Peter Broun, February 9, 1837," Perth: SROWA, AU WA S2941 cons36 051, folios 188–189; Henry Reveley, "Letter from Henry Reveley to Peter Broun, July 20, 1837," Perth: SROWA, AU WA S2941 cons36 054, folio 167.
[57] Bentham, "Principles of Penal Law," 442–3.

a consistent issue with many of Reveley's buildings.[58]

Uses of Fremantle Gaol

The primary purpose of Fremantle Gaol was the incarceration of criminals; however, it also played other roles, including as an asylum, a hospital and a poorhouse, to compensate for the lack of established infrastructure. The use of the gaol for people other than criminals aligned with the ideas of Bentham, who intended the panopticon to be a multipurpose institution.[59]

Fremantle Gaol functioned as an asylum in the early years of its operations, prior to the establishment of dedicated asylums. Its role as an asylum began not long after its completion in 1831, with its first patient, Dr Langley, being admitted in February of that year.[60] However, correspondence from Reveley to Colonial Secretary Peter Broun in May 1831 indicates that a suitably strong cell was not ready because of unspecified delays, with recommendations for the use of a 'strait waist coat and trousers ... which will effectually prevent any further damage'.[61] By September 1831, Langley's condition had significantly improved, and the superintendent wished to discharge him from the gaol.[62] The additional costs associated with keeping patients in the prison became an issue during Dr Langley's time in the gaol, with Richard Lewis, the superintendent of Fremantle Gaol, calling upon the local government to increase the funds available to him to maintain the inmates.[63] It is unclear whether Dr Langley resided in the gaol's strong cell, which was deemed 'out of repair' in April 1832 and not rectified until June, when the gaoler, Henry Vincent, suggested a prisoner who had the skills to fix the cell.[64] While there is no apparent record of Langley's discharge from the gaol, it appears that he was fully recovered

[58] Peter Broun, "Letter from Peter Broun to Henry Reveley, June 8, 1831," Perth: SROWA, AU WA S2755 cons49 004, folio 107; Reveley, "Letter from Henry Reveley to Peter Broun, February 29, 1832," 168; Peter Broun, "Letter from Peter Broun to Henry Reveley, June 26, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 359; Peter Broun, "Letter from Peter Broun to Henry Reveley, April 9, 1838," Perth: SROWA, AU WA S2755 cons49 008, folio 333; White, "Building in Western Australia 1829–1850," 81–2.
[59] Bentham, "Panopticon; or the Inspection-House," 76, 80–2, 86.
[60] Peter Broun, "Letter from Peter Broun to Charles Simmonds, September 9, 1831," Perth: SROWA, AU WA S2755 cons49 005, folio 20; Daniel Scott, "Letter from Daniel Scott to the Harbour Master Office Fremantle, February 2, 1831," Perth: SROWA, AU WA S2941 cons36 012, folio 140.
[61] Reveley, "Letter from Henry Reveley to Peter Broun, May 10, 1831," 73.
[62] Richard Lewis, "Letter from Richard Lewis to Peter Broun, September 3, 1831," Perth: SROWA, AU WA S2941 cons36 017, folio 128.
[63] Richard Lewis, "Letter from Richard Lewis to Peter Broun, January 10, 1832," Perth: SROWA, AU WA S2941 cons36 020, folio 31.
[64] Vincent, "Letter from Henry Vincent to Peter Broun, April 4, 1832," 148; Henry Vincent, "Letter from Henry Vincent to Peter Broun, June 14, 1832," Perth: SROWA, AU WA S2941 cons36 022, folio 141; Peter Broun, "Letter from Peter Broun to Henry Vincent, April 10, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 108.

and had returned to practising medicine by the end of 1832.[65] In 1834, the strong cell's lining required repairs, but there were no asylum patients in the gaol at the time.[66]

Given the lack of archival materials, probably because of the associated stigma, it is difficult to gauge how many asylum patients were confined in the gaol.[67] However, it could also be due to the regular destruction of records that were perceived to no longer be relevant, rather than a sense of societal shame surrounding mental health. George Hagstaff was admitted in 1835 on the colonial surgeon's recommendation,[68] but further details do not exist. The *Blue Books* from 1837 to 1841 also do not record any patients.[69] Bentham considered the panopticon model an efficient way of safekeeping asylum patients,[70] arguing that 'the powers of the insane ... are capable of being directed either against their fellow-creatures or against themselves'; thus, keeping these patients under observation in cells rendered harsher means of control unnecessary.[71] Bentham also stated that patients could be comfortably kept within a penal panopticon because vacant cells could be adapted to their needs.[72] The adapted cells in Fremantle Gaol demonstrates that this practice was adopted as the patients housed were not criminal offenders, therefore the prison acted like a hospital.[73]

The gaol was also utilised as a hospital for those who could not afford medical care. According to the surviving evidence, this use took place in 1835, 1837, 1839 and 1840 (although it may have also been utilised as a hospital in other years). The gaol's annual return in 1835 under the heading of 'Lunatics or Other Extraordinary Prisoners' lists two sick people residing in gaol.[74] One of these individuals was George Hagstaff, mentioned above, who had been confined as an asylum patient;[75] however, it is not possible to name the second patient. The annual return of 1837 also shows two sick men temporarily residing in the institution. One of

[65] Peter Broun, "Letter from Peter Broun to Doctor Langley, October 3, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 82.
[66] Henry Reveley, "Letter from Henry Reveley to Peter Broun, January 31, 1834," Perth: SROWA, AU WA S2941 cons36 030, folio 127.
[67] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 399.
[68] Peter Broun, "Letter from Peter Broun to Richard Broun, December 9, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 339–340.
[69] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 174; *Blue Book (Statistical Returns for the Colony)*, 1838, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1839. Perth: SROWA, AU WA S4148 cons 1855 03, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840. Perth: SROWA, AU WA S4148 cons 1855 04, 201; *Blue Book (Statistical Returns for the Swan River Colony)*, 1841. Perth: SROWA, AU WA S4148 cons 1855 05, 194.
[70] Bentham, "Panopticon; or the Inspection-House," 33–34.
[71] Bentham, "Panopticon; or the Inspection-House," 81–82.
[72] Bentham, "Panopticon; or the Inspection-House," 82.
[73] Mackie, "A Report on the State of the Prisons in Western Australia as called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 127.
[74] Henry Vincent, "Annual Return of the State of His Majesty's Jail at Fremantle Western Australia During the Year 1835," Perth: SROWA, AU WA S2941 cons36 044, folio 6.
[75] Broun, "Letter from Peter Broun to Richard Broun, December 9, 1835," 339–340.

these men was Charles Spyers, who was possibly admitted in late September or early October on account of his 'melancholy state'.[76] He recovered quickly and was discharged on 10 October.[77] The second patient admitted in 1837 can be assumed to be an unnamed servant with similar symptoms to those of Spyers, but no further detail is given about the case.[78] The *Blue Book* of 1839 shows evidence of a Noongar man admitted to the gaol for assistance following an altercation with another Noongar man, but he would not recover.[79] There were a further two cases of unwell individuals entering the gaol in 1840. The first mention appears in the *Quarterly Return of January 1840*, which indicates that a pauper named Samuel Thomas had been in the institution for several months because of poor health.[80] Not long after the annual return was lodged, a boy listed only as 'Stanley' had appeared at the gaol 'in a most destitute state' and 'suffering great agony'.[81] However, it was later recommended that he be moved to the colonial hospital because the gaol already had 12 inmates and not enough cells to keep him.[82]

Bentham's panopticon prison was designed to include a hospital, but he also saw the application of the model for a standalone hospital.[83] While Bentham largely considered the panopticon archetype to be applicable for a separate institution, he did recognise that there would be a need for medical care within the prison.[84] To this end, he considered that each cell 'may receive the properties of a hospital', but if it were deemed more appropriate, some cells could be utilised for housing the sick.[85] Bentham also considered that another building on the prison site could be used if infectious disease was present.[86]

According to surviving correspondence, Fremantle Gaol's use as a poorhouse for the destitute occurred with some frequency. The first recorded instance of this was in December 1835, when William Snippard was admitted because of his ailing health and destitute condition.[87] This practice continued for Simon Johnson in early 1836. While it is unclear when

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[76] *Annual Return of the State of Her Majesty's Jail at Fremantle Western Australia for the Year 1837*, Perth: SROWA, AU WA S2941 cons36 058, folio 36.
[77] Richard Broun, "Letter from Richard Broun to Peter Broun, October 10, 1837," Perth: SROWA, AU WA S2941 cons36 056, folio 29.
[78] Peter Broun, "Letter from Peter Broun to Richard Broun, October 8, 1837," Perth: SROWA, AU WA S2755 cons49 008, folio 227.
[79] *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 171.
[80] Thomas Hunt, "Quarterly Return of Prisoners, January 1840," Perth: SROWA, AU WA S2941 cons36 083, folio 6.
[81] Richard Broun, "Letter from Richard Broun to Peter Broun, January 3, 1840," Perth: SROWA, AU WA S2941 cons36 085, folios 1–2.
[82] Broun, "Letter from Richard Broun to Peter Broun, January 3, 1840," 1–2; Richard Broun, "Letter from Richard Broun to Peter Broun, September 12, 1840." Perth: SROWA, AU WA S2941 cons36 085, folio 43.
[83] Bentham, *"*Panopticon; or the Inspection-House*,"* 82, 85.
[84] Bentham, "Panopticon; or the Inspection-House," 48, 82.
[85] Bentham, "Panopticon; or the Inspection-House," 85.
[86] Bentham, "Panopticon; or the Inspection-House," 85.
[87] Broun, "Letter from Peter Broun to Richard Broun, December 9, 1835," 339–340.

he first entered, communication from the colonial secretary to the government resident in Fremantle stated he could remain 'on the destitute list, but he must not be continued in the jail'.[88] There is further evidence of similar actions for a woman identified only as 'Mrs Marshall' in July 1839, when the colonial surgeon deemed it necessary for the government to assist her for an additional month.[89] While admittance into the gaol on account of being destitute was not as common as entering a workhouse in Britain, it does demonstrate its use as a poorhouse because inmates were not compelled to work.[90] Newspaper reports imply that relief for the poor in the Swan River Colony involved the distribution of money or necessities.[91] This method was abolished in England in the mid-1830s by the *Poor Law Amendment Act 1834*, which stipulated that all relief must be provided solely through admittance into a workhouse, a method endorsed by Bentham, specifically through the panopticon.[92] Bentham considered the principle of inspection to be of great utility for both employing the able and 'maintaining the helpless' through workhouses or poorhouses.[93] While the method applied in the colony deviated from Bentham's scheme, it can largely be explained by the colony's lack of finances and inability to sustain a standalone institution for such a small population, as well as the limited capacity of Fremantle Gaol.[94] However, there was a push for government departments to employ paupers as labourers, circumnavigating the need to sustain them solely out of the government pocket or house them in government-funded institutions.[95]

Inmate Demographics

The demographics of those tried and convicted in the Court of Quarter Sessions can contribute to the understanding of prisoners' backgrounds and the crimes they committed. This examination is based on court records, which offer the most complete account of convictions between 1831

[88] Peter Broun, "Letter from Peter Broun to Richard Broun, March 2, 1836," Perth: SROWA, AU WA S2755 cons49 007, folio 387.
[89] James Crichton, "Letter from James Crichton to Peter Broun, July 4, 1839," Perth: SROWA, AU WA S2941 cons36 071, folio 85.
[90] M.A. Crowther, *The Workhouse System 1834–1929: The History of an English Social Institution (*London: Methuen & Co. Ltd., 1983), 27–28.
[91] "No Title," *Swan River Guardian,* October 20, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041645.txt.
[92] "No Title," *Swan River Guardian,* October 20, 1836; Hetherington, *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910*, 6, 9–11; Crowther, *The Workhouse System 1834–1929*, 27–28; Jeremy Bentham, "Essays on the Subject of the Poor Laws," in *The Collected Works of Jeremy Bentham: The Writings on the Poor Laws Volume 1*, ed. Michael Quinn (Oxford: Oxford University Press, 2010), 104.
[93] Bentham, "Panopticon; or the Inspection-House," 33–34.
[94] Appleyard and Manford, *The Beginning*, 199; *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 173.
[95] Peter Broun, "Letter from Peter Broun to Henry Reveley, June 20, 1834," Perth: SROWA, AU WA S2755 cons49 006, folios 351–352; Broun, "Letter from Peter Broun to Henry Reveley, June 10, 1834," 345; Hetherington, *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910*, 2, 5–7.

and 1841. Other types of reporting were either utilised later in the period (e.g. the *Quarterly Returns of Prisoners*, which appear from 1835, and the *Blue Books*, which appear from 1837) or have not survived in sufficient quantities to construct a detailed overview.[96] However, it appears that the court records only pertain to those considered permanent members of the population, which changed throughout the period under study. For example, Noongar people only appear after 1837, in contrast to newspaper reports and the *Quarterly Returns*.[97] Nevertheless, because this research sought to construct as complete an overview as possible of the gaol population, the court records proved to be the best option because of their continued use over the period. Although every endeavour was made to provide an accurate representation of Noongar prisoners, it was difficult to do so.

Total Convictions

The number of prisoners incarcerated in Fremantle Gaol fluctuated throughout the period under consideration. Between 1831 and 1841, there was a total of 212 convictions from 342 indictments.[98] British settlers accounted for the majority of these convictions, and this was consistent across the period.[99] Convictions of non-European men are evident in the court records only until 1837; this may have been because they were recategorised as 'not forming any bona fide part of the population'.[100] This heading was utilised in a report published in the *Perth Gazette* in 1836, which stated that 55 people had been convicted under this category.[101] The opposite

[96] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26; Vincent, *Quarterly Return of Prisoners Confined in the Common Jail at Fremantle the and the Quarter Session July 1* 1835, 1; Hunt, "Quarterly Return of Prisoners, January 1840," 6; *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 170–171; *Blue Book (Statistical Returns for the Colony)*, 1838, 170–171; *Blue Book (Statistical Returns for the Swan River Colony), 1839*, 170–171; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 196–197; *Blue Book (Statistical Returns for the Swan River Colony), 1841*, 187–190.
[97] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836; "VIII State of Crime," March 31, 1841; Vincent, *Quarterly Return of Prisoners Confined in the Common Jail at Fremantle the and the Quarter Session July 1* 1835, 1; Hunt, "Quarterly Return of Prisoners, January 1840," 6.
[98] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[99] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[100] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26; "Report of the Committee of Correspondence, Appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836.
[101] "Report of the Committee of Correspondence, Appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836.

could be said for the Noongar population, who appear in the court records from 1837.[102] This could have been in response to increased resistance or an attempt to constitute them as British subjects, a conversation that was taking place in 1837.[103] To gain a complete overview of convictions, the *Blue Books* from 1837 to 1841 were used to supplement the court records.[104] There is a discrepancy of 26 men between the court records and the *Blue Book* of 1837; however, *Blue Book* statistics include some that were held for only a few hours.[105] The *Blue Book* of 1838 includes an additional 50 men and one woman being convicted; however, these were most likely sailors temporarily held in confinement or charged with contempt of court.[106] The most considerable discrepancy is visible in 1839, when the *Blue Book* states that 135 men and six women had been convicted, leaving 112 people not accounted for in the court records.[107] However, the *Blue Book* states that 52 men had been convicted, and the remaining 60 were only held temporarily.[108] A similar situation was visible in 1840, where 27 men and three women are accounted for in the *Blue Book* but not in the court records.[109] Finally, in 1841, there are 31 additional men in the *Blue Book*, which was attributable to short periods of confinement for conduct such as drunkenness.[110]

[102] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[103] Giustiniani, "The Logic of Swan River," *Swan River Guardian*, November 23, 1837.
[104] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 170–171; *Blue Book (Statistical Returns for the Colony)*, 1838, 170–171; *Blue Book (Statistical Returns for the Swan River Colony), 1839*, 170–171; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 196–197; *Blue Book (Statistical Returns for the Swan River Colony), 1841*, 187–190.
[105] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 170–171.
[106] *Blue Book (Statistical Returns for the Swan River Colony)*, 1838, 170–171.
[107] *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 170–171.
[108] *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 170–171.
[109] *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 196–197.
[110] *Blue Book (Statistical Returns for the Swan River Colony)*, 1841, 187–190.

Table 4.1: Total number of convictions by ethnicity and gender (1831–1841)[111]

Year	British		Noongar		Non-European		Unknown[112]
	M	F	M	F	M	F	
1831	7	–	–	–	–	–	1
1832	21	1	–	–	4	–	3
1833	13	1	–	–	2	–	1
1834	25	1	–	–	2	–	–
1835	27	1	–	–	1	–	1
1836	8	1	–	–	1	–	–
1837	10	1	6	–	–	–	1
1838	10	–	4	–	–	–	2
1839	9	1	13	1	–	–	1
1840	4	2	7	–	–	–	–
1841	13	1	3	–	–	–	1

Theft

Larceny and simple larceny were the most common convictions for all ethnicities, although British settlers accounted for the vast majority.[113] It may be speculated that Noongar and non-European people were underrepresented in the records because of the recategorisation of their status during this period.[114] While Noongar people received more convictions for receiving stolen property than did British settlers, the opposite was true when goods were obtained under false pretences.[115] Court records show that convictions for theft from houses were similar for British settlers and Noongar people; however, convictions for breaking into warehouses were given entirely to settlers.[116] Only British settlers were convicted of robbery and burglary

[111] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[112] While every care has been given to accurately document the ethnicity of the people convicted between 1831 and 1841 it has not been possible to identify everyone. Although it could be feasible to speculate, it would not be conducive for accurate history.
[113] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[114] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836; "VIII State of Crime," March 31, 1841.
[115] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[116] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.

(including accessory after the fact), with four and two sentences being given, respectively.[117] One settler was also convicted for plundering a shipwreck.[118] Crimes related to livestock were usually committed by Noongar people, for whom there were eight convictions for theft of livestock compared with one British settler convicted of killing stock.[119] Noongar academics have postulated that the taking of livestock by Noongar people was not a crime but a way of collecting 'rent' from settlers for imposing on their country.[120] The high rates of larceny and simple larceny committed by British settlers can be explained by the difficulty of procuring goods in the non-penal colony.[121]

Table 4.2: Types of theft committed by ethnicity (1831–1841)[122]

Conviction	British	Noongar	Non-European	Unknown
Larceny	86	10	6	–
Simple larceny	24	1	–	–
Receiving stolen property	1	4	–	–
Obtaining goods under false pretences	3	1	–	–
Housebreaking	3	4	–	1
Burglary	1	–	–	–
Accessory after the fact (burglary)	1	–	–	–
Robbery	4	–	–	–
Breaking into a warehouse	2	–	–	–
Plundering a shipwreck	1	–	–	–
Livestock theft	–	8	–	–
Killing of livestock	1	–	–	–

Crimes Against the Body

In the period 1831–1841, there were fewer convictions for crimes against the body than for theft.[123] Convictions concerning assault and battery were wholly attributed to British settlers,

[117] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[118] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[119] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[120] Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 88.
[121] White, "Agricultural Societies in Colonial Western Australia 1831–1870," 5; Reece, "Eating and Drinking at Early Swan River Colony," 463; Gare, "In the Beginning," 17.
[122] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[123] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.

apart from one to a non-European man.[124] This is similar to convictions of rape or intent to commit rape, which saw five British settlers and two non-European men convicted.[125] Between 1831 and 1841, only Noongar people were convicted of murder, with nine convictions being administered.[126] A further two Noongar people and one British settler were convicted with the intent to commit murder.[127] In addition to these crimes, one unidentifiable person received a conviction for the intent to commit sodomy, and one British settler was convicted of concealing a birth.[128]

Table 4.3: Convictions concerning bodily harm by ethnicity (1831–1841)[129]

Conviction	British	Noongar	Non-European	Unknown
Assault and battery	10	–	1	–
Concealing a birth	1	–	–	–
Rape or intent to commit rape	5	–	2	–
Intent to commit sodomy	–	–	–	1
Murder	–	9	–	–
Intent to commit murder	–	2	–	–

Financial Offences

Financial offences were not common in the Swan River Colony's early years and were wholly attributed to British settlers.[130] During this time, three settlers were convicted of embezzlement and one for coining rupees.[131]

[124] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[125] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[126] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[127] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[128] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[129] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[130] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[131] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.

Table 4.4: Financial offences by ethnicity (1831–1841)[132]

Offence	British	Noongar	Non-European	Unknown
Embezzlement	3	–	–	–
Coining rupees	1	–	–	–

Miscellaneous Offences

Some convictions occurred during the period under consideration that do not fit into any of the preceding categories. One British settler, a Noongar person and an unidentifiable person each received a conviction for unspecified felonies. A further two settlers were convicted of prison break, one for arson and three for perjury.[133]

Table 45: Miscellaneous offences by ethnicity (1831–1841)[134]

Offence	British	Noongar	Non-European	Unknown
Unspecified felony	1	1	–	1
Prison break	2	–	–	–
Arson	1	–	–	–
Perjury	3	–	–	–

Conclusion

The gaol's location on Arthur Head fulfilled Bentham's desire to have panopticons built in a prominent location to remind those outside of the institution of the consequences of violating British rule.[135] From an architectural standpoint, it is evident that Fremantle Gaol was panoptic by design, evidenced by the dodecagon shape of the gaol, the gaoler's quarters embedded in the wall, and the location of prisoners to permit surveillance but not allow them to surround the gaoler, thus ensuring his security.[136] While the design of Fremantle Gaol deviates somewhat from Bentham's ideas (such as its shape or adaptation to colonial needs), these can be dismissed as of little importance in Bentham's scheme.[137] However, Fremantle Gaol resembles the

[132] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[133] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[134] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[135] Bentham, "Principles of Penal Law," 424.
[136] Bavin-Steding, *Crime and Confinement*, 55; Steadman, "The Contradictions of Jeremy Bentham's Panopticon Penitentiary," 23.
[137] Bentham, "Panopticon; or the Inspection-House," 43.

panopticon in that it unequivocally conforms to the core principle of inspection. The use of Fremantle Gaol outside of its primary function as a place of incarceration, including as an asylum, a hospital and a poorhouse, also conforms to Bentham's plan for the panopticon.[138] Although Bentham did intend for hospitals to be separate institutions, given the small size of the colony, this was not feasible.[139] The demographics that can be attained from the convictions through the Quarter Sessions demonstrate that it was predominately British settlers who were convicted between 1831 and 1841. However, they cannot be considered to be wholly reliable as other racial backgrounds, including local Noongar people, would not be counted as members of the permanent population and thus would not be included in the statistics. The location, architecture and use of Fremantle Gaol positions it as a colonial response to Bentham's panopticon model. Chapter 5 examines how the gaol operated by comparing its rules and regulations with the panopticon model.

[138] Bentham, "Panopticon; or the Inspection-House," 76, 80–2, 86.
[139] Bentham, "Panopticon; or the Inspection-House," 82, 85.

Chapter 5: Establishing a Panopticon: The Rules and Regulations of Fremantle Gaol

> Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated as it were upon a rock—the Gordian knot of the Poor-Laws not cut but untied—all by a simple idea in Architecture![1]

Introduction

Bentham set forth his intended aims for the panopticon through these words in the preface to his *Panopticon; or the Inspection House*. Examination of the day-to-day operations of Fremantle Gaol demonstrates that it conformed to these aims and Bentham's general ideas on penal management. However, given that Fremantle Gaol was a colonial response to the panopticon model, some deviations are to be expected in the rules and regulations discussed in this chapter. The gaol's panoptic operations are evidenced by two sets of rules and regulations published by the Colonial Secretary's Office in 1831 and 1835, respectively, and communicated to the wider community in the *Perth Gazette* (1835).[2] These two sets of rules were entitled 'The Duties of Keepers and Officers' and 'The Treatment of Prisoners', respectively. To enable a detailed analysis, these two categories are discussed under the sections headed 'Governance of the Gaol' and 'Prisoner Management' below. The first section considers the management of the gaol by magistrates, superintendents, gaolers and the military to ascertain its hierarchical governance structure. The second section examines how prisoners were treated and managed with respect to their health, cleanliness, provisions, diet, separation, labour and morality. While the rules and regulations provide an insight into the operations of Fremantle Gaol, it is difficult to determine how it operated on a day-to-day basis. However, they are essential for understanding how prison life was experienced by all involved in the institution.

[1] Bentham, "Panopticon; or the Inspection-House," 31.

[2] Peter Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," Perth: SROWA, AU WA S2755 cons49 004, folios 36–39; Peter Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," Perth: SROWA, AU WA S2755 cons49 010, folios 42–46; Peter Broun, "Government Notice," *Perth Gazette and Western Australian Journal,* March 7, 1835, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641039.txt.

Governance of the Gaol

Management of the gaol

The first regulation outlined in both the 1831 and 1835 rules states that English law with respect to the management of gaols and their inmates would be applied to the prisons of the colony. Both Fremantle Gaol and the panopticon would be subject to English law, but in the regulations set forth for Fremantle Gaol in 1835, this only applied to issues not covered by local provisions.[3] This demonstrates the growth of the colony, which allowed for further penal development suited to colonial needs. The 1831 rules stated that the lieutenant-governor alone would be responsible for changes to the regulations. However, in 1835, the magistrates could recommend changes in governance.[4] This change can most likely be explained by the waning need for the governor to have substantial involvement and control over the developing penal policy. Neither the panopticon nor Fremantle Gaol were permitted to take fees from inmates in lieu of paying the overseers.[5]

Magistrates

Central to the management and governance of the gaol was the magistrates,[6] who were appointed annually. The magistrates visited monthly and reported on any issues of neglect or misconduct on the part of the officers in the following Quarter Sessions or, in extreme cases, immediately to the colonial secretary.[7] The 1835 regulations stipulated that the magistrates would shoulder the

[3] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

[4] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

[5] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

[6] The magistrates would also be responsible for permitting the use of auxiliary punishments within the gaol. This will be discussed in Chapter Five.

[7] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

responsibility for the gaol's economy. This differs slightly from the 1831 regulations, which gave this responsibility to the superintendent under the caveat of visits by the magistrates. Rule 4 of the 1835 regulations stated that magistrates would have access to the gaol at 'all reasonable hours'.[8] This is probably because the gaol keepers received orders and directions from the magistrates.

In contrast, the panopticon scheme placed most of the responsibility for the running of the institution onto independent contractors to ease the burden for magistrates.[9] In Bentham's mind, this would empower the contractor because all rewards and punishments would fall to him.[10] This does not negate the role of magistrates or those in higher positions of authority, who would still be required to balance the contractor's power.[11] Under the rules of 1831 and 1835, the nearest magistrate, along with the colonial secretary, was to be informed of disease or the death of an inmate.[12] Steps for reporting the death of a prisoner do not appear in Bentham's works, but given that he states that contractors should be punished for every prisoner who died in his custody, it may be assumed that a communication system was in place.[13]

Superintendents and gaolers

The superintendent and gaolers were responsible for the day-to-day management of the prison. The function of these two roles is comparable to the contractor's position under Bentham's scheme.[14] It is possible that the language used to describe the hierarchy changed with the second set of rules for the gaol in 1835. In 1831, the roles were organised as superintendent and gaoler;

[8] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.
[9] Bentham, "Panopticon; or the Inspection-House," 46.
[10] Bentham, "Postscript Part – II," 223.
[11] Bentham, "Postscript Part – II," 215.
[12] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[13] Bentham, "Panopticon; or the Inspection-House," 67.
[14] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42; Bentham, "Postscript Part – II," 223.

in 1835, this changes to gaoler and assistant or under-gaoler.[15] The use of an assistant or under-gaoler does not conflict with Bentham's scheme—although he initially envisioned the gaoler and his family sufficient to maintain order in the panopticon, he later recognised that a sub-gaoler would be useful.[16] Both systems made it mandatory for the gaoler to live in the institution—Bentham saw this as advantageous because the gaoler's family would act as extra surveillance while only one salary would be paid.[17]

The rules and regulations stipulated that those involved in the running of the gaol could have no financial interest.[18] In 1831, the superintendent was mandated to inspect the prison daily; however, this was expanded in 1835 to include the inspection of cells and enforcement of hygiene rules by the gaoler at least once every 24 hours.[19] This was in line with Bentham's philosophy of promoting cleanliness as a way of preserving health.[20] Further evidence of this is visible in the 1835 rules, which state that the keeper was also responsible for reporting accidents or illness and ensuring the quality of provisions.[21] Superintendents and gaolers were also responsible for communication with government departments, such as when repairs to the building were needed.[22] While Bentham does not appear to account for the maintenance of his panopticon, this would be an essential element to protect the health of inmates.[23]

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[15] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42–43.

[16] Bentham, "Panopticon; or the Inspection-House," 44; Bentham, "Postscript Part I," 141.

[17] Bentham, "Panopticon; or the Inspection-House," 44; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 123; "The Western Australian Journal," *Perth Gazette and Western Australian Journal*, October 21, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639797.txt.

[18] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

[19] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42.

[20] Bentham, "Postscript Part – II," 214.

[21] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42–43.

[22] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.

[23] Bentham, "Principles of Penal Law," 422; Bentham, "Postscript Part – II," 216.

Military

Before discussing the rules and regulations of prisoner management, it is important to briefly discuss the role of the military. The military was deployed to the gaol at times, typically following an escape attempt. The first instance of this occurred in 1834 when a guard was stationed at the gaol until its security could be ensured.[24] However, the presence of the military could not always be sanctioned—in January 1841, two imprisoned soldiers escaped while labouring. At the time, the governor could not authorise a guard, instead authorising an additional constable to assist the gaoler.[25] The gaol also used the military for other means, such as in 1839, when the governor decided that prisoners would walk from the gaol to the court under the supervision of one or two constables and a military guard.[26] Bentham does not account for military presence in his works on the panopticon; however, the gaol's hierarchy aligns with his intention to carry out the 'maintenance of subordination'.[27]

Prisoner Management

Health

In *Panopticon; or the Inspection House*, Bentham stressed the importance of maintaining a healthy workforce.[28] The preservation of health was also essential at Fremantle Gaol, where the gaoler and officers checked and enforced cleanliness as part of their general duties, and the colonial surgeon attended the prisoners' medical needs. Under Rule 8, the gaoler also had to report any disease outbreaks in the gaol to the medical attendant.[29] Although Bentham did not state how reporting should occur, he was determined that good health should be preserved among the inmates.[30] Rules 11 and 12 of the 1835 regulations for Fremantle Gaol extended this to include accidents and death under the heading of general duties.[31] Bentham stated that the

[24] Richard Daniels, "Letter from Richard Daniels to Peter Broun, January 17, 1834," Perth: SROWA, AU WA S2941 cons36 030, folio 86.
[25] Richard Broun, "Letter from Richard Broun to Peter Broun, January 7, 1841," Perth: SROWA, AU WA S2941 cons36 099, folios 98–100; Peter Broun, "Letter from Peter Broun to Richard Broun, June 12, 1841," Perth: SROWA, AU WA S2755 cons49 013, folio 152.
[26] Peter Broun, "Letter from Peter Broun to Richard Broun, September 6, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 289.
[27] Bentham, "Postscript Part – II," 215.
[28] Bentham, "Panopticon; or the Inspection-House," 21, 46–47.
[29] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42–43.
[30] Bentham, "Principles of Penal Law," 422.
[31] Bentham, "Postscript Part – II," 214.

panopticon would also function as a hospital.[32] According to Bentham, good health could be maintained by regular access to fresh air and exercise.[33] While not stipulated in 1831, this was implemented in Fremantle Gaol in 1835 (Rule 36), which insisted all prisoners, even those in solitary confinement, should receive adequate 'air and exercise, consistently with safe custody'.[34] Prisoner death is discussed under 'The Treatment of Prisoners' in the 1831 regulations, which states that the superintendent should report any deaths to the coroner.[35] Moreover, if medical attendance was required, the superintendent, not the gaoler, was to call for assistance.[36]

The earliest records pertaining to the need for medical assistance in Fremantle Gaol are from April 1831, when a surgeon was called to examine men confined in the brig *Faith*, one of whom would die.[37] An 1836 report on the state of the colony's gaols highlighted the method of reporting illness and injuries according to Fremantle Gaol regulations.[38] Prisoners had access to fresh air during labour or exercise in the prison yard if they were sentenced to labour or awaiting trial.[39] The colonial surgeon was required to assist both colonial and Aboriginal prisoners with some frequency, which falls in line with how Bentham envisioned caring for the medical needs of inmates.[40]

Details about specific illnesses and injuries sustained by prisoners do not appear in the records, but the surgeon's attendance was periodically documented.[41] In an 1836 report,

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[32] Bentham, "Panopticon; or the Inspection-House," 85.
[33] Bentham, "Postscript Part – II," 267, 269–270
[34] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 46; Broun, "Government Notice," *Perth Gazette and Western Australian Journal*, March 7, 1835.
[35] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39.
[36] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37.
[37] Peter Broun, "Letter from Peter Broun to Charles Simmonds, April 26, 1831," Perth: SROWA, AU WA S2755 cons49 004, folio 52; Peter Broun, "Letter from Peter Broun to Thomas Bannister, April 26, 1831," Perth: SROWA, AU WA S2755 cons49 004, folio 53.
[38] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 123–128.
[39] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 128.
[40] Richard Broun, "Letter from Richard Broun to Peter Broun, August 28, 1835," Perth: SROWA, AU WA S2941 cons36 042, folio 79; Richard Broun, "Letter from Richard Broun to Peter Broun, December 8. 1836," Perth: SROWA, AU WA S2941 cons36 049, folio 182; Richard Broun, "Letter from Richard Broun to Peter Broun, April 7, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 39; Broun, "Letter from Richard Broun to Peter Broun, September 12, 1840," 43.
[41] James Crichton, "Letter from James Crichton to Peter Broun, April 18, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 69; James Knight, "Letter from James Knight to Peter Broun, March 27, 1839," Perth: SROWA, AU WA S2941 cons36 058, folio 4; Peter Broun, "Letter from Peter Broun to George Leake, January 16, 1834,"

Chairman of the Court of Quarter Sessions William H. Mackie noted that the surgeon's fixed salary had been discontinued to reduce public spending because he was so infrequently needed.[42] However, the *Blue Books* from 1837 to 1841 show that a surgeon received some form of remuneration for his appointment at Fremantle Gaol.[43] From 1839, there appears to be more consistent communication among the relevant parties concerning the acquisition of medicine for use at the gaol. This is not to say that it did not occur before 1839, but there is no evidence of this in primary sources.[44]

Although prisoners received medical assistance when necessary, death did occur, with four people dying in the prison's first year of operation.[45] However, it is probable that only one was an inmate as Mackie reported that between 1831 and September 1836, six people, including a Noongar man, had died in the prison, only one of whom was an inmate. Mackie states that the remaining five would normally have been received by an ordinary hospital, but given that the colony had no such facility, the patients were accommodated in the gaol. He further stated that every inmate death would be subject to an inquiry by the coroner.[46] It appears that death became

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Perth: SROWA, AU WA S2755 cons49 006, folios 208–209; Peter Broun, "Letter from Peter Broun to D. Harris, October 19, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 319; Peter Broun, "Letter from Peter Broun to James Crichton, December 8, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 96; Peter Broun, "Letter from Peter Broun to James Crichton**,** April 9, 1840," Perth: SROWA, AU WA S2755 cons49 012, folio 455; Peter Broun, "Letter from Peter Broun to James Crichton, October 31, 1839," Perth: SROWA, AU WA S2755 cons49 012, folios 322–323; Peter Broun, "Letter from Peter Broun to James Crichton, March 25, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 156; Richard Broun, "Letter from Richard Broun to Peter Broun, December 8, 1836," Perth: SROWA, AU WA S2941 cons36 049, folio 182.

[42] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126; Nettelbeck, "Equals of the White Man," 361.

[43] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 174**;** *Blue Book (Statistical Returns for the Swan River Colony)*, 1838, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 200; *Blue Book (Statistical Returns for the Swan River Colony)*, 1841, 193.

[44] James Crichton, "Letter from James Crichton to Peter Broun, March 16, 1839," Perth: SROWA, AU WA S2941 cons36 071, folio 71; Richard Broun, "Letter from Richard Broun to Peter Broun, July 18, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 95; W.H. Scholl, "Letter from W.H. Scholl to Peter Broun, April 6, 1840," Perth: SROWA, AU WA S2941 cons36 077, folio 12; James Crichton, "Letter from James Crichton to Peter Broun, April 13, 1840," Perth: SROWA, AU WA S2941 cons36 081, folio 12; James Crichton, "Letter from James Crichton to Peter Broun, April 9, 1840," Perth: SROWA, AU WA S2941 cons36 081, folio 13; James Crichton, "Letter from James Crichton to Peter Broun, November 24, 1837," Perth: SROWA, AU WA S2941 cons36 057, folio 117; Peter Broun, "Letter from Peter Broun to Richard Broun, March 25, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 156; Peter Broun, "Letter from Peter Broun to Richard Broun, September 15, 1840," Perth: SROWA, AU WA S2755 cons49 011, folio 473.

[45] Broun, "Letter from Peter Broun to W.T. Graham, June 26, 1831," 125–126; W.T. Graham, "Letter from W.T. Graham to Peter Broun, June 14, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 25; W.T. Graham, "Letter from W.T. Graham to Peter Broun, June 14, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 29; W.T. Graham, "Letter from W.T. Graham to Peter Broun, August 1, 1831," Perth: SROWA, AU WA S2941 cons36 017, folios 3–4; Peter Broun, "Letter from Peter Broun to Richard Lewis, September 5, 1831," Perth: SROWA, AU WA S2755 cons49 005, folio 19; W.T. Graham, "Letter from W.T. Graham to Peter Broun, November 21, 1831," Perth: SROWA, AU WA S2941 cons36 018, folio 180.

[46] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126–127.

a less frequent occurrence during the latter part of this period. The *Blue Books* of 1837, 1838 and 1841 show that there were no deaths within the gaol,[47] while in 1839 and 1840, there were two deaths, both Noongar men.[48] In 1839, a man was 'mortally injured' by another Noongar man and was taken to the gaol for protection before his death.[49] In 1840, a Noongar man was brought back to the mainland from Rottnest Island (Wadjemup) and died within the gaol walls.[50]

Cleanliness

Cleanliness was a critical part of the routine in both the panopticon and Fremantle Gaol, and the responsibility for this would fall upon the gaolers.[51] Bentham believed that cleanliness was essential within the penal institution to maintain a healthy workforce.[52] According to Rules 17 and 25 in the 1835 regulations, all new prisoners would be bathed on arrival and given a prison uniform. Their clothes would be fumigated if necessary and stored until the prisoner's release.[53] Bentham believed this practice was a symbolic ritual to assimilate prisoners into the institution.[54] Prisoners were expected to air their bedding daily and wash themselves and their prison uniforms weekly, usually on a Saturday afternoon, for which they would be provided with towels, combs and a ¼ lb (113.3 g) of soap.[55] For this purpose, the gaol was supplied with a clothesline.[56] In Bentham's plan, thorough cleaning of the gaol should also occur on a Saturday. However, there

[47] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 171; *Blue Book (Statistical Returns for the Swan River Colony)*, 1838, 171; *Blue Book (Statistical Returns for the Swan River Colony)*, 1841, 190.
[48] *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 171; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 197.
[49] *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 171.
[50] Richard Broun, "Letter from Richard Broun to Peter Broun, November 7, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 54.
[51] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37, 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42–3.
[52] Bentham, "Postscript Part – II," 267, 269–270.
[53] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43–4.
[54] Bentham, "Postscript Part – II," 266.
[55] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125; Richard Broun, "Letter from Richard Broun to Peter Broun, January 4, 1836," Perth: SROWA, AU WA S2941 cons36 044, folio 26; Peter Broun, "Letter from Peter Broun to Richard Broun, December 10, 1838," Perth: SROWA, AU WA S2755 cons49 012, folio 56.
[56] Mackie, W.H. "Letter from W.H. Mackie to Peter Broun, October 1831." Perth: SROWA, AU WA S2941 cons36 018, folios 50–51.

were some differences between the two institutions. First, in the panopticon, prisoners were expected to wash their hands, face and feet multiple times a day, which was not stipulated in the rules of the gaol. Second, in the gaol, prisoners bathed once a week. However, in the panopticon, the frequency of bathing was weekly in summer, monthly in winter and fortnightly in spring and autumn.[57] While Bentham stipulated the frequency of cleaning of clothing and bedding, the gaol rules did not stipulate a time frame other than weekly.[58]

The desire for routine cleaning extended to the prison itself.[59] Each day the prisoners were expected to sweep the prison yard and clean the privies and cells. In his plan for the panopticon, Bentham also incorporated routine cleaning, which would be carried out following the cessation of work.[60] The 1835 rules also stated that the prison should be scrubbed with regularity without mentioning a specific time frame; however, correspondence from the colonial secretary indicates that this did occur.[61]

Provisions

Both Bentham and the regulations of Fremantle Gaol considered the provisions allocated to prisoners. Apart from an allowance of soap for cleanliness, prisoners were not given material provisions in 1831. However, it was stipulated that prisoners awaiting trial be allowed to purchase articles except for alcohol.[62] Under both sets of rules, water for consumption and

[57] Bentham, "Postscript Part – II," 265.
[58] Bentham, "Postscript Part – II," 265; Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45.
[59] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45; Bentham, "Postscript Part – II," 274.
[60] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45; Bentham, "Postscript Part – II," 274.
[61] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45; Peter Broun, "Letter from Peter Broun to Henry Reveley, April 13, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 108; Henry Reveley, "Letter from Henry Reveley to Peter Broun, October 24, 1836," Perth: SROWA, AU WA S2941 cons36 048, folio 197; J. Birch, "Letter from J. Birch to Peter Broun, August 1, 1837," Perth: SROWA, AU WA S2941 cons36 052, folio 136.
[62] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38–39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45.

hygiene had to be kept in sufficient quantities at all times.[63] Material provisions for prisoners under the 1835 regulations (Rules 25 and 27) included a bedstead and mattress, one blanket, one rug or coverlet, two shirts and trousers, a jacket and a pair of shoes, and a weekly allowance of a ¼ lb (113.3 g) of soap.[64] Bentham insisted on sufficient clothing that must be washed regularly to protect against the extremes of climate.[65] There was a continual need for provisions to ensure the gaol could operate. This included items such as a bell to keep 'prison time', stationery and other necessary writing materials, padlocks, firewood, tools, candles, lamps and oil, utensils for cooking and eating and other sundry articles.[66] When these items were required, tenders were

[63] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 39; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45.

[64] Broun, "Government Notice," *Perth Gazette and Western Australian Journal*, March 7, 1835.

[65] Bentham, "Postscript Part – II," 265.

[66] Richard Broun, "Letter from Richard Broun to Peter Broun, June 26, 1835," Perth: SROWA, AU WA S2941 cons36 040, folio 181; Henry Vincent, "Letter from Henry Vincent to Peter Broun, December 31, 1832," Perth: SROWA, AU WA S2941 cons36 024, folio 95; Richard Broun, "Letter from Richard Broun to Peter Broun, May 14, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 109; Richard Broun, "Letter from Richard Broun to Peter Broun, December 8, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 66; Richard Broun, "Letter from Richard Broun to Peter Broun, April 2, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 13; Peter Broun, "Letter from Peter Broun to Henry Vincent, May 20, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 323; Richard Broun, "Letter from Richard Broun to Peter Broun, October 3, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 154; Peter Broun, "Letter from Peter Broun to Richard Broun, November 5, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 330; Peter Broun, "Letter from Peter Broun to Richard Broun, October 10, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 310; Peter Broun, "Letter from Peter Broun to Richard Broun, February 12, 1840," Perth: SROWA, AU WA S2755 cons49 012, folio 396; Peter Broun, "Letter from Peter Broun to Henry Vincent, April 6, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 106; Peter Broun, "Letter from Peter Broun to W.H. Mackie, October 12, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 185; Peter Broun, "Letter from Peter Broun to Richard Broun, April 25, 1836," Perth: SROWA, AU WA S2755 cons49 007, folio 407; Peter Broun, "Letter from Peter Broun to John Montagu, May 20, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 16; Richard Broun, "Letter from Richard Broun to Peter Broun, June 8, 1835," Perth: SROWA, AU WA S2941 cons36 040, folio 27; Richard Broun, "Letter from Richard Broun to Peter Broun, July 26, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 36; Lewis, "Letter from Richard Lewis to Peter Broun, January 10, 1832," 31; Mackie, "Letter from W.H. Mackie to Peter Broun, October 1831," 50–51; Richard Broun, "Letter from Richard Broun to Peter Broun, July 23, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 145; Richard Broun, "Letter from Richard Broun to Peter Broun, September 10, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 40; Richard Broun, "Letter from Richard Broun to Peter Broun, June 11, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 123; Richard Broun, "Letter from Richard Broun to Peter Broun, January 19, 1837," Perth: SROWA, AU WA S2941 cons36 051, folios 99–99A; Henry Vincent, "Letter from Henry Vincent to Peter Broun, May 9, 1834," Perth: SROWA, AU WA S2941 cons36 031, folio 256; Richard Broun, "Letter from Richard Broun to Peter Broun, October 19, 1835," Perth: SROWA, AU WA S2941 cons36 043, folio 97; Richard Broun, "Letter from Richard Broun to Peter Broun, January 21, 1837," Perth: SROWA, AU WA S2941 cons36 099, folio 107; Peter Broun, "Letter from Peter Broun to Richard Broun, July 8, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 232; Broun, "Letter from Peter Broun to D. Harris, October 19, 1835," 319; Richard Broun, "Letter from Richard Broun to Peter Broun, November 3, 1836," Perth: SROWA, AU WA S2941 cons36 049, folio 12; Richard Broun, "Letter from Richard Broun to Peter Broun, January 23, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 86; Richard Broun, "Letter from Richard Broun to Peter Broun, April 13, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 97; Peter Broun, "Letter from Peter Broun to Richard Broun, November 27, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 346; Peter Broun, "Letter from Peter Broun to Richard Broun, August 31, 1838," Perth: SROWA, AU WA S2755 cons49 008, folio 387; Richard Broun, "Letter from Richard Broun to Peter Broun, June

usually put out in the colony, although some provisions could be sourced from neighbouring colonies.[67] From 1835, detailed accounts were kept about the consumption of provisions per prisoner, and these records would be called on if resources were used too quickly.[68] A report in 1836 notes that the total expense of items such as meat, flour, soap and candles between 1 July 1835 and June 1836 was £99. 15 shillings and 4.5 pence.[69]

Bentham did not dictate the type of bedding to be used within the panopticon; rather, it was left to the contractor to determine what would be the cheapest.[70] The bedding price per

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11, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 24; Broun, "Letter from Richard Broun to Peter Broun, June 26, 1835," 181; Richard Broun, "Letter from Richard Broun to Peter Broun, May 11, 1836," Perth: SROWA, AU WA S2941 cons36 046, folio 37; Richard Broun, "Letter from Richard Broun to Peter Broun, August 27, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 38; Peter Broun, "Letter from Peter Broun to Richard Broun, October 7, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 309; Peter Broun, "Letter from Peter Broun to Richard Broun, June 8, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 29; Matthew Forster, "Letter from Matthew Forster to Peter Broun, April 22, 1840," Perth: SROWA, AU WA S2941 cons36 082, folios 176–177; Broun, "Letter from Peter Broun to Richard Broun, October 10, 1839," 12.

[67] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125–126; Broun, "Letter from Peter Broun to John Montagu, May 20, 1836," 16.

[68]Henry Vincent, "A List of Prisoners in the Jail of Fremantle for the Month of November 1835 Showing When Committed and the Number of Days which Provisions Have Been Issued, November 1835," Perth: SROWA, AU WA S2941 cons36 043, folio 230; Henry Vincent, "List of Prisoners in the Jail of Fremantle for the Month of October 1836 Showing when Committed and the Number of Days which Provisions Have Been Issued, October 31, 1836," Perth: SROWA, AU WA S2941 cons36 048, folio 207; Henry Vincent, "List of Prisoners in the Jail of Fremantle for the Month of February 1837 Showing when Committed and the Number of Days which Provisions Have Been Issued, February 20, 1837," Perth: SROWA, AU WA S2941 cons36 058, folio 119; Henry Vincent, "List of Prisoners in the Jail Fremantle for the Month of September 1839 Showing when Committed and the Number of Days which Provisions Have Been Issued, September 1839," Perth: SROWA, AU WA S2941 cons36 058, folio 126; Henry Vincent, "List of Prisoners in the Jail Fremantle for the Month of January 1838 Showing when Committed for the Number of Days which Provisions Have Been Issued, January 1838," Perth: SROWA, AU WA S2941 cons36 064, folio 147; Henry Vincent, "List of Prisoners in the Jail Fremantle for the Month March 1838 Showing when Committed and Number of Days which Provisions Have Been Issued, March 31, 1838," Perth: SROWA, AU WA S2941 cons36 064, folio 149; Henry Vincent, "List of Prisoners in the Jail Fremantle for the Month of January 1839 Showing when Committed and the Number of Days which Provisions Have Been Issued, January 31, 1839," Perth: SROWA, AU WA S2941 cons36 071, folio 89; Henry Vincent, "List of Prisoners in the Jail Fremantle for the Month of June 1839 Showing when Committed and the Number of Days which Provisions Have Been Issued, June 30, 1839," Perth: SROWA, AU WA S2941 cons36 071, folio 97; Thomas Hunt, "A List of Prisoners Confined in the Jail of Fremantle for the Month of February 1840 Showing When Committed and the Number of Days that Provisions Have Been Issued, February 1840," Perth: SROWA, AU WA S2941 cons36 083, folio 4; Thomas Hunt, "A List of Prisoners Confined in the Fremantle Jail for the Month of April 1840 Showing When Committed and the Numbers of Days that Provisions have Been Issued, April 1840," Perth: SROWA, AU WA S2941 cons36 083, folio 7; Richard William Smith, "List of Prisoners in the Jail of Fremantle for the Month of December 1840 Showing when Committed and the Number of Days which Provisions Have Been Issued, December 31, 1840," Perth: SROWA, AU WA S2941 cons36 083, folio 17; Peter Broun, "Letter from Peter Broun to Richard Broun, May 10, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 10; Broun, "Letter from Peter Broun to Richard Broun, June 8, 1836," 29; Peter Broun, "Letter from Peter Broun to Richard Broun, May 9, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 10; Peter Broun, "Letter from Peter Broun to Richard Broun, August 15, 1836," Perth: SROWA, AU WA S2755 cons49 008, folio 61; Peter Broun, "Letter from Peter Broun to Richard Broun, September 13, 1837," Perth: SROWA, AU WA S2755 cons49 008, folio 216; Peter Broun, "Letter from Peter Broun to Richard Broun, January 14, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 84.

[69] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126.

[70] Bentham, "Postscript Part – II," 265; Bentham, "Principles of Penal Law," 422.

prisoner in Fremantle Gaol was listed at about £1. 15 shillings when sourced locally.[71] However, if suitable tenders were not received, private purchases could be arranged with other colonies.[72] It can be assumed that the bedding was of good quality because surviving records indicate its repair, replacement or additional purchases occurred later in the period, as the prison population grew.[73] For example, in January 1841, 12 of the blankets available to the gaoler were unfit for use.[74] Prison uniforms were chiefly sourced from Van Diemen's Land and chargeable to the local government, but they could also be sourced from within the colony, either by tender or private arrangement.[75] However, the latter option was unpopular.[76] Surplus uniform items were held in the Commissariat Store but could also be shared with Perth Gaol and the Colonial Hospital.[77] Accounts and reports give an approximate cost of these items, with prison uniforms from Van

[71] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126.
[72] Peter Broun, "Letter from Peter Broun to Richard Broun, March 25, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 155; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126–127.
[73] Richard Lewis, "Letter from Richard Lewis to Peter Broun, June 22, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 81; Broun, "Letter from Richard Broun to Peter Broun, September 10, 1840," 40; Richard Broun, "Letter from Richard Broun to Peter Broun, March 27, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 99; Richard Broun, "Letter from Richard Broun to Peter Broun, November 27, 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 100; Richard Broun, "Letter from Richard Broun to Peter Broun, October 21, 1839," Perth: SROWA, AU WA S2941 cons36 073, folios 162–164.
[74] Richard Broun, "Letter from Richard Broun to Peter Broun, January 12, 1841," Perth: SROWA, AU WA S2941 cons36 099, folio 102.
[75] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125–126; Forster, "Letter from Matthew Forster to Peter Broun, April 22, 1840," 176–177; Broun, "Letter from Peter Broun to James Crichton**,** April 9, 1840," 455; Peter Broun, "Letter from Peter Broun to Richard Broun, July 22, 1840," Perth: SROWA, AU WA S2755 cons49 011, folios 400–401; Richard Broun, "Letter from Richard Broun to Peter Broun, April 6, 1837," Perth: SROWA, AU WA S2941 cons36 051, folio 161; Broun, "Letter from Richard Broun to Peter Broun, July 23, 1839," 145; Richard Broun, "Letter from Richard Broun to Peter Broun, April 11, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 59; Richard Broun, "Letter from Richard Broun to Peter Broun, January 12, 1841," Perth: SROWA, AU WA S2941 cons36 099, folio 103; Broun, "Letter from Richard Broun to Peter Broun, November 27, 1839," 100; Richard Broun, "Letter from Richard Broun to Peter Broun, April 9, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 20; Broun, "Letter from Richard Broun to Peter Broun, October 21, 1839," 162–164; Peter Broun, "Letter from Peter Broun to William H. Mackie, September 7, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 171; Peter Broun, "Letter from Peter Broun to George Leake, April 17, 1833," Perth: SROWA, AU WA S2755 cons49 006, folio 46; Peter Broun, "Letter from Peter Broun to George Leake, May 10, 1833," Perth: SROWA, AU WA S2755 cons49 006, folio 63; William Henry Fancourt Mitchell, "Letter from William Henry Fancourt Mitchell to Peter Broun, March 3, 1840," Perth: SROWA, AU WA S2941 cons36 082, folio 174; Broun, "Letter from Peter Broun to Richard Broun, July 8, 1835," 232; Peter Broun, "Letter from Peter Broun to Richard Broun, September 25, 1837," Perth: SROWA, AU WA S2755 cons49 011, folio 489.
[76] Broun, "Letter from Peter Broun to Richard Broun, July 8, 1835," 232.
[77] Broun, "Letter from Peter Broun to Richard Broun, October 7, 1835," 309; Peter Broun, "Letter from Peter Broun to Richard Lewis, June 25, 1831," Perth: SROWA, AU WA S2755 cons49 004, folios 122–123; Broun, "Letter from Peter Broun to Richard Broun, September 15, 1840," 473; Peter Broun, "Letter from Peter Broun to Richard Broun, September 25, 1840," Perth: SROWA, AU WA S2755 cons49 011, folio 490.

Diemen's Land costing £1. 15 shillings, not including shipping, and shoes costing 5s a pair.[78] At times, these items were not available. For example, in January 1841, 13 shirts, 12 pairs of trousers, five fine woollen trousers and one jacket were deemed not fit for purpose.[79] By October, the gaol authorities were desperate for a dozen pairs of strong shoes because none were available.[80]

Diet

Both Bentham and Fremantle Gaol regulations carefully considered the diet provided to prisoners. Rule 13 (1831) and Rules 31–33 (1835) outlined the basic diet for inmates in Fremantle Gaol.[81] In 1831, the prescribed diet was the same for all prisoners, regardless of gender or employment status. Each prisoner received '1½ lb of bread and a pint of gruel for breakfast' and 2 lb (907.18 g) of bread with ½ lb (226.79 g) of red meat on Sundays provided they had displayed good behaviour.[82] This changed in the 1835 edition of the rules, which stipulated that diet would depend on the class of prisoner. Assuming good behaviour, the general prison population (those awaiting trial or not sentenced to labour) were given 1½ lb (680.38 g) of bread with ½ lb (226.79 g) of red meat or 1 lb (453.59 g) of fish on Sundays. Prisoners sentenced to or voluntarily engaging in hard labour had an increased ration, with a daily allowance of ½ lb (226.79 g) of red meat or 1 lb (453.59 g) of fish. Female prisoners with labour duties received 1 lb (453.59 g) of bread and ¼ lb (113.3 g) of red meat daily.[83] Both Fremantle Gaol and the panopticon strictly forbade alcohol.[84]

The type and quantity of food provided to prisoners in the panopticon and Fremantle Gaol show significant differences; however, this can be attributed to the colony's limited

[78] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 126; John Lewis, "Letter from John Lewis to Peter Broun, September 20, 1837," Perth: SROWA, AU WA S2941 cons36 055, folio 214.
[79] Broun, "Letter from Richard Broun to Peter Broun, January 12, 1841," 102.
[80] Richard Broun, "Letter from Richard Broun to Peter Broun, October 20, 1841." Perth: SROWA, AU WA S2941 cons36 099, folio 168.
[81] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45–6.
[82] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38.
[83] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 45–6.
[84] Bentham, "Postscript Part – II," 228; Broun, "Government Notice," *Perth Gazette and Western Australian Journal*, March 7, 1835.

resources. Bentham emphasised diet in the panopticon, creating a plethora of recipes suitable for his ideal penitentiary and stipulating that inmates should have free access to food rather than a prescribed diet.[85] This would have been difficult to implement in the Swan River Colony because food was scarce in the colony's early days, even for the free settlers.[86] In particular, food security was an issue during the gaol's first years of operation. In 1832, for example, beef was difficult to procure, so much so that prisoners had to forego meat, their only source of protein, on Sundays.[87] As the colony became more established, the availability of meat became less of an issue, but it was still occasionally shipped from other colonies.[88] The gaoler sought to rectify this issue by applying to the local government for another allotment of land near the gaol to grow vegetables and other consumables.[89] This cost-saving mentality aligns with that of Bentham, who sought to minimise the cost of punishment and reformation[90] and planned to use the prison grounds to raise livestock and grow food for the inmates.[91] The recipes intended for the panopticon would have been difficult to implement at Fremantle Gaol because of the lack of availability of fresh ingredients. Moreover, the prisoners' diet would have been better than that of the free settlers.[92] According to Bentham, at its core, the prison diet should provide sufficient nourishment while being economical and consistent.[93] Thus, while the diet at Fremantle Gaol deviated from Bentham's overall prison diet plan, it did conform to the key principles of quality and cost.

The maintenance of fireplaces and chimneys also caused problems within the prison, particularly given that these features were associated with food preparation. In a letter to Peter Broun in 1836, Henry Reveley stated that a cell had to be used as a kitchen because of these ongoing issues; thus, the prison population was 'compelled to put up with cold makeshift dinners

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[85] See Fergus Henderson, Annie Guy, and Tim Causer, *Jeremy Bentham's Prison Cooking: A Collective of Utilitarian Recipes (*London, UCL Centre for Publishing, 2015); Bentham, "Postscript Part – II," 258.
[86] Reece, "Eating and Drinking at Early Swan River Colony," 462–463; Hetherington, *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910*, 5–6, 8–9.
[87] Peter Broun, "Letter from Peter Broun to George Leake, September 24, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 177.
[88] Henry Vincent, "Letter from Henry Vincent to Peter Broun, May 13, 1834," Perth: SROWA, AU WA S2941 cons36 032, folio 9; Broun, "Letter from Richard Broun to Peter Broun, April 6, 1837," 161; Peter Broun, "Letter from Peter Broun to Henry Vincent, June 4, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 340; Forster, "Letter from Matthew Forster to Peter Broun, April 22, 1840," 176–177; Peter Broun, "Letter from Peter Broun to Richard Broun, February 22, 1836," Perth: SROWA, AU WA S2755 cons49 007, folio 385; Broun, "Letter from Peter Broun to Richard Broun, May 10, 1836," 10.
[89] Henry Vincent, "Letter from Henry Vincent to Peter Broun, April 5, 1832," Perth: SROWA, AU WA S2941 cons36 021, folio 151; Peter Broun, "Letter from Peter Broun to Henry Vincent, November 10, 1835," Perth: SROWA, AU WA S2755 cons49 009, folio 139.
[90] Bentham, "Principles of Penal Law," 501; Bentham, "Postscript Part – II," 224.
[91] Henderson, Guy, and Causer. *Jeremy Bentham's Prison Cooking,* 16, 67.
[92] Reece, "Eating and Drinking at Early Swan River Colony," 462–463.
[93] Bentham, "Postscript Part – II," 261.

for the impossibility of cooking'.[94] Maintenance required inside the bakehouse caused further food preparation problems for prisoners of Fremantle Gaol.[95] This would have gone against Bentham's principles for the panopticon because it would have created hunger and a lack of nourishment for inmates.[96]

Separation

Separation by gender and conviction was central to both the panopticon and Fremantle Gaol.[97] In both institutions, men and women were segregated, and children were separated from adults as much as possible.[98] Separation also occurred by conviction, meaning that inmates convicted of a felony were segregated at all times from those convicted of a misdemeanour, as dictated by Rules 11 and 12 (1831) and 19 (1835).[99] This was based on Bentham's belief that those convicted of a felony should not have the opportunity to corrupt those convicted of a lesser crime.[100] Under rules 9 (1831) and 20 (1835), separation could be taken to the extreme of solitary confinement, which was something Bentham considered to be an effective way of breaking the spirit.[101]

Rules 4 and 5 (1831) and 20 and 21 (1835) of Fremantle Gaol provide for the circumstances under which visitors could enter the gaol, which was only by obtaining written permission from a magistrate.[102] In both the panopticon and Fremantle Gaol, prisoners were

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[94] Reveley, "Letter from Henry Reveley to Peter Broun, October 24, 1836," 197.
[95] Henry Trigg, "Letter from Henry Trigg to Peter Broun, November 25, 1839," Perth: SROWA, AU WA S2941 cons36 075, folio 221; Henry Trigg, "Letter from Henry Trigg to Peter Broun, December 17, 1839," Perth: SROWA, AU WA S2941 cons36 075, folio 224.
[96] Bentham, "Principles of Penal Law," 422; Bentham, "An Introduction to the Principles of Morals and Legislation," 159–160.
[97] Bentham, "Postscript Part I," 140; Bentham, "Postscript Part – II," 233, 238; Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 44.
[98] Bentham, "Principles of Penal Law," 499–500; Bentham, "Postscript Part I," 154; Broun, "Government Notice," *Perth Gazette and Western Australian Journal,* March 7, 1835.
[99] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 44.
[100] Bentham, "Postscript Part I," 140; Bentham, "Postscript Part – II," 233, 238.
[101] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 44; Bentham, "Postscript Part I," 134.
[102] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37–38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of

excluded from society. However, allowing visitors and showing them the consequences of disobedience was a method of discouraging future offenders.[103] In Bentham's panopticon, visitors were permitted to enter the prison to observe inmates, who would be masked, in what could be described as a sombre spectacle.[104] An occasion in which prisoners were put on public display in Fremantle occurred in 1836, when they were taken to the public wedding of Stephen George Henty, which may have been a way of demonstrating the consequences of dissent to the free settlers.[105] While the prison sought to keep prisoners separate from each other and wider society, it was not always successful because they could call through the walls to people outside or have brief exchanges with people while labouring.[106] However, these interactions with free settlers were limited, thus did not severely undermine prisoners' separation from the rest of the colony.

Labour

Labour was also a vital element in both Fremantle Gaol and the panopticon. At Fremantle Gaol, the amount of time prisoners worked differed for the two sets of rules. In 1831, prisoners worked 10 hours per day, regardless of the season.[107] In 1835, prisoners worked 8 hours a day in winter, the recommended time in the panopticon model. However, under Bentham's scheme, prisoners could be kept in sedentary labour within their cell for up to 14 hours per day in summer, whereas work was restricted to 9 hours per day in Fremantle Gaol.[108] It should be noted that neither institution forced prisoners who were not yet convicted to work.[109] If a sentenced prisoner refused to work, he or she was to be reported by the superintendent in the following Petty

Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 44.

[103] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 44; Bentham, "Postscript Part – II," 214.

[104] Bozovic, "An Utterly Dark Spot," 86.

[105] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* April 16, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640475.txt.

[106] Green, "Aboriginal and White Settlers in the Nineteenth Century," 93.

[107] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38.

[108] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46; Bentham, "Postscript Part – II," 250.

[109] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46; Bentham, "Panopticon; or the Inspection-House," 78.

Sessions (Rule 8, 1831) or be confined to their cell and reported to a magistrate (Rule 39, 1835).[110] Bentham outlined a similar plan for the panopticon, stating that confining a prisoner alone in a cell with only their rations would inevitably result in boredom, compelling them back to work.[111]

Sentencing prisoners to hard labour mirrored the rules of the gaol. Prisoners worked for 8 hours per day in winter and 9 hours per day in summer, except on Saturdays, when they would bathe and wash their clothes.[112] Those sentenced to hard labour or transportation would be compelled to work, but anyone awaiting trial or not sentenced to labour could volunteer to work in return for increased rations.[113] Prisoners were given gender-specific tasks, with women employed in domestic duties such as washing and cooking alongside the gaoler's wife.[114] Bentham endorsed this, suggesting that women and children be solely responsible for cooking within the panopticon.[115] Male prisoners were engaged in projects within the gaol, including maintenance, well digging and the construction of steps,[116] as well as public works such as construction, grinding flour using a hand mill, repairing government buildings and macadamising the streets of Fremantle.[117] Some suggested that prisoner labour could be used to

[110] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46.
[111] Bentham, "Panopticon; or the Inspection-House," 66.
[112] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125.
[113] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 124.
[114] Broun, "Letter from Richard Broun to Peter Broun, June 26, 1835," 181; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 127; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836.
[115] Henderson, Guy, Causer. *Jeremy Bentham's Prison Cooking,* 25.
[116] Richard Broun, "Letter from Richard Broun to Peter Broun, June 3, 1839." Perth: SROWA, AU WA S2941 cons36 073, folio 120; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 124.
[117] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 124; Peter Broun, "Letter from Peter Broun to Henry Reveley, September 10, 1836," Perth: SROWA, AU WA S2755 cons49 008, folios 66–67; Peter Broun, "Letter from Peter Broun to the Thomas Bannister, October 3, 1831," Perth: SROWA, AU WA S2755 cons49 005, folio 31; Peter Broun, "Letter from Peter Broun to Richard Broun, September 14, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 290–291; George Leake, "Letter from George Leake to Peter Broun, January 31, 1834," Perth: SROWA, AU WA S2941 cons36 030, folio 132; William H. Mackie, "Letter from William H. Mackie to Peter Broun, April 9, 1833," Perth: SROWA, AU WA S2941 cons36 039, folio 2; Peter Broun, "Letter from Peter Broun to William H. Mackie, April 11, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 163–164; Richard Broun, "Letter from Richard Broun to Peter Broun, December 8, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 67; Peter Broun, "Letter from Peter Broun to Richard Broun, April 6, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 156–157; Broun, "Letter from Richard Broun to Peter Broun, May 11, 1836," 37; Richard Broun, "Letter from Richard Broun to Peter Broun, January 19,

improve the burial grounds in Fremantle or create stores and vaults in the rock of Arthur Head beneath the gaol.[118]

In some cases, prisoners were put in charge of free settlers who needed skill-specific labour.[119] The use of prisoners in this way had been considered shortly after the opening of the gaol, but it did not take place until June 1834,[120] when George Leake, a magistrate and Richard Broun, the government resident of Fremantle, liberated two prisoners to sail on the schooner *Ellen* because there were not enough men to work on the vessel.[121] However, most of the time, prisoners were employed by settlers, as evidenced in 1835 when William Mann applied to the government for labourers to assist in unloading his belongings from the *Emily Taylor*.[122] This use of prisoners could be revoked if prisoners or employers were found in violation of the rules. This occurred in the case of John Pengelley, whose employment with William Lamb was terminated after he had returned to the gaol intoxicated on more than one occasion.[123] In 1837–1838, the Fremantle Whaling Company used prisoner labour to excavate and construct a tunnel under Arthur Head.[124] Prisoners were also made available to the Fremantle ferry service for

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1837," Perth: SROWA, AU WA S2941 cons36 051, folio 97; Peter Broun, "Letter from Peter Broun to Richard Broun, January 12, 1837," Perth: SROWA, AU WA S2755 cons49 008, folio 106; Henry Reveley, "Letter from Henry Reveley to Peter Broun, January 21, 1833," Perth: SROWA, AU WA S2941 cons36 026, folios 68–69.

[118] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* April 18, 1835, https://trove.nla.gov.au/newspaper/article/640979?searchTerm=The%20Western%20Australian%20Journal; Henry Reveley, "Letter from Henry Reveley to Peter Broun, January 18, 1836," Perth: SROWA, AU WA S2941 cons36 044, folio 65.

[119] It should be noted that prison labour was not given to all who applied for it. In cases where prisoners were employed privately, those employers were wholly responsible for supplying the necessary tools, and could not claim public money for their repair. See Peter Broun, "Letter from Peter Broun to Richard Broun, June 30, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 226–227; Peter Broun, "Letter from Peter Broun to Richard Broun, May 31, 1839," Perth: SROWA, AU WA S2755 cons49 012, folios 206–207; Vincent, "Letter from Henry Vincent to Peter Broun, April 5, 1832," 151; Peter Broun, "Letter from Peter Broun to Henry Vincent, April 7, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 107.

[120] Lyon, Robert. "Swan River," *Independent,* August 27, 1831, https://trove.nla.gov.au/newspaper/rendition/nla.news-article233684659.txt; George Leake, and Richard Broun, "Letter from George Leake and Richard Broun to Peter Broun, June 6, 1834," Perth: SROWA, AU WA S2941 cons36 032, folio 165; Broun, "Letter from Peter Broun to Henry Reveley, June 10, 1834," 345.

[121] Leake, and Broun, "Letter from George Leake and Richard Broun to Peter Broun, June 6, 1834," 165; Broun, "Letter from Peter Broun to Henry Reveley, June 10, 1834," 345.

[122] Peter Broun, "Letter from Peter Broun to Richard Broun, April 27, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 174; Peter Broun, "Letter from Peter Broun to Richard Broun, June 23, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 214.

[123] Peter Broun, "Letter from Peter Broun to George Leake, April 25, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 112; Peter Broun, "Letter from Peter Broun to the Henry Vincent, June 21, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 130.

[124] Henry Reveley, "Letter from Henry Reveley to Peter Broun, June 15, 1837," Perth: SROWA, AU WA S2941 cons36 054, folios 35–37; Peter Broun, "Letter from Peter Broun to Richard Broun, March 28, 1837," Perth: SROWA, AU WA S2755 cons49 008, folio 144; Henry Reveley, "Letter from Henry Reveley to Peter Broun, July 13, 1837," Perth: SROWA, AU WA S2941 cons36 054, folios 176–177; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* April 29, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640007.txt; "Whaling," *Swan River Guardian,* July 27, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041869.txt; A. "To the editor of "The Perth

maintenance of the ferry landing.[125]

While Bentham believed that prisoners should receive some of the profits of their work, this did not always occur in the Swan River Colony because they were most frequently employed by the local government.[126] However, prisoners employed to erect a private jetty did receive payment for their work, albeit not immediately—the payment was held until their release to help them readjust to life after confinement.[127] The employment and training received by inmates in the panopticon would help them transition into gainful employment following their sentence. Bentham envisioned that this could be achieved in a 'subsidiary panopticon' used as a factory for former offenders.[128]

Morality

Much like the use of labour, reforming inmates' morals was a core aim of both the panopticon and Fremantle Gaol. This was actioned through the prohibition of gaming and the promotion of religious teachings.[129] Gaming was prohibited by Rule 40 of the 1835 regulations, which stated that 'instruments of gaming' such as dice and cards would be not only confiscated but destroyed.[130] Bentham would have endorsed this rule because he believed that gaming led to vice and corruption.[131]

Gazette," *Perth Gazette and Western Australian Journal,* May 6, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640001.txt; "(The Subject Resumed)," *Swan River Guardian,* May 11, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041691.txt; Richard Broun, "Letter from Richard Broun to Peter Broun, May 14, 1838," Perth: SROWA, AU WA S2941 cons36 062, folio 35.

[125] John Septimus Roe, and George Fletcher Moore. "Letter from John Septimus Roe and George Fletcher Moore to Peter Broun, January 28, 1836," Perth: SROWA, AU WA S2941 cons36 044, folio 123; Richard Broun, "Letter from Richard Broun to Peter Broun, May 1838," Perth: SROWA, AU WA S2941 cons36 062, folio 36.

[126] Bentham, "Postscript Part – II," 246, 256, 258; Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125.

[127] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 125.

[128] Bentham, "Panopticon; or the Inspection-House," 55–6, 68–9; Bentham, "Postscript Part – II," 282.

[129] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 38–9; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46.

[130] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46.

[131] Bentham, "Postscript Part – II," 228.

The 1835 regulations also covered religion, with Rule 41 stating that anyone who so desired could have access to a Bible and a prayer book.[132] Despite his agnostic beliefs, Bentham saw the benefit of utilising religious teachings in penal institutions, particularly as a way of reforming morals. This included religious services and chaplains being made available to the inmates. The panopticon was designed to include a chapel, which Bentham concluded was 'a point to be assumed than argued'.[133] He also suggested that cells could be used for prayer.[134] Given the limited number of clergy from the established Church, a chaplain was not always available. However, concessions were made for religious education,[135] with a chaplain always included as one of the visiting magistrates to Fremantle Gaol. The *Blue Books* for 1837–1839 indicate that a magistrate would occasionally give religious instruction to the prisoners, while from 1840, this was performed by the government resident of Fremantle in the neighbouring courthouse.[136] In a letter to the editor of the *Perth Gazette* in May 1840, a writer by the name of Viator lamented the state of religion in the colony. In addressing the subject of religious services in Fremantle, Viator states, 'I have known the congregation to consist, besides the prisoners, of six adult males—and these not all sober,—and no adult female'.[137] This would suggest that religious education was afforded to prisoners alongside free settlers.[138] While the provision of religious services for prisoners in the courthouse can be verified, it remains unclear whether this was done alongside free settlers. The emphasis on hard work and religion was a means of 'moral management' of 'all aspects of inmate behaviour', helping to rehabilitate prisoners and transition them back into society.[139]

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[132] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 46.
[133] Bentham, "Postscript Part I," 144; Bentham, "Postscript Part – II," 214.
[134] Bentham, "Postscript Part I," 209.
[135] People of other religions, such as Muslims, were also incarcerated within the gaol, however, no evidence exists as to how it was managed. See: *Minute Books – Court of Quarter Sessions, 1830–1838*. Perth: SROWA, AU WA S204, cons 3577 1, 13–14, 42.
[136] *Blue Book (Statistical Returns for the Swan River Colony)*, 1837, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1838, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1839, 174; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 200; *Blue Book (Statistical Returns for the Swan River Colony)*, 1841, 193.
[137] Viator, "Swan River," *Perth Gazette and Western Australian Journal*, April 4, 1840, https://trove.nla.gov.au/newspaper/article/638758?searchTerm=Swan%20River#.
; *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 200.
[138] Viator. "Swan River," *Perth Gazette and Western Australian Journal*, April 4, 1840.
[139] Bavin-Steding, *Crime and Confinement*, 58–59.

Conclusion

By comparing the rules and regulations of Fremantle Gaol with Bentham's panopticon, it is possible to position the gaol as a colonial response to Bentham's model. While the management of the gaol deviates from Bentham's plan, this can be attributed to the need to maintain tight control of the developing penal system.[140] The promotion of health and cleanliness and the supply of provisions show a strong alignment with the panopticon. This does not continue with the diet, which saw a significant deviation from Bentham's plan. However, this plan would have been challenging to implement in the colony given its food scarcity, particularly in the early years.[141] This demonstrates how Bentham's model was adapted to colonial needs. There are minor differences in how labour and religion were handled in the two institutions. While prisoners in Bentham's panopticon would labour solely within the prison and religion would be central to daily life, the colonial inmates Fremantle Gaol predominantly worked outside of the prison and did not receive an extensive religious education, despite arrangements being made.[142] However, it can still be argued that there is a link between Fremantle Gaol and the panopticon. To further understand the experiences of the prisoners incarcerated in the institution, Chapter 6 discusses the punishments utilised in the gaol and the wider colonial penal system.

[140] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42; Bentham, "Panopticon; or the Inspection-House," 44.
[141] Reece, "Eating and Drinking at Early Swan River Colony," 462–463.
[142] *Blue Book (Statistical Returns for the Swan River Colony)*, 1840, 200; *Blue Book (Statistical Returns for the Swan River Colony)*, 1841, 193; Bentham, "Postscript Part I," 144; Bentham, "Postscript Part – II," 214.

Chapter 6: Punishment and Fremantle Gaol

Introduction

Despite the strong similarities between Fremantle Gaol and the panopticon in terms of their operations, the punishments inflicted in the Swan River Colony and Fremantle Gaol deviated from the methods endorsed by Bentham. This deviation was even more prominent for Aboriginal prisoners, whose punishments tended to be harsher than those inflicted on colonial prisoners, most likely because of their perceived inferiority, a belief echoed in Bentham's writings.[1] Deviations from the panopticon archetype can largely be explained by the gaol being a colonial response to Bentham's plan and the need to maintain control over a restless population in an attempt to deter future offenders. To examine the punishments used in Fremantle Gaol in the context of Bentham and the panopticon, certain elements must be examined. First, the evolution of punishment in Britain is discussed to contextualise the establishment of the penal system in the Swan River Colony. Second, Noongar tribal lore is examined to understand the impact of a foreign system of justice on the Noongar population. The frequency of imprisonment in the colony is also ascertained to position the gaol's importance in the colony's penal system. From this, the rules and regulations pertaining to punishment in Fremantle Gaol are explored to identify the similarities and differences in punishment methods used between the gaol and the panopticon. Finally, methods of punishment used outside of the gaol, namely the forfeiture of prisoner property, transportation and the death penalty, are examined.[2]

Evolving Methods of Punishment

Attitudes towards punishment began to change during the Enlightenment, not least because of Cesare Beccaria's contributions in Italy and Jeremy Bentham's in England.[3] However, it was not until the first half of the nineteenth century that penal theories began to develop rapidly. Foucault postulated that as the 'theatrical representation of pain' became obsolete, 'the age of sobriety in punishment' was signalled.[4] The works of Beccaria and Bentham countered traditional methods of punishment, with both recommending a universal penal code in place of arbitrary decisions

[1] Bentham, "Letter to Lord Pelham," 32.
[2] The information used to present the use of these punishments have been drawn from the minute books of the Quarter Sessions, as despite not being exhaustive, they provide the most consistent and comprehensive records when compared to other methods of reporting such as the *Quarterly Returns* (which begun in 1835) and the *Blue Books* which were utilised from 1837.
[3] Pick, *Faces of Degeneration*, 136.
[4] Winter, *Transforming the Colony*, 25; Foucault, *Discipline and Punish*, 14.

made by a biased judge or punishments inflicted according to an offender's social standing.[5] Bentham considered all punishment to be inherently evil but deemed it necessary to deter and correct offenders.[6] From these ideas, proportionality began to develop in European penal theory; in other words, it was thought that the punishment should fit the crime.[7] Foucault discusses this change in *Discipline and Punish,* noting that from the mid-eighteenth century to the mid-nineteenth century, 'a new theory of law and crime, a new moral or political justification of the right to punish' developed alongside the abolition of previous laws and old customs. The discontinuation of public torture, in particular, encapsulated this change.[8] Punishment became less physical and a more private affair, marked by the abolition of public executions.[9] The consequentialist theories developed by Beccaria and Bentham contributed to these changes. However, these theories were not completely unopposed—the philosophies of Kant and Hegel led to a revival in retributivist theories.[10] This resurgence was recognised by Foucault, although he argued that retributive justice was not as widespread as it had been previously.[11]

The changing discourse surrounding punishment from the late eighteenth century led to a concerted push for penal reform, gaining the support of politicians such as Sir Samuel Romilly, Sir James Mackintosh, Sir Thomas Fowell Buxton, Sir Robert Peel and Lord Brougham.[12] Romilly and Mackintosh, strong opponents of capital punishment, spearheaded reform in parliament at the beginning of the nineteenth century. In 1808, Romilly successfully advocated for the abolition of the death penalty for pickpockets in favour of transportation; however, many of his future reform efforts were regularly thwarted by parliament.[13] However, by the 1820s, conditions were more favourable for change, with Mackintosh and Sir Robert Peel advocating for reform and Bentham's ideas gaining more acceptance.[14] This period saw the death penalty abolished for 100 offences and an increase in prison regulations, which included the regular

[5] Pick, *Faces of Degeneration*, 136.
[6] James T. McHugh, "Utilitarianism, Punishment, and Ideal Proportionality in Penal Law: Punishment as an Intrinsic Evil," *Journal of Bentham Studies* 10, no.1 (2008): 1, https://doi.org/10.14324/111.2045-757X.032; Mark Tunick, *Punishment: Theory and Practice* (Berkeley: University of California Press, 1992), 71.
[7] Anthony J. Draper, "Punishment, Proportionality, and the Economic Analysis of Crime," *Journal of Bentham Studies* 11, no.1 (2009): 6, https://doi.org/10.14324/111.2045-757X.035.
[8] Foucault, *Discipline and Punish*, 7.
[9] Foucault, *Discipline and Punish*, 8–10.
[10] Draper, "Punishment, Proportionality, and the Economic Analysis of Crime," 6.
[11] Foucault, *Discipline and Punish*, 8.
[12] Hill, *British Economic and Social History 1700–1975,* 227; Robert Cooper, "Jeremy Bentham, Elizabeth Fry, and English Prison Reform," *Journal of the History of Ideas* 42, no.4 (1981): 682, https://doi.org/10.2307/2709127; Alexander Llewellyn, *The Decade of Reform: the 1830s (*Newton Abbot: David & Charles, 1972), 186; Phil Handler, "Forgery and the End of the 'Bloody Code' in Early Nineteenth-Century England," *The Historical Journal* 48, no.3 (2005): 695, https://doi.org/10.1017/S0018246X05004620.
[13] Hill, *British Economic and Social History 1700–1975,* 227; Thompson, *The Making of the English Working Class,* 61; Handler, "Forgery and the End of the 'Bloody Code' in Early Nineteenth-Century England," 685.
[14] Hill, *British Economic and Social History 1700–1975,* 227.

inspection of prisons to ensure high standards and the introduction of salaries for gaolers, who had hitherto collected fees from inmates.[15] While these changes were not initially implemented consistently or successfully, they set a precedent for later change. For example, in the 1830s, rules were introduced to provide prisoners with separate cells, find them work and encourage them to gain an education, although they were not uniformly implemented.[16] Criminal laws enacted by the Whig Party saw the death penalty further abolished for crimes such as coinage offences, livestock theft and household larceny.[17] During his time as home secretary (1835–1839), Lord Russell's additional bills further reduced the use of execution to the extent that by 1841 it was reserved only for severe crimes such as murder and high treason.[18] Foucault attributes the slow demise of the death penalty in Britain to the social unrest between 1780 and 1820 and the British government's related desire to maintain control over the population.[19]

Throughout the seventeenth and eighteenth centuries, Britain maintained control over the population by transporting offenders to foreign lands.[20] Initially, criminals were sent to the American colonies, including Barbados, as cheap labour or indentured servants for plantation owners.[21] Following the American Revolutionary War and the subsequent loss of British colonies, a penal colony was established in New South Wales.[22] While New South Wales was only used as a penal colony until 1840, Van Diemen's Land received convicts from 1803 to 1853, and Western Australia received convicts from 1850 until the cessation of transportation in 1868.[23] Prisoners awaiting transportation would be held in hulks, the bodies of unseaworthy ships, usually on the Thames or Severn rivers.[24] Although this was initially intended as a temporary measure from 1776 to 1778, they were used in Britain until the late 1850s.[25] While it is true that transportation and incarceration coexisted, towards the end of the eighteenth century a higher proportion of offenders were imprisoned rather than sent to the Australian penal

[15] Hill, *British Economic and Social History 1700–1975,* 227; Wood, *Nineteenth Century Britain 1815–1914,* 68; Handler, "Forgery and the End of the 'Bloody Code' in Early Nineteenth-Century England," 683.
[16] Hill, *British Economic and Social History 1700–1975,* 228.
[17] Jonathan Parry, *The Rise and Fall of Liberal Government in Victorian Britain (*New Haven: Yale University Press, 1993), 122.
[18] Parry, *The Rise and Fall of Liberal Government in Victorian Britain,* 122; Clive Emsley, *Crime and Society in England, 1750–1900,* 5th ed. (London: Routledge, 2018), https://doi.org/10.4324/9781315144719, 281-282.
[19] Foucault, *Discipline and Punish*, 14.
[20] Hill, *British Economic and Social History 1700–1975*, 226.
[21] Hill, *British Economic and Social History 1700–1975*, 226.
[22] Jackson, "Jeremy Bentham and the New South Wales Convicts," 370.
[23] Kippen McCalman, "The Life-Course Demography of Convict Transportation to Van Diemen's Land," *The History of the Family* 25, no.3 (2020): 432, https://doi.org/10.1080/1081602X.2019.1691621; Hill, *British Economic and Social History 1700–1975*, 134.
[24] Brad Williams, "The Archaeological Potential of Colonial Prison Hulks: The Tasmanian Case Study," *Bulletin of the Australasian Institute for Maritime Archaeology* 29 (2005): 77, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=781344625509449;res=IELHSS.
[25] Williams, "The Archaeological Potential of Colonial Prison Hulks," 77.

colonies.[26] Intellectual discourse at the time opposed transportation. Instead, it was argued that severe offences should be punished through imprisonment with hard labour. Bentham's opposition was grounded in his argument that transportation was unsatisfactory for punishing criminals because it did not serve 'the proper ends of penal policy'.[27] New South Wales was the recipient of much of Bentham's scorn—he argued that the penal colony could not be productive because it was too remote, lacked natural resources, relied on convicts for labour and was not economically viable compared with his panopticon.[28] However, New South Wales was an economic success, particularly because convicts became productive members of colonial society, to the extent that it became an increasingly unsuitable site for convict transportation.[29] Despite Bentham's arguments regarding New South Wales, it did not affect the British government's attitude towards the colony in general. Indeed, it was a staple of British penal policy until decades after Bentham's death.[30]

Noongar Tribal Lore[31]

To understand the significant impact of the British penal system on the Noongar population, it is essential to discuss how the latter traditionally dealt with infractions of lore and custom. Noongar punishment was based on a system of retributive justice or payback, the severity of which would depend on the level of violation.[32] Kingsley Palmer's review of the early literature on spearing concludes that it was a common feature of Noongar society. However, Palmer notes that the data are too scarce and unreliable to draw definitive conclusions about how frequently spearing was used.[33] Minor offences related to the theft of food or resources, marriage grievances or damaging another group's territory were punished by spearing the offender in the thigh or ostracising him or her from the community. The most severe offence was murder, when justice had to be served because 'a man's death had to be avenged before his spirit could rest'.[34] This

[26] John Walliss, "New Directions in the Historiography of the Administration of the Bloody Code," *History Compass* 16 (2018): 1, https://doi.org/10.1111/hic3.12463.
[27] Jackson, "Jeremy Bentham and the New South Wales Convicts," 370, 375.
[28] Jackson, "Jeremy Bentham and the New South Wales Convicts," 370; Jeremy Bentham, "Letter to Lord Pelham," in *Writings on Australia,* ed. Tim Causer and Phillip Schofield, pre-publication version (London: The Bentham Project, 2018), https://discovery.ucl.ac.uk/id/eprint/10055298/1/3.%20First%20Letter.pdf, 8–9, 85–86, 88–89.
[29] Jackson, "Jeremy Bentham and the New South Wales Convicts," 378.
[30] Jackson, "Bentham's Penal Theory in Action," 241.
[31] The word 'lore' has been chosen over 'law' in reference to Noongar customs as this is how Noongar people refer to it. See: Kaartidjin Noongar: Sharing Noongar Culture, "Noongar Lore," Accessed November 09, 2020, https://www.noongarculture.org.au/noongar-lore.
[32] Kaartidjin Noongar: Sharing Noongar Culture, "Noongar Lore."
[33] Palmer, *Noongar People, Noongar Land*, 81.
[34] Kaartidjin Noongar: Sharing Noongar Culture. "Noongar Lore"; Green, *Broken Spears*, 19.

could be done by one individual or a group of men and accounted for approximately 44 per cent of early documented spearings.[35]

As British settlers began to spread further into Noongar country in the latter part of the 1830s, tensions rose,[36] resulting in increased thefts, mainly of livestock, by the Noongar people.[37] However, the Noongar interpretation of these events is that it was a way of collecting 'rent' from settlers who were invading their territory.[38] Nevertheless, there was discussion about how this should be punished. Correspondence from Secretary of State for War and the Colonies Lord Glenelg in 1835 stated that Aboriginal 'people were to be treated as British subjects'.[39] While it was impractical to enforce British law in these cases, Noongar lore was 'tolerated as a form of legal pluralism' for Noongar people.[40] When offences occurred in close proximity to British settlements, it was not tolerated, as evidenced by the prosecution of Helia, who was convicted of murdering another Noongar woman.[41]

Imprisonment

Between 1831 and 1841, 132 people were sentenced to imprisonment,[42] including 94 British settlers, 22 Noongar people, six non-Europeans[43] and ten of unknown ethnicity. The three most common sentences for British settlers were three, six or 12 months with hard labour. These could be sentenced for offences including larceny, assault, embezzlement, intent to commit rape and robbery. Two British settlers were sentenced to solitary confinement for periods of two and six months for an unspecified felony and assault, respectively. Noongar people typically received longer sentences of one to three years typically for offences relating to livestock theft, house breaking, larceny and receiving stolen goods. In contrast, people of non-Europeans origin received shorter sentences, ranging from less than a month to six months for crimes such as unspecified felonies, larceny and indecent assault.[44]

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[35] Palmer, *Noongar People, Noongar Land*, 81.
[36] Ann Hunter, "The Origin and Debate Surrounding the Development of Aboriginal Evidence Acts in Western Australia in the Early 1840s," *University of Notre Dame Australia Law Review* 9 (2007): 144, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=20080407;res=IELAPA.
[37] Hunter, "The Origin and Debate," 128.
[38] Collard, and Harben, "Nartj Jatitj Bidi Ngulluckiny Koorl?," 88.
[39] Hunter, "The Origin and Debate," 118.
[40] Hunter, "The Origin and Debate," 131.
[41] Finnane and Kaladelfos, "Race and Justice in an Australian Court," 445.
[42] Due to the complexities associated with compiling the sentences handed down between 1831 and 1841, the statistics presented here do not account for multiple convictions.
[43] The phrasing 'non-European' has been selected to encompass people from areas including British India andAsia.
[44] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.

Table 5.1: Duration of imprisonment by ethnicity (1831–1841)[45]

Duration	Labour	British settlers	Noongar	Non-European	Unknown
< 1 month	With labour	3	–	–	–
	Without labour	3	–	2	–
1 month	With labour	8	–	–	–
2 months	With labour	6	–	–	3
3 months	With labour	14	–	1	1
	Without labour	1	1	–	–
4 months	With labour	7	–	–	1
5 months	With labour	–	–	–	1
6 months	With labour	31	3	3	2
	Without labour	1	–	–	–
7–11 months	With labour	1	–	–	1
1 year	With labour	15	8	–	–
2 years	With labour	4	3	–	1
	Without labour	–	2	–	–
3 years	With labour	–	4	–	–
	Without labour	–	1	–	–

Statistics on imprisonment were periodically released through the colony's newspapers however, these often differed to the records kept by the Quarter Sessions, which are presented above. In 1836, the *Perth Gazette* stated that from July 1830 to January 1836, 74 people had been sentenced to periods of imprisonment of two weeks to six months. Longer terms were also utilised, with one imprisoned for nine months, six for a year and two for two years.[46] A later report published in the *Inquirer* in 1841 stated that between July 1838 and December 1840, 41 people had been sentenced to imprisonment with hard labour.[47] Longer sentences appeared to be more common during this period, with one sentence each of one and two months, three sentences of three months, six sentences of six months, ten sentences of one year (the most common), six sentences of two years and five sentences of three years.[48] While there is a discrepancy between court records and newspaper reports, this may be attributed to the latter counting people who

[45] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*. Perth: SROWA, AU WA S204, cons 3577 3; *Minute Books – Court of Quarter Sessions, 1840–1861*. Perth: SROWA, AU WA S204, cons 3577 4, 1–26.
[46] "Report of the Committee of Correspondence, Appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836.
[47] "VIII State of Crime," March 31, 1841.
[48] "VIII State of Crime," March 31, 1841.

were not part of 'the bona fide population'. In contrast, court records did not necessarily count convictions, particularly those of Noongar people, who only appear in the court records after 1837.[49]

Management of Punishment

The management of punishment was covered by 1831 (Rule 1) and 1835 (Rules 14 and 16) rules and regulations of Fremantle Gaol. These rules stated that prisoners could not be placed in handcuffs, leg irons or solitary confinement or have their diet reduced without prior written authorisation from a magistrate.[50] Although it was not mentioned in the regulations, the whipping of prisoners took place 13 times between July 1830 and January 1836.[51] In 1831, these actions needed to be reported to the next Fremantle Petty Sessions by the superintendent of the gaol.[52] In 1835, if the urgency of the circumstances meant that prior approval could not be obtained, the gaoler was to alert a magistrate at the first opportunity.[53] However, concerns were raised about how this was manifested in the gaol. A piece published in the *Swan River Guardian* in 1837 stated, 'The jailer inflicts summary punishment, without any order of a magistrate'.[54] This would not have occurred under Bentham's plan because unnecessary punishments would cause undue hardships on prisoners, and the gaoler was responsible for inmate wellbeing.[55]

Auxiliary punishments

Although several auxiliary punishments were utilised in the gaol, they could only be used with the approval of a magistrate to minimise the risk of abuse on the part of the gaoler.[56] Bentham

[49] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[50] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[51] "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836.
[52] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37.
[53] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[54] Louis Giustiniani, "The Logic of Swan River," *Swan River Guardian*, November 23, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041848.txt.
[55] Bentham, "Postscript Part – II," 214, 223.
[56] Bentham, "Panopticon; or the Inspection-House," 137.

believed that a reduction in rations was the most effective auxiliary punishment because it would invoke hunger.[57] However, there are no records to indicate that this punishment was used in the gaol, despite being permitted by the rules.[58] Bentham considered the use of gags to subdue inmates as a useful method, although he did note that the prospect alone may be enough of a deterrent.[59]

Irons

Both colonial and Aboriginal prisoners were subjected to being placed in irons.[60] The use of irons appears to have been commonplace, as indicated by requests for additional supplies from Van Diemen's Land. For example, in 1839, Fremantle's government resident sent a request for 24 pairs of light leg irons, six pairs of heavy leg irons, 12 pairs of common handcuffs and 18 pairs of spring handcuffs.[61] Bentham did not condone the use of irons within the panopticon because prisoners would be under consistent observation, rendering them unnecessary.[62] However, Aboriginal prisoners were often chained together in pairs, although this may have been unpopular with the public.[63] A report of a Quarter Session in the *Swan River Guardian* noted that when an Noongar person was brought into the court in irons, it 'excited the indignation of many spectators'.[64] This could be in response to the humanitarian narrative which was becoming more widespread and was particularly concerned with visible brutality and the abolition of slavery.[65] The anti-slavery movement would provide a framework from which the treatment of Indigenous people, in particular Aboriginal people in Australia, could be debated.[66] This is of significance as the protection and treatment of Aboriginal people was linked with the

[57] Bentham, "Panopticon; or the Inspection-House," 137.
[58] Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[59] Bentham, "Postscript Part – II," 276; Bentham, "Panopticon; or the Inspection-House," 49.
[60] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[61] Broun, "Letter from Richard Broun to Peter Broun, October 21, 1839," 162–164; Broun, "Letter from Richard Broun to Peter Broun, April 6, 1837," 161.
[62] Bentham, "Panopticon; or the Inspection-House," 49.
[63] "The Western Australian Journal," *Perth Gazette and Western Australian Journal*, October 21, 1837.
[64] "Quarter Sessions," *Swan River Guardian*, January 5, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041860.txt.
[65] Matthew Allen, "The Myth of the Flogging Parson: Samuel Marsden and Severity of Punishment in the Age of Reform," *Australian Historical Studies* 48, no.4 (2017):497-498. https://doi.org/10.1080/1031461X.2017.1377269; Jane Lydon, "Anti-Slavery in Australia: Picturing the 1838 Myall Creek Massacre," *History Compass* 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12330.
[66] Lydon, "Anti-Slavery in Australia," n.p.; Fiona Paisley, "Introduction: Special Issue on Anti-Slavery and Australia," *History Compass* 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12336.

emancipation of slavery and both of these were tied to Britain's own view of its character and moral authority.[67] Therefore the public reaction at the Quarter Sessions to seeing the Noongar person in chains could be because of a slave-like appearance which was offensive to their perception of the colony's moral character. The need for severe punishment for Aboriginal prisoners was universally recognised, yet the local government had great difficulty finding such punishments. However, solitary confinement was deemed beneficial.[68]

Whipping

From 1831 to 1841, the Court of Quarter Sessions sentenced 17 people to whipping as part of their punishment, presented in the table below.[69] Statistics presented in the *Perth Gazette* in 1836 showed that 13 people had been whipped between 1830 and January 1836.[70] Analysis of court records shows whipping was used predominantly on British settlers and non-Europeans, who most frequently received between three and five dozen lashes most commonly for larceny. However, it was also used for offences such as entering private property, indecent assault and intent to commit rape.[71] Whipping was often used in conjunction with imprisonment; for example, James Stevens received 14 days imprisonment and three dozen lashes in 1832 for stealing while aboard the schooner *Ellen.*[72]

[67] Eleanor Morecroft, "Antislavery, Elite Men, and the "Voice of the British Nation:" c.1790-1860," *History Compass* 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12374.
[68] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* March 11, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640062.txt; "A Native Flogged at Perth," *Perth Gazette and Western Australian Journal,* April 26, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641540.txt.
[69] "Quarter Sessions," *Perth Gazette and Western Australian Journal,* April 11, 1835; William H. Mackie, "Letter from William H. Mackie to Peter Broun, October 10, 1832," Perth: SROWA, AU WA S2941 cons36 024, folios 142–144; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* August 31, 1839, https://trove.nla.gov.au/newspaper/rendition/nla.news-article638988.txt; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal,* June 18, 1836.
[70] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[71] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[72] Mackie, "Letter from William H. Mackie to Peter Broun, October 10, 1832," 142–144; Fredrick Chidley Irwin, "Letter from Fredrick Chidley to William H. Mackie, October 11, 1832," Perth: SROWA, AU WA S2941 cons36 024, folios 143–144.

Table 5.2: Number and frequency of lashes by ethnicity (1831–1841)[73]

No. lashes	British settlers	Noongar	Non-European	Unknown
1 dozen	1			
3 dozen	2	2	3	
4 dozen	1	1		
≥ 5 dozen	2		3	2

As part of their punishment, Noongar people would frequently be whipped, despite the court records not reflecting this. The court records do however show that when Noongar people were sentenced to whipping it was for larceny.[74] This would often occur alongside a spell in prison, and in most cases, the offender would be taken to the site of the alleged offence for the whipping.[75] In April 1834, a Noongar man was caught stealing wheat from a home, receiving 'a dozen severe lashes' as punishment. Interestingly, in this case, this was at the recommendation of Weeip, a Whadjuk elder,[76] who was quoted as saying that the accused should receive 'a little beating all the same as black man'.[77] This highlights Weeip's attempts to incorporate the British penal system into traditional Noongar lore as a way of making it more familiar to his culture, demonstrating the adaptations made to Noongar culture and traditions to survive.

In March 1837, the effectiveness of whipping was called into question in *The Western Australian Journal*, which stated that one offender had suffered whipping and confinement on multiple occasions.[78] In one instance in 1837, a Noongar man named Gear (alias Obediah[79]) was tried at the Court of Quarter Sessions for stealing wheat from Advocate General George Fletcher Moore, found guilty and sentenced to one month in gaol and four dozen lashes. The decision to bring him before the Court of Quarter Sessions was not popular. Instead, the *Swan River Guardian* suggested that Moore should have whipped the offender on the spot without the

[73] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[74] "Quarter Sessions," *Perth Gazette and Western Australian Journal,* April 11, 1835; W.H. Mackie to Peter Broun, October 10, 1832," 142–144; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* August 31, 1839; Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[75] Green, "Aboriginal and White Settlers in the Nineteenth Century," 83; "Pardon of Wee-Ip and Release of the Native Bill-Yoo-Merry," *Perth Gazette and Western Australian Journal,* September 6, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641308.txt.
[76] While every endeavour has been undertaken to find Weeip's tribe, it has not been possible to identify it any further than being the First North Tribe on Whadjuk country. See: Sylvia Hallam, and Lois Tilbrook, *Aboriginals of the Southwest Region 1829–1840* (Nedlands: University of Western Australian Press, 1990), viii.
[77] "A Native Flogged at Perth," *Perth Gazette and Western Australian Journal,* April 26, 1834.
[78] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* March 11, 1837.
[79] While Obediah was also recorded as being spelt as Obadiah, the spelling from the source has been maintained. See: Hallam, and Tilbrook. *Aboriginals of the Southwest Region 1829–1840,* 125.

spectacle and expense of a trial.[80] It is likely that Aboriginal offenders were subject to more brutal and physical punishments because of their perceived inferiority by settlers, who considered these methods the most effective way to prevent further offences.[81] This perceived inferiority was bound up with the infantilisation of colonised people, who were thought to need physical coercion and discipline for punishment.[82] However, this infantilisation was coupled with a fear of rebellion by the colonised, and as a result, physical pain was used for any infraction against colonial power.[83] While imprisonment was also used, physical punishment was preferred for colonised people as it was believed that they would not understand the purpose of incarceration as it was too 'civilised' a punishment for them.[84] However, despite Noongar people being imprisoned, they were also still subjected to harsher punishments such as whipping far more frequently than their settler counterparts.

Miscellaneous auxiliary punishments

Other punishments of prisoners included stocks and fines. Stocks were erected at the gaol in 1833 to deter and punish drunkenness, remaining there until 1849.[85] An article published in November 1833 stated that the use of stocks in Fremantle and Perth had increased, further recommending that anyone with 'any respect for themselves not dabble in them'.[86] A later article published in 1840 paints a damning picture of Fremantle, 'with its streets crowded by drunkards reeling or fighting, with its unused gaol and court house, and stocks a laughing stock'.[87] While this was probably an exaggeration, given that the gaol was known to be crowded, it does suggest

[80] "Quarter Sessions," *Swan River Guardian*, January 5, 1837.
[81] Lyon, R.M. "A Glance at the Manners, and Language of the Aboriginal Inhabitants of Western Australia; With a Short Vocabulary: - 23rd March, 1833," *Perth Gazette and Western Australian Journal,* March 30, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642150.txt; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* March 11, 1837.
[82] David Killingray, "The 'Rod of Empire:' The Debate over Corporal Punishment in the British African Colonial Forces, 1888-1946," *The Journal of African History* 35, no.2 (1994): 202. https://www.jstor.org/stable/183216.
[83] Stephen Allister Pete, "Keeping the Natives in their Place: The Ideology of White Supremacy and the Flogging of African Offenders in Colonial Natal – Part 1," *Fundamina: A Journal of Legal History* 26, no.2 (2020): 377. https://doi.org/10.10520/ejc-funda-v26-n2-a5.
[84] Paul Ocobock, "Spare the Rod, Spoil the Colony: Corporal Punishment, Colonial Violence, and Generational Authority in Kenya, 1897-1952," *The International Journal of African Historical Studies* 45, no.1 (2012): 29. https://www.jstor.org/stable/23267170; Stephen Pete and Annie Devenish, "Flogging, Fear and Food: Punishment and Race in Colonial Natal," *Journal of Southern African Studies* 31, no.1 (2005): 9-10. https://doi.org/10.1080/03057070500035570; David M. Anderson, "Punishment, Race and 'The Raw Native': Settler Society and Kenya's Flogging Scandals, 1895-1930," *Journal of Southern African Studies* 37, no.3 (2011): 490. https://doi.org/10.1080/03057070.2011.602887.
[85] William H. Mackie, J. Morgan, and John B. Wittenoom, "Letter from William H. Mackie, J. Morgan and John Wittenoom to Peter Broun, October 12, 1833," Perth: SROWA, AU WA S2941 cons36 035, folio 85.
[86] "Act of Acclamation," *Perth Gazette and Western Australian Journal,* November 30, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641757.txt.
[87] Viator. "Swan River," *Perth Gazette and Western Australian Journal,* April 4, 1840.

that the stocks were still in use.[88] However, no surviving records show who was placed in them or with what frequency they were used. An examination of the court records also indicates that fines could form part of a prisoner's punishment. Between 1831 and 1841, three settlers received fines.[89]

Forfeiture of prisoner property

Prisoners could also be subjected to the forced sale of their property, with funds from the sale being retained by the government.[90] This would create hardship for prisoners on their release because they would have to repurchase property, including tools of their trade, to assimilate back into everyday life. Prisoners would petition against this at times, arguing that it would significantly affect their ability to support their families, who would greatly suffer as a result; however, these pleas were rarely successful.[91] Bentham did not endorse this practice because the sale of prisoners' property would considerably hinder their ability to reintegrate into society on their release.[92] A likely reason for forcing prisoners to forfeit property was the local government needing to recoup their confinement costs.[93] It should be noted, however, that the surviving evidence indicates that the forced sale of property only occurred from 1835 to 1836. Hence, it remains unclear whether this mode of punishment was sustained.

Transportation

While transportation was used outside of the colony for the most part, it was connected with Fremantle Gaol in its efforts to remove criminals from the colony. This highlights the struggling colony's need to deal with the criminal population. Fifty-one prisoners in total, with British settlers accounting for 42 of these, were sentenced to transportation between 1831 and 1841, as evidenced by Table 5.3. The most common duration for a transported prisoner was seven years, although longer terms were occasionally imposed. Offences that would result in transportation

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[88] Viator. "Swan River," *Perth Gazette and Western Australian Journal,* April 4, 1840.
[89] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[90] George Stone, "Letter from George Stone to Peter Broun, July 28, 1835," Perth: SROWA, AU WA S2941 cons36 041, folio 154; George Stone, "Letter from George Stone to Peter Broun, January 11, 1836," Perth: SROWA, AU WA S2941 cons36 044, folio 47.
[91] John Thomas, "Letter from John Thomas to Peter Broun, March 1835," Perth: SROWA, AU WA S2941 cons36 038, folios 151–152.
[92] Bentham, "Panopticon; or the Inspection-House," 68–9; Bentham, "Postscript Part – II," 282.
[93] George Stone, "Classified Advertising," *Perth Gazette and Western Australian Journal,* April 18, 1835, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640977.txt; Amy Keates, "Letter from Amy Keates to James Stirling, July 28, 1835," Perth: SROWA, AU WA S2941 cons36 037, folios 234–235; George Stone, "Government Notice," *Perth Gazette and Western Australian Journal,* January 16, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640579.txt.

usually concerned larceny; however, housebreaking, burglary, perjury, coining rupees, receiving stolen goods or plundering a shipwreck could also end in transportation.[94]

Colonial prisoners from the Swan River Colony would be transported to either Van Diemen's Land or New South Wales. Noongar offenders were not sent to the former location because it was commonly believed that 'no Aboriginal inhabitants exist on the island'.[95] However, this was not true because there were Pallawah people living on the island.[96] Rather than leaving the colony's jurisdiction, Aboriginal men would be sent to Rottnest Island, known as Wadjemup to the Whadjuk Noongar population.[97] Because of the rising fear of retribution from Aboriginal people, this had been suggested as early as 1830, although it was not used for this purpose until 1838.[98] Settlers who committed offences such as theft, receiving stolen goods, escaping from prison or deserting the military deserters would be transported, while Aboriginal offenders would be sent to Wadjemup for killing livestock, theft, assault and 'tribal murder'.[99] However, it can be argued that crimes by Aboriginal people stemmed from being displaced from their traditional lives and the perceived superiority of white law.[100]

The use of the island as a prison for Aboriginal prisoners was a frontier warfare tactic.[101] Removing the men from the community drastically reduced the ability of the Whadjuk people to resist the invasion of their territory.[102] Wadjemup had deep cultural meaning for the Whadjuk people and was considered forbidden because it held 'bad spirits'.[103] Thus, deterrence was central

[94] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[95] Peter Broun, "Letter from Peter Broun to Alexander Macleay, January 20, 1836," Perth: SROWA, AU WA S2755 cons49 007, folios 361–362; E. Dears Thomson, "Letter from E. Dears Thomson to Peter Broun, December 23, 1841," Perth: SROWA, AU WA S2941 cons36 096, folio 98; "Native Trials," *Swan River Guardian,* October 5, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041909.txt.
[96] Richard Broome, *Aboriginal Australians: A History Since 1788 (*Crows Nest: Allen & Unwin, 2010), 71.
[97] Blaze Kwaymullina, "Wadjemup: Holiday Paradise or Prison Hell-Hole," *Studies in Western Australian History* 22 (2001): 109, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=200113324;res=IELAPA; Roscoe, "A Natural Hulk," 61; Katherine Roscoe, "'Too Many Kill 'em. Too Many Make 'em Ill': The Commission into Rottnest Prison as the Context for Section 70," *Studies in Western Australian History* 30 (2016): 43, https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=1598134707178;res=IELAPA.
[98] Roscoe, "A Natural Hulk," 61; Thomas G. Whitely, "Permeability and Persistence of Physical and Social Boundaries in the Context of Incarceration in Nineteenth Century Western Australia," *Archaeology in Oceania* 50, no.1 (2015): 126, https://doi.org/10.1002/acro.5063.
[99] William H. Mackie, "Letter from William H. Mackie to Peter Broun, July 2, 1841," Perth: SROWA, AU WA S2941 cons36 101, folio 61; "Quarter Sessions," *Perth Gazette and Western Australian Journal,* January 4, 1840, https://trove.nla.gov.au/newspaper/rendition/nla.news-article638841.txt; "Quarter Sessions," *Perth Gazette and Western Australian Journal,* October 4, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641251.txt; Vincent 1834, 168; Kwaymullina, "Wadjemup," 113.
[100] Kwaymullina, "Wadjemup," 113.
[101] Roscoe, "A Natural Hulk," 43.
[102] Roscoe, "A Natural Hulk," 48, 62–3.
[103] Kwaymullina, "Wadjemup," 109; Roscoe, "A Natural Hulk," 61.

to the decision to use the island as a prison because the deep fear elicited by the mere threat of being sent there was challenging to replicate, and escape would be difficult.[104]

Table 5.3 Duration of transportation by ethnicity (1831–1841)[105]

Duration	British settlers	Noongar	Non-European	Unknown
7 years	40	6	1	1
10 years	1	–	–	–
14 years	1	–	–	–
Life	–	–	–	1

Bentham was vehemently opposed to transportation—he fundamentally believed it would not prevent crime niether reform the criminal as could be achieved by the panopticon. He further objected to the unjustifiable expense that the government would incur by removing criminals, estimating that the cost of upkeep of an inmate in the panopticon would be £13. 10 shillings per year compared with £37 per transported convict. Central to Bentham's thoughts on punishment was the offender's reformation; this, he believed, could not be achieved by sending convicts out of Britain because penal colonies would not be able not keep them under observation.[106] He was also concerned that the free settlers of these colonies would be exposed to corruption, thus creating a society that would suffer from the flourishment of idleness and drunkenness.[107] While Bentham condemned transportation, its use highlights the struggling colony's need to manage its criminal population given the lack of local infrastructure; the main penal institution, Fremantle Gaol, could hold only 21 prisoners.[108]

[104] Roscoe, "A Natural Hulk," 61–62; Kwaymullina, "Wadjemup," 110.
[105] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[106] Bentham, "Principles of Penal Law," 491–2, 501.
[107] Jeremy Bentham, "Second Letter to Lord Pelham," in *Writings on Australia*, ed. Tim Causer and Phillip Schofield (London: The Bentham Project, 2018 pre-publication version), https://discovery.ucl.ac.uk/id/eprint/10055301/1/4.%20Second%20Letter.pdf, 10, 12.
[108] Bentham, "Principles of Penal Law," 491; *Blue Book (Statistical Returns for the Swan River Colony)*, 1838, 170.

The death penalty

Court records indicate that two settlers and 11 Aboriginal people were sentenced to death between 1831 and 1841.[109] However, these figures may not be accurate because punishments were inflicted according to race, but this was not always accounted for in the court minute books. For example, a Noongar man was executed for the murder of a settler, while a settler who had shot and killed a Noongar man was only sentenced to imprisonment and would later be pardoned. The low status of Noongar people meant that their executions were often not included in statistics on crime. For example, a report published in 1836 stated that the penalty of death 'had not yet been passed or recorded in the colony'.[110] However, this was not true—while no white person had been sentenced to death, the government had been executing Noongar people since 1833. A report published in the *Inquirer* in March 1841 stated that the death sentence had been handed down twice and recorded once (with the other being commuted in favour of transportation for life).[111] Without explicitly stating it, the report did acknowledge the use of the death penalty for Noongar offenders because the first British person would not be executed until April 1844, when John Gavin was hanged.[112] The execution of Noongar people does not appear to have been popular—*The Western Australian Journal* stated in April 1834, 'let the punishment be severe—anything short of taking a life'.[113] This sentiment appears to have shifted by 1841, when the same newspaper, despite the outrage of distant people, stated, 'We are no advocate for the shedding of blood, but this we do confidently expect, that in every case of European homicide committed by settlers, the government will continue ... to exact the full penalty for the offence'.[114]

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[109] The executions mentioned do not account for all the deaths inflicted on Aboriginal people, merely just the court-approved sentences. This does not account for retributive murders carried out by settlers or by Aboriginal people, nor does it consider the Pinjarra Massacre or other conflict arising from frontier warfare. See "A Native Shot," *Perth Gazette and Western Australian Journal*, May 4, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642101.txt; "Encounter with the Natives in the Pinjarra District on the Banks of the Murray," *Perth Gazette and Western Australian Journal*, November 1, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641213.txt; "Death of Goggalee, a Native, Shot by John Mackail, a Carpenter, at Perth," *Perth Gazette and Western Australian Journal*, June 6, 1835, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640905.txt; "A Native Shot at York," *Perth Gazette and Western Australian Journal,* September 17, 1836, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640289.txt; "A Native Shot," *Perth Gazette and Western Australian Journal*, May 5, 1838, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639548.txt; "No Title," *Inquirer*, March 10, 1841, https://trove.nla.gov.au/newspaper/rendition/nla.news-article65581643.txt.

[110] "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836; "Execution," *Perth Gazette and Western Australian Journal,* May 25, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642064.txt.

[111] "VIII State of Crime," *Inquirer*, March 31, 1841.

[112] Simon Adams, *The Unforgiving Rope: Murder and Hanging on Australia's Western Frontier (*Crawley: UWA Publishing, 2009), xv.

[113] "A Native Flogged at Perth," *Perth Gazette and Western Australian Journal,* April 26, 1834.

[114] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* October 16, 1841, https://trove.nla.gov.au/newspaper/rendition/nla.news-article643182.txt.

The use of the death penalty in the colony conflicts with Bentham's view on the punishment.[115] Punishment by death, Bentham argued, should be abolished because of four 'bad properties': first, it was an inefficient mode of punishment; second, it was irreversible; third, it was not a strong enough deterrent, thus would not prevent crime; and fourth, injustice would arise from an 'ill-applied pardon'.[116] Bentham believed that attempting to prevent crime through the death penalty was ineffective because false evidence may lead to the execution of an innocent man,[117] leaving the guilty party free to reoffend.[118] The need for retributive justice in the formative years of the Swan River Colony, deviating from Bentham's ideals, can be attributed to the frontier warfare that developed throughout the 1830s. This led to a scenario in which the British had to protect their interests against a population who sought to defend their country.[119]

Conclusion

The use of imprisonment in Fremantle Gaol, which resembled the panopticon, conformed to Jeremy Bentham's mode of punishment, but other methods used by the colony conflicted with Bentham's beliefs. An analysis of Noongar tribal lore showed how infractions were treated compared with colonial punishment. The management of punishment in Fremantle Gaol deviated only slightly from the panopticon scheme: in the former, the gaoler would have to seek permission from magistrates to inflict further punishment on inmates,[120] while in the latter, the panopticon contractor would be responsible for administering punishments as he saw fit under the caveat that he would be punished if they were deemed unduly harsh.[121] The auxiliary punishments utilised in the colony, such as fines, whipping and the use of stocks, also contradicted Bentham's plan because he believed that the use of constant observation and labour would be satisfactory to reform prisoners.[122] Bentham did not write on the forfeiture and sale of prisoner property. However, it can be assumed that he would not have endorsed it because he sought to prepare prisoners for reintegration into society, which would be significantly impeded by the sale of their property. The most prominent deviations are evidenced through the colony's

[115] Bentham, "Principles of Penal Law," 944–5.
[116] Bentham, "Principles of Penal Law," 944–5.
[117] Bentham, "Principles of Penal Law," 944–5.
[118] Bentham, "Principles of Penal Law," 949.
[119] Roscoe, "A Natural Hulk," 48; Gare, "In the Beginning," 16, 18.
[120] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[121] Bentham, "Panopticon; or the Inspection-House," 49.
[122] Bentham, "Panopticon; or the Inspection-House," 49; Bentham, "Postscript Part – II," 214, 223.

use of transportation and the death penalty, both of which Bentham vehemently opposed.[123] Transportation was likely to have been used because the struggling colony lacked the infrastructure to punish serious crimes locally. The punishments used within and in conjunction with Fremantle Gaol deviated from Bentham's overarching beliefs on punishment. However, this can be attributed to the need to maintain control over the population. With an understanding of the punishment utilised against prisoners, it is now possible to examine how they reacted to the methods used against them.

[123] Bentham, "Letter to Lord Pelham," 6; Bentham, "Principles of Penal Law," 944–945.

Chapter 7: Prisoners' Reactions to Punishment

Introduction

The prisoners of Fremantle Gaol are rarely mentioned in the literature on crime in the Swan River Colony, with their responses to punishment being discussed even less frequently. The two most frequently observed responses in Western Australian archival materials are escape and prisoner correspondence. These are crucial elements of the lived experiences of prisoners in Fremantle Gaol, thus they must be carefully examined to build an understanding of prison life in a modified panopticon. Given that much of the research on the lived experiences of prisoners is in the contemporary context, it is necessary to adapt this for historical use. One method applicable to this purpose is participant observation, which in the modern context is conducted by talking with prisoners repeatedly over an extended period and within the natural setting of the prison.[1] Given that this thesis is a historical analysis, participant observation could not occur in the same manner. Thus, a hermeneutic approach to observation and dialogue, especially with respect to correspondence, was taken. In this way, it was possible to interpret the different ways in which Aboriginal and non-Indigenous people reacted to imprisonment.

Prisoner Escape

Similar to any penal institution, power relations were perpetually present in Fremantle Gaol. Philosophers such as Foucault postulate that because power is based on consent, it is possible to reject it.[2] Indeed, the rejection of power was observed in the new settlement. Newspaper articles focused on the escape of Noongar prisoners from Fremantle Gaol and reprisals against settlers through theft or physical violence as revenge for the imprisonment of family members.[3] This can be compared with the reports of attempted escapes by British prisoners, which are not discussed in explicit detail in the newspapers of the time. Settlers' minimal attempts to escape may be attributed to their innate knowledge of the British penal system, unlike their Aboriginal counterparts, who had no familiarity with the foreign justice system.[4] By utilising elements of

[1] Jones, "Uncovering the Hidden Social World," 108–109.
[2] Foucault. "The Subject and Power," 786, 791, 792, 293; Eagleton, *Ideology*, 7; Danaher, Schirato, and Webb. *Understanding Foucault*, xiv, 47.
[3] "Murder by Natives." *Perth Gazette and Western Australian Journal*, May 25, 1839, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639096.txt; Richard Broun, "Letter from Richard Broun to Peter Broun, May 26, 1839," Perth: SROWA, AU WA S2941 cons36 073, folios 113–114.
[4] Christopher Tilley, *A Phenomenology of Landscape: Places, Paths and Monuments* (Oxford, Berg Publishers, 1994), 21, 26.

prisoner observation through a careful reading of inmates' escape accounts, it is possible to ascertain a deeper understanding of these reactions.

Maintenance issues with respect to Fremantle Gaol led to rising concerns about its security and enabled prisoners to escape. This was first raised in 1833 by Fredrick Chidley Irwin (the acting governor between 1832 and 1834), who lamented the need to secure cells at the prison, as demonstrated by a successful escape. However, he recommended that prisoners of good character should undertake the work.[5] Prisoners could also use imperfections in the structure to assist in their escape.[6] These significantly undermined the security of the prison, especially because successful and failed attempts at escape were commonplace.[7] At times, preventive measures were used; for example, an assistant gaoler was hired in July 1837 and June 1841,[8] while in other instances, the military was deployed to the gaol.[9] Issues with the prison's structure were attributable to the building's rapid construction and the colony's limited resources at the time.[10] Bentham was not particularly concerned about the possibility of escape from the panopticon because the amount of force that would be required to overpower a guard would not be possible given that prisoners would not be able to congregate in large groups.[11] He also argued that escape would not be possible because prisoners would not have access to tools or uninterrupted time to breach the prison walls or iron bars.[12]

Escapes made by Noongar people

In the newspapers[13] of the period, Noongar prisoners' escape attempts were represented as undermining the power relationships between prisoners and Fremantle Gaol authorities. The first

[5] Fredrick Chidley Irwin, "Letter to Fredrick Chidley Irwin to Peter Broun, February 11, 1833," Perth: SROWA, AU WA S2755 cons49 011, folios 2–3; Martens, *Government House and Western Australian Society 1829–2010*, 31.
[6] "Escape of a Native from the Fremantle Jail," *Perth Gazette and Western Australian Journal*, November 7, 1835, https://trove.nla.gov.au/newspaper/rendition/nla.news-article640679.txt.
[7] "The Western Australian Journal," *Perth Gazette and Western Australian Journal*, April 20, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642121.txt; "Escaped from the Jail of Fremantle," *Perth Gazette and Western Australian Journal*, November 2, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641801.txt; "No Title," *Perth Gazette and Western Australian Journal*, July 1, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639930.txt; "Quarter Sessions," *Perth Gazette and Western Australian Journal*, January 9, 1841.
[8] Richard Broun, "Letter from Richard Broun to Peter Broun, July 15, 1837," Perth: SROWA, AU WA S2941 cons36 054, folio 142; Broun, "Letter from Peter Broun to Richard Broun, June 12, 1841," 152.
[9] Daniels, "Letter from Richard Daniels to Peter Broun, January 17, 1834," 86.
[10] Barteaux, "Urban Planning as Colonia Marketing Strategy for the Swan River Settlement, Western Australia," 29; Lewis, "Letter from Richard Lewis to Peter Broun, August 6, 1830," 64; Richard Lewis, "Letter from Richard Lewis to Peter Broun, December 31, 1830," Perth: SROWA, AU WA S2941 cons36 011, folio 128.
[11] Bentham, "Panopticon; or the Inspection-House," 48; Bentham, "Postscript Part I," 134.
[12] Bentham, "Panopticon; or the Inspection-House," 48.
[13] Newspaper articles have been utilised in conjunction with archive documents as they supplement missing information while also providing an insight into how escape was portrayed to the wider population.

escape was carried out by Boogaberry, who was in gaol for threatening people with spears. His escape was reported by *The Perth Gazette and Western Australian Journal* in great detail on 7 November 1835. Boogaberry had been moved into a different cell because his previous cell was needed for 'a person labouring under a temporary fit of insanity'. His new cell was thought to be equally suitable, but Boogaberry managed to escape because of imperfections in the door's ironwork. He then used a nail to scrape holes in the stone wall in which to place his fingers and toes while scaling the wall—in this way, he reached the top before dropping to the ground on the outside. The article speculated that his fall was probably broken by friends who had been speaking to him through the wall during the day.[14] Because communication with the outside was not permitted, this also demonstrates defiance.[15] In an example of self-policing, which Bentham expected would develop in the panopticon, the escape attempt was overheard by a fellow prisoner, who tried to alert Henry Vincent, the gaoler. However, it was not until an asylum patient managed to disturb Vincent that the escape was discovered.[16] However, Richard Broun, the government resident of Fremantle, believed Vincent was at fault because it would not have occurred at night had he used the necessary precautions.[17]

A report from 1 July 1837 noted that a Noongar man by the name of Goodap had escaped while under sentence of transportation. The article put out a call for action to ensure his apprehension but does not offer further details about the escape.[18] However, a letter written by Richard Broun offers a possible account of how Goodap made his escape. Broun believed the man was assisted by another prisoner, who was awaiting trial, to climb onto the roof via his door before dropping to the ground outside. Broun did not consider the gaoler to be at fault because Goodap had been secured with a leg iron when he was labouring outside of the gaol with other prisoners.[19]. Four days following his escape, Goodap was seen by a group of Whadjuk people, who informed an interpreter, Francis Armstrong, that he had said that 'he would spear a white person or a native'.[20] It is thought that Goodap carried out a robbery before 8 July, with another

[14] "Escape of a Native from the Fremantle Jail," *Perth Gazette and Western Australian Journal*, November 7, 1835.
[15] Broun, "Government Notice," *Perth Gazette and Western Australian Journal,* March 7, 1835.
[16] Bentham, "Postscript Part – II," 237, 238, 241; "Escape of a Native from the Fremantle Jail," *Perth Gazette and Western Australian Journal*, November 7, 1835.
[17] Peter Broun, "Letter from Peter Broun to Richard Broun, October 30, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 329.
[18] "No Title," *Perth Gazette and Western Australian Journal,* July 1, 1837.
[19] Broun, "Letter from Richard Broun to Peter Broun, June 29, 1837." Perth: SROWA, AU WA S2941 cons36 054, folio 94.
[20] Francis Armstrong, "Letter from Francis Armstrong to Peter Broun, July 3, 1837," Perth: SROWA, AU WA S2941 cons36 054, folio 109.

attempt finally securing his capture around 10 July.[21] The newspaper article announcing his capture lamented that Goodap would probably be tried again, which they saw as an unnecessary and expensive process.[22] The article also notes that a settler assisted Goodap to escape by removing the shackles from around his legs. This was not well received by the authorities, who saw this as an affront to their authority and the colony's security.[23]

Another article reported by *The Western Australian Journal* states that a group of Noongar men 'chained together two-and-two', implying at least four men, attempted to scale the walls of Fremantle Gaol. The article notes they did have some success in reaching the top of the wall while Henry Vincent was occupied with the garden at the bottom 'of the gaol-hill'. However, despite being so close to freedom, Vincent's wife alerted the guards, who pulled the prisoners down. The role of Vincent's wife in preventing this escape highlights why housing the gaoler and his family within the institution was appealing to Bentham.[24] Unfortunately, it is not clear what happened to these men as a result of their escape attempt.

In 1839, there was an escape from custody by a man named Weeban on his way to Fremantle Gaol.[25] Weeban was bound by handcuffs and a chain with two padlocks and was under the control of a J. Duffield. As they were walking towards the boat that would take them to the gaol, Weeban asked Duffield if he would pick up a stick for him to bruise a blister on his arm. When Duffield bent down to retrieve the stick, Weeban pulled the chain from Duffield's grasp. Although Duffield initially recaptured Weeban, he was unable to hold him while waiting for assistance.[26] These escape attempts represent the desperation of these men, their defiance of British authority and their rejection of the new power relations that had been imposed on them.[27] While the same could be said for settlers, defiance by Noongar prisoners stemmed from their distrust of the settlers and lack of cultural knowledge about the prison as a mode of punishment.[28] By observing the escape of Noongar prisoners via the reports written about them, admittedly

[21] "Western Australian Journal," *The Perth Gazette*, July 8, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639923.txt; "The Natives," *Perth Gazette and Western Australian Journal,* July 15, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639917.txt?print-true.
[22] "Western Australian Journal," *The Perth Gazette*, July 8, 1837; "The Natives," *Perth Gazette and Western Australian Journal,* July 15, 1837.
[23] "The Natives," *Perth Gazette and Western Australian Journal,* July 15, 1837.
[24] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* October 21, 1837.
[25] Richard Broun, "Letter from Richard Broun to Peter Broun, August 1839," Perth: SROWA, AU WA S2941 cons36 073, folio 146.
[26] "Capture and Escape of a Native Named Weeban," *The Western Australian Journal,* August 24, 1839, https://trove.nla.gov.au/newspaper/rendition/nla.news-artile638995.txt?=true.
[27] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* October 21, 1837.
[28] Tilley, *A Phenomenology of Landscape*, 34.

from a colonial viewpoint, it is possible to determine that they generally escaped by climbing the gaol walls and jumping off the top.

Escapes made by settlers

It is important to recognise that settler prisoners also rebelled against British power, but this either occurred at a much lower rate compared with Noongar prisoners or was not systematically reported. The former may have been attributable to British prisoners having an innate cultural understanding of the penal system, thus consenting to British authority and its right to exercise power.[29] The latter indicates an attempt by the authority to control the narrative around who was breaching prison security. Newspapers usually only provide perfunctory details about settler escapes.

The earliest escape attempt, by William Booker and Benjamin Hinks, was reported in January 1833, with a £20 reward offered for their recapture.[30] Hinks provided details about how he could escape, stating that it took him 45 minutes to scratch through the soft stone with 'a large spike nail' without alerting the gaoler.[31] Two further escapes occurred in April and November 1833, respectively; however, details about them are scarce: the only detail about the April escape reported in the newspaper was the £20 reward for capturing the offender and the subsequent controversy about who was entitled to it.[32] A brief description of the November escape was also given.[33] There were another three escapes in 1834. The first attempt was in January 1834, when Henry Woods, John Woods and William Ellis perforated the gaol wall.[34] The main instigator was Ellis, a deserter from HMS *Alligator*, who attempted to perforate his cell wall while his accomplices sang and made other noise to mask the sound of crumbling limestone. Rising suspicions on the part of Henry Vincent led to their plot being uncovered and the prisoners restrained in irons. The article offers no further insight.[35] Again, there is little detail on the two other escapes in April and July, respectively.[36] An account of the April escape

[29] Tilley, *A Phenomenology of Landscape*, 34.
[30] "Escape of Two Prisoners from Fremantle Jail," *Perth Gazette and Western Australian Journal,* January 5, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642279.txt.
[31] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* January 12, 1833, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642266.txt.
[32] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* April 20, 1833.
[33] "Escaped from the Jail of Fremantle," November 2, 1833.
[34] George Leake, "Letter from George Leake to Peter Broun, January 15, 1833," Perth: SROWA, AU WA S2941 cons36 030, folio 72.
[35] "Attempted Escape from the Jail at Fremantle," *Perth Gazette and Western Australian Journal*, January 18, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641677.txt.
[36] Henry Rice Bond, "Letter from Henry Rice Bond to Peter Broun, April 7, 1834," Perth: SROWA, AU WA S2941 cons36 031, folio 140; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* July 26, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641393.txt.

indicates only that Joseph Johnson had escaped, with Henry Rice Bond appealing to the government for remuneration for helping to catch the prisoner. The report on the July escape only details the prisoner's appearance.[37]

While not an escape per se, there was defiance from Thomas Smith, who had been sent from the gaol to the colonial surgeon for medical assistance. Smith was said to be freely walking around at night in plain clothing given to him by the owner of the house in which he was being kept.[38] Fremantle's government resident was eager for this to be dealt with because it could create a dangerous precedent for other prisoners being sent for medical attention.[39] Actions by settlers also threatened the colony's security. In December 1837, a settler informed a Whadjuk man that the authorities were looking for him on account of a crime he had committed. This was reported as a 'cowardly ... injudicious act' that deserved 'the severest penalty the law avails'.[40] Again, this demonstrates how power structures from a Foucauldian standpoint can be undermined by removing consent to the state.[41] Another act of defiance occurred in April 1838, when a prisoner being taken into custody jumped into the river and subsequently drowned.[42] While drowning was not likely to have been the intended consequence, the act of jumping overboard demonstrates his removal of consent to the power of the British authorities.[43]

The sporadic occurrence of settler escapes was likely to have been attributable to the settler prisoners' familiarity of the system imposed on them. The British sought to recreate the society they had left behind, creating familiarity among the settlers.[44] Understanding the system in which they lived enabled the settlers to navigate the new colony[45] and made them more likely to consent to the power structure and relations, as argued by Foucault.[46] The methods in which incarcerated settlers attempted to escape differed from those of their Noongar counterparts. While Noongar escapes tended to be overt, settler attempts were discrete.

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[37] Rice Bond, "Letter from Henry Rice Bond to Peter Broun, April 7, 1834," 140; "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* July 26, 1834.
[38] Richard Broun, "Letter from Richard Broun to Peter Broun, September 3, 1835," Perth: SROWA, AU WA S2941 cons36 042, folio 93.
[39] Broun, "Letter from Richard Broun to Peter Broun, September 3, 1835," 93.
[40] "The Western Australian Journal," *Perth Gazette and Western Australian Journal,* December 23, 1837, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639721.txt.
[41] Foucault, "The Subject and Power," 789, 790.
[42] "Attempt to Murder," *Perth Gazette and Western Australian Journal,* April 14, 1838, https://trove.nla.gov.au/newspaper/rendition/nla.news-article639568.txt.
[43] Dreyfus, and Rabinow. *Michel Foucault,* 186; "Attempt to Murder," *Perth Gazette and Western Australian Journal,* April 14, 1838.
[44] Martens, *Government House and Western Australian Society 1829–2010,* 27.
[45] Tilley, *A Phenomenology of Landscape*, 26.
[46] Dreyfus, and Rabinow, *Michel Foucault,* 186.

Escapes made by servicemen

In 1834 and 1841, there were three escape attempts by soldiers and sailors. John Pagett and Andrew (Ambrose) Woods escaped while labouring in May 1834. A notice was published in the *Perth Gazette*, stating that anyone harbouring the men would be prosecuted.[47] Following his recapture, John Pagett attempted another escape two months later in July 1834, along with Francis Reid. Details about how they escaped are not apparent, only that anyone found hiding them would be prosecuted.[48] In January 1841, while labouring, James Reynolds and William Phillips took the opportunity to escape when the gaoler had his back turned.[49] To ensure their recapture, a £5 reward was offered.[50] They were successfully recaptured at Woodman Point, and Robert Chapman applied to Captain Fisher for his support in claiming the reward.[51] It is interesting to note that all three attempts made by soldiers and sailors involved pairs, which was not a frequent occurrence in the escapes made by settlers or Noongar prisoners. However, given the limited data, it is difficult to make definitive conclusions about the frequency of these occurrences.

Prisoner Correspondence

Correspondence between prisoners and the colonial secretary held by the State Records Office of Western Australia is scarce. What is presented in this thesis is all that appears to have survived. While the surviving correspondence provides little detail about the day-to-day operations or prisoners' opinions of the gaol, it does provide interesting insights into prisoners' reactions to their punishment—their pleas and appeals for their sentences to be remitted or changed were different from the abovementioned escape attempts. The available correspondence falls under two categories: letters sent directly by prisoners and those sent to the colonial secretary on behalf of prisoners. To understand these letters, a hermeneutic dialogue must occur. Gadamer claims

[47] George Leake, "Letter from George Leake to Peter Broun, May 9, 1834," Perth: SROWA, AU WA S2941 cons36 031, folio 255; Peter Broun, "Government Notice," *Perth Gazette and Western Australian Journal,* May 10, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641512.txt.
[48] "Government Notice," *Perth Gazette and Western Australian Journal,* July 12, 1834, https://trove.nla.gov.au/newspaper/rendition/nla.news-article641410.txt.
[49] Broun, "Letter from Richard Broun to Peter Broun, January 7, 1841," 98–100.
[50] Richard Broun, "Letter from Richard Broun to Peter Broun, January 9, 1841," Perth: SROWA, AU WA S2941 cons36 099, folio 101; Peter Broun, "Colonial Secretary's Office," *Perth Gazette and Western Australian Journal*, January 16, 1841, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642625.txt.
[51] "Petty Sessions," *Perth Gazette and Western Australian Journal,* January 16, 1841, https://trove.nla.gov.au/newspaper/rendition/nla.news-article642612.txt; Robert Chapman, "Letter from Robert Chapman to S.N. Fisher, January 21, 1841," Perth: SROWA, AU WA S2941 cons36 090, folio 54; Broun, "Letter from Peter Broun to Richard Broun, June 12, 1841," 152; Richard Broun, "Letter from Richard Broun to Peter Broun, January 16, 1841," Perth: SROWA, AU WA S2941 cons36 099, folio 106.

that when one engages with text, a dialogue between the text and the reader occurs.[52] However, because writings do not speak, this 'needs to be transformed back into speech and meaning'.[53] Through this, the text becomes a participant in the dialogue and is given the opportunity to 'speak anew'.[54] This is particularly pertinent for this account because the text was used to investigate a wider historical context. In the case of inmate correspondence from Fremantle Gaol, the letters are 'speaking anew' about the writers' lived experiences of the Swan River Colony's penal system, and more generally, the colony itself.[55]

Correspondence sent by prisoners

The first surviving letter from an incarcerated prisoner was sent by John Pengelly in 1832 with a request to the government to help him retrieve his tools from Thomas Peel.[56] Another two examples of prisoner writings were sent in January and April 1833, respectively. The first letter was sent by William Barker to Acting Governor Irwin asking whether it would be possible for someone to collect a sum of money on his behalf to be used to purchase 'a few comforts which I am much in need of owing to my lay confinement'.[57] In contrast to the letter from Barker, a letter sent from Alexander Robertson on 14 January 1833 pleads not for himself but 'for my wife and my two little babies ... having nothing but one fish for two days, if you cannot afford them anything out of humanity I give you a bond'.[58] This speaks to the struggle faced by many in the early years of the colony. In a similar vein to Robertson's plea, T. Turner, in April 1833, applied to be released from prison to complete work he had been contracted to do, preventing his contract from being rendered void. He argued that this would serve as a means of improving his family's life and prevent him from being tempted back into crime, 'which a gaol life among felons most naturally tends to'.[59] These early letters speak to the harshness of early colonial life because

[52] David Vessey, "Gadamer's Logic of Question and Answer and the Difference Between the History of Philosophy and the History of Ideas," *Journal of the Philosophy of History* 8 (2014): 360, https://doi.org/10.1163/18722636-12341280.
[53] Gert-Jan van der Heiden, "The Voice of the Past in the Present: on Dialogue and Testimony," *Journal of the Philosophy of History* 8 (2014): 430, https://doi.org/10.1163/18722636-12341283.
[54] van der Heiden, "The Voice of the Past in the Present," 430.
[55] Gadamer, *Truth and Method*, 195.
[56] Peter Broun, "Letter from Peter Broun to John Pengelley, June 21, 1832," Perth: SROWA, AU WA S2755 cons49 005, folio 131.
[57] William Barker, "Letter from William Barker to Fredrick Irwin, January 8, 1833," Perth: SROWA, AU WA S2941 cons36 026, folio 13.
[58] Alexander Robertson, "Letter from Alexander Robertson to George Leake, January 14, 1833," Perth: SROWA, AU WA S2941 cons36 026, folio 47.
[59] T. Turner. "Letter from T. Turner to Peter Broun, April 23, 1833," Perth: SROWA, AU WA S2941 cons36 027, folio 55.

Pengelly and Robertson were both convicted of larceny, possibly as a means of supporting their families.[60]

Correspondence in January 1835 from Andrew Aaron, who had been sentenced to transportation, stated that he had been drunk, a common issue in the colony.[61] His request for a mitigation of his sentence was granted on account of his good behaviour and a petition signed by respectable settlers.[62] Some prisoners wrote in the hope of being released because of health issues, including John Mckail, who had been sentenced for shooting at an Aboriginal man.[63] In April 1838, James Brady wrote on behalf of himself and Thomas Rutherford, stating that it was the first time they had carried out an infraction and hoping the governor would 'remit the remainder of our unhappy imprisonment'.[64] In other surviving letters from 1835 to 1838, prisoners pleaded for their freedom not because of family commitments, as in the earlier examples, but because of their good behaviour and health.

In 1839, the prisoner Louis de Mayo pleaded for his two-year sentence to be remitted, claiming that his wife and her family had concocted a plan to destroy his reputation.[65] A similar argument was presented by William Page, who claimed that he had not been subjected to a fair trial because his accuser was not present, and the witness depositions could be easily disputed.[66] Similarly, Kesiah Lockyer pleaded her case in 1839, stating that her conviction had resulted from unfair allegations from biased persons.[67] There were also instances in which prisoners could apply for their sentences to be remitted or changed to banishment from the colony. In 1840, Edward Tanner wrote that the preceding eight months of imprisonment had been a period of 'misery and wretchedness', requesting that he wished to be banished or have his sentence revoked.[68] Richard Broun supported his request, stating that Turner's conduct in gaol had been

[60] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[61] Andrew Aaron, "Letter from Andrew Aaron to Peter Broun, January 7, 1835," Perth: SROWA, AU WA S2941 cons36 037, folios 44–45.
[62] Peter Broun, "Letter from Peter Broun to William H. Mackie, January 21, 1835," Perth: SROWA, AU WA S2755 cons49 004, folios 107–108.
[63] Henry Vincent, *Quarterly Return of Prisoners Confined in the Common Jail at Fremantle the and the Quarter Session July 1* 1835, Perth: SROWA, AU WA S270 – cons3676 01, State Records Office, Western Australia; John Mckail, "Letter from John Mckail to Richard Spencer, March 7, 1836," Perth: SROWA, AU WA S2941 cons36 045, folio 38.
[64] James, Brady, "Letter from James Brady to James Stirling, April 24, 1838," Perth: SROWA, AU WA S2941 cons36 061, folio 7.
[65] Louis de Mayo, "Letter from Louis de Mayo to John Hutt, December 1840," Perth: SROWA, AU WA S2941 cons36 080, folio 85.
[66] William Page, "Letter from William Page to John Hutt, October 1841," Perth: SROWA, AU WA S2941 cons36 094, folio 50.
[67] Kesiah Lockyer, "Letter from Kesiah Lockyer to John Hutt, April 6, 1839," Perth: SROWA, AU WA S2941 cons36 066, folios 112–114.
[68] Edward Tanner, "Letter from Edward Tanner to John Hutt, November 25, 1840," Perth: SROWA, AU WA S2941 cons36 079, folios 177–178.

desirable but suggesting that the matter be escalated to the Chairman of the Quarter Sessions.[69] However, the governor denied Tanner's request because the chairman could not provide sufficient information to allow his release.[70] Samuel Martin petitioned for remittance of his sentence because of an unfair trial, but the government could find no reason to approve his request.[71] A petition was sent by William Page to W. H. Mackie for consideration of any grounds for clemency; however, none were found.[72] This was also the outcome for Charles Lovett.[73] In some instances, prisoners applied for release without providing any reason for why they should be shown mercy.[74]

Thus, from 1839, it appears that the prisoners' reasons for release changed dramatically. Instead of appealing on account of good behaviour or needing to look after their families, they began to question the fairness of their trials and whether their convictions were correct. Interestingly, aside from two minor references, these letters from prisoners do not speak to the harshness of prison life. It is possible to speculate about why this may be the case: was it seen as futile, or were conditions within the gaol tolerable? However, only a small number of letters survive, and it is impossible to say whether others were written. Thus, conclusions about the shift in reasons for appeals and the lack of reference to prison conditions cannot be made.

Correspondence written on behalf of prisoners

Correspondence written on behalf of prisoners helps create an overall picture of the prisoners' experiences through their reactions to imprisonment. This correspondence began soon after the gaol opened. In July 1831, the chairman of the Court of Quarter Sessions applied to the governor on behalf of John Phillips for the remittance of the remaining month of his sentence, which was

[69] Peter Broun, "Letter from Peter Broun to Richard Broun, November 28, 1840," Perth: SROWA, AU WA S2755 cons49 013, folio 69; Peter Broun, "Letter from Peter Broun to William H. Mackie, December 2, 1840," Perth: SROWA, AU WA S2755 cons49 013, folio 76; Richard Broun, "Letter from Richard Broun to Peter Broun, November 1, 1840," Perth: SROWA, AU WA S2941 cons36 085, folio 60.
[70] Peter Broun, "Letter from Peter Broun to Richard Broun, December 2, 1840," Perth: SROWA, AU WA S2755 cons49 013, folio 82; William H. Mackie, "Letter from William H. Mackie to Peter Broun, December 4, 1840," Perth: SROWA, AU WA S2941 cons36 089, folios 31–32.
[71] Samuel Martin, "Letter from Samuel Martin to John Hutt, June 26, 1841," Perth: SROWA, AU WA S2941 cons36 092, folios 116–117; Peter Broun, "Letter from Peter Broun to William H. Mackie, July 1, 1841," Perth: SROWA, AU WA S2755 cons49 013, folio 439; William H. Mackie, "Letter from William H. Mackie to Peter Broun, July 2, 1841," Perth: SROWA, AU WA S2941 cons36 101, folio 64.
[72] Peter Broun, "Letter from Peter Broun to William H. Mackie, October 20, 1841," Perth: SROWA, AU WA S2755 cons49 015, folio 121; William H. Mackie, "Letter from William H. Mackie to Peter Broun, October 21, 1841," Perth: SROWA, AU WA S2941 cons36 101, folio 72.
[73] Peter Broun, "Letter from Peter Broun to Richard Broun, January 27, 1840," Perth: SROWA, AU WA S2755 cons49 012, folios 370–371.
[74] Henry Burges, "Letter from Henry Burges to James Stirling, April 13, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 56; John William "Letter from John William to John Hutt, February 6, 1840," Perth: SROWA, AU WA S2941 cons36 076, folio 62.

approved.[75] The next instance occurred in 1834, when Captain Erskine applied to Richard Broun and George Leake on behalf of Phillip Corrigan based on the latter's good behaviour, which was also approved.[76] In March 1835, John Thomas petitioned for the return of some of his imprisoned father's forfeited property so that he could support his siblings and avoid becoming 'a burden on the Crown'.[77] Further correspondence was sent to the government in 1835 on behalf of William Cousens, John Cousins and Thomas Thurkle.[78] There were two applications for clemency in 1837. The first of these was from Sarah Turner on behalf of her husband, Fredrick, who had been sentenced to seven years' transportation. She asked that he be banished from the colony instead to avoid stigma being placed upon his children; however, it remains unclear whether this was granted.[79] The second application was sent by the magistrates and Henry Vincent, the gaoler, on behalf of Thomas Welling; once again, it remains unclear whether it was granted.[80]

Two prisoners were released in 1838 following an appeal on their behalf.[81] Appeals were lodged in 1839 for a further two prisoners, William Rogers and George Hoskins, with the latter being released.[82] This also occurred on behalf of Noongar prisoners, evidenced by the release of a man by the name of Munday on application by Protector of Aborigines Charles Symmons.[83] Occasionally, prisoners would be released only if they had a way of leaving the colony and were willing to sign a declaration stating that they would never return, as in the case of John Wilson.[84]

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[75] William H. Mackie, "Letter from William H. Mackie to Peter Broun, July 15, 1831," Perth: SROWA, AU WA S2941 cons36 016, folio 173; Peter Broun, "Letter from Peter Broun to William H. Mackie, July 15, 1831," Perth: SROWA, AU WA S2755 cons49 004, folios 151–152.

[76] Richard Broun and George Leake. "Letter from Richard Broun and George Leake to Peter Broun, March 8, 1834." Perth: SROWA, AU WA S2941 cons36 031, folio 29; Peter Broun, "Letter from Peter Broun to George Leake, March 14, 1834," Perth: SROWA, AU WA S2755 cons49 006, folio 266.

[77] Thomas, "Letter from John Thomas to Peter Broun, March 1835," 151–152.

[78] Peter Broun, "Letter from Peter Broun to Richard Broun, January 26, 1835," Perth: SROWA, AU WA S2755 cons49 007, folios 112–113; William H. Mackie, and Richard Broun, "Letter from William H. Mackie and Richard Broun to Peter Broun, January 13, 1835," Perth: SROWA, AU WA S2941 cons36 037, folio 38; Peter Broun, "Letter from Peter Broun to Richard Broun, May 11, 1835," Perth: SROWA, AU WA S2755 cons49 007, folio 184.

[79] Sarah Turner. "Letter from Sarah Turner to John Hutt, April 6, 1837," Perth: SROWA, AU WA S2941 cons36 066, folios 213–214.

[80] John B. Wittenoom, and Peter Broun. "Letter from John B. Wittenoom and Peter Broun to James Stirling, May 13, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 175; Henry Vincent, "Letter from Henry Vincent to Peter Broun, May 10, 1837," Perth: SROWA, AU WA S2941 cons36 053, folio 177.

[81] Peter Broun, "Letter from Peter Broun to Henry Vincent, March 7, 1838," Perth: SROWA, AU WA S2755 cons49 008, folio 305; Charles Armstrong, "Letter from Charles Armstrong to Peter Broun, March 1, 1838," Perth: SROWA, AU WA S2941 cons36 061, folio 5.

[82] William Graham, "Letter from William Graham to John Hutt, April 10, 1839," Perth: SROWA, AU WA S2941 cons36 066, folio 127; Peter Broun, "Letter from Peter Broun to George Fletcher Moore, January 14, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 84; Peter Broun, "Letter from Peter Broun to Richard Broun, August 2, 1839," Perth: SROWA, AU WA S2755 cons49 012, folio 258.

[83] Peter Broun, "Letter from Peter Broun to Richard Broun, February 5, 1840," Perth: SROWA, AU WA S2755 cons49 012, folio 384.

[84] Peter Broun, "Letter from Peter Broun to Richard Broun, February 12, 1840," Perth: SROWA, AU WA S2755 cons49 012, folio 395.

The sons of Charles Gee appealed to the government on behalf of their father because they believed that it was their stepmother who had led him to crime.[85] In response, a letter was sent to Charles Gee declining the request but stating that it would be reconsidered at a later date if he continued to demonstrate good behaviour.[86] Members of the Wesleyan Church successfully appealed for clemency for William Morrison, who had been imprisoned for disrupting a religious service.[87]

The correspondence written on behalf of prisoners did not come from one level of society; instead, these letters were sent by members of the local government, church groups or family members. It also does not follow a chronological pattern similar to that seen in the prisoners' letters. Despite this, these letters demonstrate several overarching themes: appeals based on good behaviour, appeals by family members and appeals by prominent members of colonial society who could vouch for the incarcerated. This demonstrates the interconnectedness of the gaol with the rest of colonial society. In particular, while family members of inmates did apply to the government, this did not comprise the majority of the correspondence. Rather, appeals by family members were almost equal in number to those from prominent figures in local government and the justice system. This may be attributable to the low literacy rates or the limited surviving correspondence; however, this is merely speculation and cannot be corroborated.

Conclusion

To build an understanding of prison life in a modified panopticon, it is vital to discuss how prisoners reacted to their punishment. This chapter considered two prominent examples evidenced by the archival material: escape and prisoner correspondence. With respect to escapes, it is evident that attempts by Noongar prisoners were typically reported in greater detail than those by settlers and tended to be more overt than opportunistic, as seen in escape attempts by settlers or servicemen. Servicemen also appear to have preferred fleeing in pairs, which was not the case for Noongar or settler prisoners based on the available evidence. The correspondence sent by and on behalf of prisoners also provides interesting insights into prisoners' concerns

[85] Charles Gee, and Joseph Gee, "Letter from Charles Gee and Joseph Gee to John Hutt, November 1840," Perth: SROWA, AU WA S2941 cons36 079, folio 142.
[86] Peter Broun, "Letter from Peter Broun to Charles Gee, June 4, 1840," Perth: SROWA, AU WA S2755 cons49 011, folio 350.
[87] William H. Mackie, "Letter from William H. Mackie to Peter Broun, June 10, 1841," Perth: SROWA, AU WA S2941 cons36 101, folio 57; Peter Broun, "Letter from Peter Broun to Henry Vincent, June 17, 1841," Perth: SROWA, AU WA S2755 cons49 013, folio 408; Peter Broun, "Letter from Peter Broun to William H. Mackie, June 17, 1841," Perth: SROWA, AU WA S2755 cons49 013, folios 408–409.

during their incarceration. Letters sent from prisoners can be divided into three stages. Between 1832 and 1833, prisoners tended to appeal to the government on behalf of their families; from 1835 to 1838, they appealed based on their good behaviour; however, from 1839, prisoners tended to argue that they had not had a fair trial; thus, their convictions should be overturned. Letters sent on behalf of prisoners do not appear to follow any particular pattern. Rather, they fall into overarching themes, including good behaviour, appeals by family or appeals by prominent society members. This demonstrates the interconnection between the gaol and the rest of colonial society. By examining the escape attempts and prisoner correspondence, it is possible to understand how inmates reacted to their imprisonment within a colonial adaptation of the panopticon.

Chapter 8: Conclusion

The discourse around punishment and the reformation of criminals began to change significantly in the late eighteenth and nineteenth centuries,[1] leading to a decline in public physical punishments in favour of reforming prisoners' minds.[2] These new beliefs coincided with the establishment of the Swan River Colony in 1829 and informed the development of its penal system.[3] However, penitentiaries were not widely popular during this period, occurring alongside other methods such as corporal punishment, transportation and execution.[4] Jeremy Bentham sought to counter the use of these punishments by implementing his panopticon prison, central to which was the use of labour and surveillance, methods he considered the most productive means of reforming prisoners' morals.[5]

Fremantle Gaol was opened in 1831 in response to increasing concerns about undesirable behaviours such as drunkenness or rebellion by indentured servants against their employers.[6] This reflects the struggles of those who chose to settle at Swan River, particularly their economic woes caused by the Conditions of Settlement, which granted land based on assets rather than on financial wealth. The gaol was also the first significant public building constructed in the colony,[7] reflecting the British government's desire to control any deviation in the colonies.[8] The gaol was modelled on Jeremy Bentham's panopticon both architecturally and operationally but was adapted to the needs of the colonial government and the available resources in the fledgling colony. This was highlighted by examining the key elements contributing to life in the prison and their effects on prisoners.

Thesis Outcomes

This thesis sought to establish Fremantle Gaol as a colonial example of Jeremy Bentham's panopticon prison through its architecture, operations and punishment methods. The thesis also explored how prisoners reacted to their punishment and their experiences within the institution.

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[1] Hill, *British Economic and Social History 1700–1975*, 225–226.
[2] Hutchings, "Spectacularizing Crime," 27; Foucault, *Discipline and Punish*, 199.
[3] Bavin, *Crime and Confinement: the origins of prisons in Western Australia,* 55.
[4] Willis, "Punishment and the Cultural Limits to State Power in Late 18th-Century Britain," 402**;** Wallis, "New Directions in the Historiography of the Administration of the Bloody Code," 1.
[5] Bozovic, "An Utterly Dark Spot," 86–87.
[6] Bavin-Steding, *Crime and Confinement: the origins of prisons in Western Australia*, 54; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30; M.M.C. "Letter from M.M.C., September 18, 1832," 243–244; Reece, "Eating and Drinking at Early Swan River Colony," 463.
[7] Reece, "Glimpses of Fremantle 1829–1929," 24.
[8] Maude, Treatment of Western Australia's Mentally Ill during the Early Colonial Period, 1826–1865, 399.

This exploration was conducted through a historical analysis of primary materials, a comparative study and taking a hermeneutic approach when necessary.

Chapter 1 reviewed the literature on Jeremy Bentham and his panopticon model as well as the developing society in the Swan River Colony to contextualise the research presented in this thesis. Jeremy Bentham's influence on eighteenth and nineteenth-century thought and Australia's development warranted further research. This sentiment extends to the literature on the panopticon itself and its application to penal institutions in historical and modern contexts. The literature concerning the formative events and struggles of the colony is well established. However, recent works have challenged commonly held beliefs and diversified the narrative on the colonisation of Swan River.[9] The literature on crime and punishment in the Swan River Colony prior to the introduction of convict labour in 1850 is underdeveloped and has significant research gaps. This extends to the works on Fremantle Gaol because the current literature offers only brief insights into the gaol's timeline of operations. Few studies have analysed the various uses of the gaol or the inmates incarcerated there. This lack of depth also pertains to the prison's panoptic qualities, apart from passing mentions of architectural similarities.

Using the literature review as a starting point, Chapter 2 examined the factors leading to the establishment of Fremantle Gaol within two years of colonisation. The construction of the gaol is perhaps not surprising given the events surrounding the settlement of Swan River. The British government was reluctant to establish a colony, thus would not finance such an endeavour.[10] Instead, the Conditions of Settlement stated that land would be granted based on the assets that applicants could bring rather than on their financial wealth.[11] However, this plan failed because assets were prioritised in the granting of land, leading to a lack of circulating cash.[12] Agriculture was also not an immediate success. The availability of cheap land, which allowed labourers to climb the social hierarchy, coupled with poor reports about the colony reaching Britain and other territories, hindered population growth,[13] resulting in an insufficient number of labourers to work the land. These factors led to unrest and rising drunkenness among

[9] Burke, "A Culture for All," 30; Moss, "The Swan River Experiment," 23; Curthoys, "The Beginnings of Transportation in Western Australia," 59.
[10] Cameron, "Thomas Moody, James Stirling and Swan River," 2.
[11] Statham, "Contrasting Colonies, or a Tale of Three Australian Colonies," 41; Haast, "Convicts and Commodities, 138.
[12] Vanden Driesen, *Essays on Immigration Population in Western Australia 1850–1901*, 14; Haast, "Convicts and Commodities, 138–139.
[13] Peel and Twomey, *A History of Australia,* 52; Gascoigne, *The Enlightenment and the Origins of European Australia,* 71.

settlers.[14] Following attempts to incarcerate people on Carnac Island or in the prison hulk of the *Marquis of Anglesea*, Fremantle Gaol was built between August 1830 and January 1831.[15] The colony drew upon its relationship with Britain through its legal and carceral institutions and wider philosophical thoughts, leading to the construction of the panoptic Fremantle Gaol.

Chapter 3 compared the location, architecture and use of Fremantle Gaol with those of the panopticon. The gaol's location on Arthur Head conformed to Bentham's beliefs that panopticons should be built in prominent places to remind those in the surrounding area of the consequences of disobedience.[16] Architecturally, it is evident that the panopticon was the model for the design of Fremantle Gaol. This can be seen most notably in the gaol's dodecagon shape, with the gaoler's quarters being positioned in such a way to allow for observation.[17] The use of the gaol beyond its primary role as a place of incarceration also strongly correlates to the function of the panopticon. Both institutions would also act as an asylum, a hospital and a poorhouse.[18]

Chapter 4 explored the similarities between Fremantle Gaol's rules and regulations and the panopticon's operations, further establishing the gaol as a colonial response to Bentham's model. The differences can be explained by the establishment of the gaol while the colony was still developing. For example, the day-to-day operations of the gaol were overseen by multiple people rather than by independent contractors.[19] The promotion of health and cleanliness and the provision of supplies to the gaol strongly aligned with Bentham's panopticon model. However, these similarities do not extend to diet because the panopticon diet would have been impossible to implement in Fremantle Gaol given the cost and scarcity of food in the colony's early years.[20] Deviations in how the panopticon and Fremantle Gaol dealt with labour and religion were only minor, and these elements featured heavily in both prisons.

The punishments used in conjunction with incarceration in Fremantle Gaol show the most significant deviations from Bentham's panopticon model and his overarching beliefs on

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[14] Bavin-Steding, *Crime and Confinement,* 54; Mazzarol, "Tradition, Environment and the Indentured Labourer in Early Western Australia," 30; M.M.C. "Letter from M.M.C., September 18, 1832," 243–244; Reece, "Eating and Drinking at Early Swan River Colony," 463.
[15] Maude, "Treatment of Western Australia's Mentally Ill During the Early Colonial Period, 1826–1865," 398; Broun, "Government Notice, November 3, 1829," 176; Lewis, "Letter from Richard Lewis to Peter Broun, August 6, 1830," 64; Reveley, "Letter from Henry Reveley to Peter Broun, January 18, 1831," 84.
[16] Bentham, "Principles of Penal Law," 424.
[17] Bavin-Steding, *Crime and Confinement,* 55; Bentham, "Panopticon; or the Inspection-House," 43.
[18] Bentham, "Panopticon; or the Inspection-House," 76, 80–2, 86.
[19] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 36; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 42; Bentham, "Panopticon; or the Inspection-House," 46.
[20] Henderson, Guy, Causer. *Jeremy Bentham's Prison Cooking,* 16, 25, 67; Reece, "Eating and Drinking at Early Swan River Colony," 462–463.

punishment. However, this may be attributable to the increasing need to maintain control over the colony's population.[21] Most notably, deviations can be seen in transportation and the death penalty, punishments that Bentham vehemently opposed.[22] The same opposition could be said about forcing prisoners to forfeit their property to the government, which then sold it and retained the money. While Bentham did not write about this, it may be assumed that he would not have endorsed such a venture because he sought to prepare prisoners for reintegration into society, which would have been undermined by this practice. The main difference between Fremantle Gaol and the panopticon was in the management of punishment. In the former, the gaoler had to seek permission to inflict auxiliary punishments,[23] while in the latter, he would be responsible for administering punishment as he saw fit.[24] The types of punishments inflicted upon convicted criminals varied greatly depending on their race; for example, whipping and the death penalty were generally used for people other than British settlers.[25] This was of great significance to the local Noongar population because their traditional tribal lore differed from the colonial punishments they would be subjected to following colonisation.[26]

To elicit an understanding of prison life in a colonial adaptation of the panopticon model, Chapter 6 analysed prisoners' reactions to their incarceration and subsequent attempts to secure their freedom. The two predominant reactions were escape attempts or correspondence sent by or on behalf of inmates. By analysing the escapes that took place, it was possible to determine patterns in the methods used by different groups of people. For example, Aboriginal prisoners were more overt in their escape attempts compared with British prisoners, who attempted to be more discreet. Servicemen tended to be more opportunistic and preferred to flee in pairs, which was uncommon in the attempts made by either Noongar or British prisoners. However, these identified patterns cannot be viewed as conclusive because they are based on circumstantial evidence available in archival materials and newspaper reports. Patterns could also be identified in correspondence sent by inmates. However, because this analysis was based on a small number

[21] Maude, "Treatment of Western Australia's Mentally Ill during the Early Colonial Period, 1826–1865," 339.
[22] Mackie, "A Report on the State of the Prisons in Western Australia as Called for by His Majesty's Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836," 36; "Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835," *Perth Gazette and Western Australian Journal*, June 18, 1836; Bentham, "Principles of Penal Law," 491–492, 501, 944–945; Bentham, "Letter to Lord Pelham," 6.
[23] Broun, "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831," 37; Broun, "Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty's Justices of the Peace for the Said Colony and Approved by His Excellency the Governor, February 26th, 1835," 43.
[24] Bentham, "Postscript Part – II," 214, 223.
[25] Data collected from *Minute Books – Court of Quarter Sessions, 1830–1838*; *Minute Books – Court of Quarter Sessions, 1836–1840*; *Minute Books – Court of Quarter Sessions, 1840–1861*, 1–26.
[26] Kaartidjin Noongar: Sharing Noongar Culture. "Noongar Lore."

of surviving letters, these patterns cannot be validated. Between 1832 and 1833, prisoners tended to appeal to the government for assistance for their families rather than asking for a remittance of their sentences. However, from 1835 to 1838, inmates predominantly requested changes to their sentences. From 1839 onward, prisoners were more likely to argue about the validity of their trials and convictions. No such pattern is discernible in the correspondence sent on behalf of prisoners. However, they fall into overarching themes such as good behaviour or appeals by family members or prominent figures, thus demonstrating the interconnectedness between the gaol and the rest of colonial society.

Contribution to New Knowledge and Recommendations for Further Research

There has been little scholarly research into Fremantle Gaol, and much of what has been written has only briefly mentioned its architectural similarities with the panopticon. Thus, there are significant gaps in the knowledge of life in the prison, the prisoners themselves and the goal's place and function in colonial society. Consequently, the disciplinary history of the Swan River Colony prior to the introduction of convicts in 1850 is underdeveloped. This is surprising given the importance of Fremantle Gaol to the broader Western Australian history.

Given the lack of in-depth research about Fremantle Gaol, there is scope for future studies. First, an examination of how the gaol continued to evolve following the introduction of convict labour through the Parkhurst apprentices and convicts would be beneficial. This would ascertain how prison operations changed for prisoners prior to the establishment of other penal institutions and account for the change in the colony's penal status as it became a convict colony from 1850. Second, a comparative study of Fremantle Gaol and later prisons in the colony would contribute greatly to the research on crime and punishment in the Swan River Colony because it would determine the prominent trends in the colony's penal system. It would also indicate whether the panoptic archetype continued to influence the construction of later prisons. Thirdly, a comparison of Fremantle Gaol with other panoptic institutions, both locally and internationally, would be valuable to identify the aspects of Bentham's model that were commonly utilised and the similarities between panoptic institutions. Finally, there is scope to further explore historic Aboriginal responses to incarceration in Western Australia with particular regard to modern issues surrounding deaths in custody and high rates of imprisonment given recent research on colonial New South Wales and Tasmania.[27]

[27] Harman, "Colonial Australia was Surprisingly Concerned about Aboriginal Deaths in Custody"; Harman and Maxwell-Stewart, "Aboriginal Deaths in Custody in Colonial Australia, 1805-1860."

This thesis has contributed new knowledge through its interpretation of Fremantle Gaol as a colonial adaptation of the panopticon model. More broadly, this research has contributed to the expanding literature on panopticon-inspired institutions, particularly given the lack of consensus about how and to what extent the archetype has been implemented in different institutions. The interpretation presented by this thesis also offers new knowledge about incarceration in the Swan River Colony prior to the introduction of convict labour with the Parkhurst apprentices in 1842 and convicts in 1850.[28] This was done by exploring the day-to-day operations of the gaol and the experiences of prisoners themselves, providing the opportunity to examine the simultaneous development of the colony and its penal system. The thesis also imparts new information about the punishments inflicted on different members of society, particularly as unrest and resistance became more prevalent. The thesis also presented the stories of early prisoners in their own words, which have not been previously seen in the literature on the Swan River Colony.

[28] Ewers, *The Western Gateway*, 42.

Bibliography

Primary Sources

Archival material

Aaron, Andrew. “Letter from Andrew Aaron to Peter Broun, January 7, 1835.” Perth: SROWA, AU WA S2941 cons36 037, folios 44–45.

Annual Return of the State of Her Majesty’s Jail at Fremantle Western Australia for the Year 1837. Perth: SROWA, AU WA S2941 cons36 058, folio 36.

Armstrong, Charles. “Letter from Charles Armstrong to Peter Broun, March 1, 1838.” Perth: SROWA, AU WA S2941 cons36 061, folio 5.

Armstrong, Francis. “Letter from Francis Armstrong to Peter Broun, July 3, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folio 109.

Barker, William, “Letter from William Barker to Fredrick Irwin, January 8, 1833.” Perth: SROWA, AU WA S2941 cons36 026, folio 13.

Birch, J. “Letter from J. Birch to Peter Broun, August 1, 1837.” Perth: SROWA, AU WA S2941 cons36 052, folio 136.

Brady, James. “Letter from James Brady to James Stirling, April 24, 1838.” Perth: SROWA, AU WA S2941 cons36 061, folio 7.

Broun, Peter. “Government Notice, November 3, 1829.” Perth: SROWA, AU WA S2755 cons49 001, folio 176.

Broun, Peter. “Government Notice, September 16, 1834.” Perth: SROWA, AU WA S2755 cons49 010, folios 15–16.

Broun, Peter. “Letter from Peter Broun to Alexander Macleay, January 20, 1836.” Perth: SROWA, AU WA S2755 cons49 007, folios 361–362.

Broun, Peter. “Letter from Peter Broun to Charles Gee, June 4, 1840.” Perth: SROWA, AU WA S2755 cons49 011, folio 350.

Broun, Peter. “Letter from Peter Broun to Charles Simmonds, April 26, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folio 52.

Broun, Peter. “Letter from Peter Broun to Charles Simmonds, September 9, 1831.” Perth: SROWA, AU WA S2755 cons49 005, folio 20.

Broun, Peter. “Letter from Peter Broun to D. Harris, October 19, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 319.

Broun, Peter. “Letter from Peter Broun to Doctor Langley, October 3, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 82.

Broun, Peter. “Letter from Peter Broun to George Fletcher Moore, January 14, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 84.

Broun, Peter. “Letter from Peter Broun to George Leake, April 17, 1833.” Perth: SROWA, AU WA S2755 cons49 006, folio 46.

Broun, Peter. “Letter from Peter Broun to George Leake, April 25, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 112.

Broun, Peter. “Letter from Peter Broun to George Leake, January 16, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folios 208–209.

Broun, Peter. “Letter from Peter Broun to George Leake, March 14, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 266.

Broun, Peter. “Letter from Peter Broun to George Leake, May 10, 1833.” Perth: SROWA, AU WA S2755 cons49 006, folio 63.

Broun, Peter. “Letter from Peter Broun to George Leake, September 24, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 177.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, April 13, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 108.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, April 16, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 294.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, April 9, 1838.” Perth: SROWA, AU WA S2755 cons49 008, folio 333.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, July 8, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 371.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, July 9, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 373.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, June 10, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 345.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, June 20, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folios 351–352.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, June 26, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 359.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, June 8, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folio 107.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, March 20, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 272.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, March 29, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folio 25.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, May 7, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 312.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, October 14, 1830.” Perth: SROWA, AU WA S2755 cons49 003, folio 25.

Broun, Peter. “Letter from Peter Broun to Henry Reveley, September 10, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folios 66–67.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, April 10, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 108.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, April 6, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 106.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, April 7, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 107.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, June 17, 1841.” Perth: SROWA, AU WA S2755 cons49 013, folio 408.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, June 4, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 340.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, March 7, 1838.” Perth: SROWA, AU WA S2755 cons49 008, folio 305.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, May 20, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 323.

Broun, Peter. “Letter from Peter Broun to Henry Vincent, November 10, 1835.” Perth: SROWA, AU WA S2755 cons49 009, folio 139.

Broun, Peter. “Letter from Peter Broun to James Crichton, April 9, 1840.” Perth: SROWA, AU WA S2755 cons49 012, folio 455.

Broun, Peter. “Letter from Peter Broun to James Crichton, December 8, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 96.

Broun, Peter. “Letter from Peter Broun to James Crichton, March 25, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 156.

Broun, Peter. “Letter from Peter Broun to James Crichton, October 31, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folios 322–323.

Broun, Peter. “Letter from Peter Broun to John Montagu, May 20, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 16.

Broun, Peter. “Letter from Peter Broun to John Pengelley, June 21, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 131.

Broun, Peter. “Letter from Peter Broun to Laurence Welch, August 10, 1838.” Perth: SROWA, AU WA S2755 cons49 008, folio 376.

Broun, Peter. “Letter from Peter Broun to Richard Broun, April 25, 1836.” Perth: SROWA, AU WA S2755 cons49 007, folio 407.

Broun, Peter. “Letter from Peter Broun to Richard Broun, April 27, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 174.

Broun, Peter. “Letter from Peter Broun to Richard Broun, April 6, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 156–157.

Broun, Peter. “Letter from Peter Broun to Richard Broun, August 15, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 61.

Broun, Peter. “Letter from Peter Broun to Richard Broun, August 2, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 258.

Broun, Peter. “Letter from Peter Broun to Richard Broun, August 31, 1838.” Perth: SROWA, AU WA S2755 cons49 008, folio 387.

Broun, Peter. “Letter from Peter Broun to Richard Broun, December 10, 1838.” Perth: SROWA, AU WA S2755 cons49 012, folio 56.

Broun, Peter. “Letter from Peter Broun to Richard Broun, December 2, 1840.” Perth: SROWA, AU WA S2755 cons49 013, folio 82.

Broun, Peter. “Letter from Peter Broun to Richard Broun, December 9, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 339–340.

Broun, Peter. “Letter from Peter Broun to Richard Broun, February 12, 1840.” Perth: SROWA, AU WA S2755 cons49 012, folio 395.

Broun, Peter. “Letter from Peter Broun to Richard Broun, February 12, 1840.” Perth: SROWA, AU WA S2755 cons49 012, folio 396.

Broun, Peter. “Letter from Peter Broun to Richard Broun, February 22, 1836.” Perth: SROWA, AU WA S2755 cons49 007, folio 385.

Broun, Peter. “Letter from Peter Broun to Richard Broun, February 5, 1840.” Perth: SROWA, AU WA S2755 cons49 012, folio 384.

Broun, Peter. “Letter from Peter Broun to Richard Broun, January 12, 1837.” Perth: SROWA, AU WA S2755 cons49 008, folio 106.

Broun, Peter. “Letter from Peter Broun to Richard Broun, January 14, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 84.

Broun, Peter. “Letter from Peter Broun to Richard Broun, January 27, 1840.” Perth: SROWA, AU WA S2755 cons49 012, folios 370–371.

Broun, Peter. “Letter from Peter Broun to Richard Broun, January 26, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 112–113.

Broun, Peter. “Letter from Peter Broun to Richard Broun, July 22, 1840.” Perth: SROWA, AU WA S2755 cons49 011, folios 400–401.

Broun, Peter. “Letter from Peter Broun to Richard Broun, July 8, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 232.

Broun, Peter. “Letter from Peter Broun to Richard Broun, June 12, 1841.” Perth: SROWA, AU WA S2755 cons49 013, folio 152.

Broun, Peter. “Letter from Peter Broun to Richard Broun, June 23, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 214.

Broun, Peter. “Letter from Peter Broun to Richard Broun, June 30, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 226–227.

Broun, Peter. “Letter from Peter Broun to Richard Broun, June 8, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 29.

Broun, Peter. “Letter from Peter Broun to Richard Broun, March 2, 1836.” Perth: SROWA, AU WA S2755 cons49 007, folio 387.

Broun, Peter. “Letter from Peter Broun to Richard Broun, March 25, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 156.

Broun, Peter. “Letter from Peter Broun to Richard Broun, March 25, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 155.

Broun, Peter. “Letter from Peter Broun to Richard Broun, March 28, 1837.” Perth: SROWA, AU WA S2755 cons49 008, folio 144.

Broun, Peter. “Letter from Peter Broun to Richard Broun, May 10, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 10.

Broun, Peter. “Letter from Peter Broun to Richard Broun, May 11, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 184.

Broun, Peter. “Letter from Peter Broun to Richard Broun, May 31, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folios 206–207.

Broun, Peter. “Letter from Peter Broun to Richard Broun, May 9, 1836.” Perth: SROWA, AU WA S2755 cons49 008, folio 10.

Broun, Peter. “Letter from Peter Broun to Richard Broun, November 28, 1840.” Perth: SROWA, AU WA S2755 cons49 013, folio 69.

Broun, Peter. “Letter from Peter Broun to Richard Broun, November 5, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 330.

Broun, Peter. “Letter from Peter Broun to Richard Broun, November 27, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 346.

Broun, Peter. “Letter from Peter Broun to Richard Broun, October 10, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 310.

Broun, Peter. “Letter from Peter Broun to Richard Broun, October 30, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 329.

Broun, Peter. “Letter from Peter Broun to Richard Broun, October 7, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folio 309.

Broun, Peter. “Letter from Peter Broun to Richard Broun, October 8, 1837.” Perth: SROWA, AU WA S2755 cons49 008, folio 227.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 13, 1837.” Perth: SROWA, AU WA S2755 cons49 008, folio 216.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 6, 1839.” Perth: SROWA, AU WA S2755 cons49 012, folio 289.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 15, 1840.” Perth: SROWA, AU WA S2755 cons49 011, folio 473.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 14, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 290–291.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 25, 1840.” Perth: SROWA, AU WA S2755 cons49 011, folio 490.

Broun, Peter. “Letter from Peter Broun to Richard Broun, September 25, 1837.” Perth: SROWA, AU WA S2755 cons49 011, folio 489.

Broun, Peter. “Letter from Peter Broun to Richard Lewis, December 21, 1830.” Perth: SROWA, AU WA S2755 cons49 003, folios 81–82.

Broun, Peter. “Letter from Peter Broun to Richard Lewis, June 25, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folios 122–123.

Broun, Peter. “Letter from Peter Broun to Richard Lewis, September 5, 1831.” Perth: SROWA, AU WA S2755 cons49 005, folio 19.

Broun, Peter. “Letter from Peter Broun to the Deputy Harbour Master, March 29, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folio 24.

Broun, Peter. “Letter from Peter Broun to the Henry Vincent, June 21, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 130.

Broun, Peter. “Letter from Peter Broun to the Justices of the Peace, March 30, 1830.” Perth: SROWA, AU WA S2755 cons49 002, folios 99–100.

Broun, Peter. “Letter from Peter Broun to the Thomas Bannister, October 3, 1831.” Perth: SROWA, AU WA S2755 cons49 005, folio 31.

Broun, Peter. “Letter from Peter Broun to Thomas Bannister, April 26, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folio 53.

Broun, Peter. “Letter from Peter Broun to W.H. Mackie, October 12, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 185.

Broun, Peter. “Letter from Peter Broun to W.T. Graham, July 9, 1834.” Perth: SROWA, AU WA S2755 cons49 006, folio 373.

Broun, Peter. “Letter from Peter Broun to W.T. Graham, June 26, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folios 125–126.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, April 11, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 163–164.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, December 2, 1840.” Perth: SROWA, AU WA S2755 cons49 013, folio 76.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, January 21, 1835.” Perth: SROWA, AU WA S2755 cons49 004, folios 107–108.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, July 1, 1841.” Perth: SROWA, AU WA S2755 cons49 013, folio 439.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, July 15, 1831.” Perth: SROWA, AU WA S2755 cons49 004, folios 151–152.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, June 30, 1835.” Perth: SROWA, AU WA S2755 cons49 007, folios 223–224.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, June 17, 1841.” Perth: SROWA, AU WA S2755 cons49 013, folios 408–409.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, October 20, 1841.” Perth: SROWA, AU WA S2755 cons49 015, folio 121.

Broun, Peter. “Letter from Peter Broun to William H. Mackie, September 7, 1832.” Perth: SROWA, AU WA S2755 cons49 005, folio 171.

Broun, Peter. “Regulations for the Management of the Common Jail at Fremantle in the Colony of Western Australia Recommended by His Majesty’s Justices of the Peace for

the Said Colony and Approved by His Excellency the Governor, February 26th, 1835." Perth: SROWA, AU WA S2755 cons49 010, folios 42–46.

Broun, Peter. "Rules and Regulations for the Management of the Common Jail at Fremantle Established by the Magistrates in General Quarter Sessions Assembled at Fremantle Aforesaid on the 4th Day of April, April 8, 1831." Perth: SROWA, AU WA S2755 cons49 004, folios 36–39.

Broun, Richard, and George Leake. "Letter from Richard Broun and George Leake to Peter Broun, March 8, 1834." Perth: SROWA, AU WA S2941 cons36 031, folio 29.

Broun, Richard. "Letter from Richard Broun to Peter Broun, January 9, 1841." Perth: SROWA, AU WA S2941 cons36 099, folio 101.

Broun, Richard. "Letter from Richard Broun to Peter Broun, January 12, 1841." Perth: SROWA, AU WA S2941 cons36 099, folio 102.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 7, 1837." Perth: SROWA, AU WA S2941 cons36 053, folio 39.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 6, 1837." Perth: SROWA, AU WA S2941 cons36 051, folio 161.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 13, 1839." Perth: SROWA, AU WA S2941 cons36 073, folio 97.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 11, 1837." Perth: SROWA, AU WA S2941 cons36 053, folio 59.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 2, 1840." Perth: SROWA, AU WA S2941 cons36 085, folio 13.

Broun, Richard. "Letter from Richard Broun to Peter Broun, April 9, 1840." Perth: SROWA, AU WA S2941 cons36 085, folio 20.

Broun, Richard. "Letter from Richard Broun to Peter Broun, August 28, 1835." Perth: SROWA, AU WA S2941 cons36 042, folio 79.

Broun, Richard. "Letter from Richard Broun to Peter Broun, August 27, 1840." Perth: SROWA, AU WA S2941 cons36 085, folio 38.

Broun, Richard. "Letter from Richard Broun to Peter Broun, August 1839." Perth: SROWA, AU WA S2941 cons36 073, folio 146.

Broun, Richard. "Letter from Richard Broun to Peter Broun, December 8, 1836." Perth: SROWA, AU WA S2941 cons36 049, folio 182.

Broun, Richard. "Letter from Richard Broun to Peter Broun, December 8, 1840." Perth: SROWA, AU WA S2941 cons36 085, folio 66.

Broun, Richard. “Letter from Richard Broun to Peter Broun, December 8, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 67.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 3, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folios 1–2.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 4, 1836.” Perth: SROWA, AU WA S2941 cons36 044, folio 26.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 23, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 86.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 16, 1841.” Perth: SROWA, AU WA S2941 cons36 099, folio 106.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 19, 1837.” Perth: SROWA, AU WA S2941 cons36 051, folios 99–99A.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 21, 1837.” Perth: SROWA, AU WA S2941 cons36 099, folio 107.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 19, 1837.” Perth: SROWA, AU WA S2941 cons36 051, folio 97.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 12, 1841.” Perth: SROWA, AU WA S2941 cons36 099, folio 103.

Broun, Richard. “Letter from Richard Broun to Peter Broun, January 7, 1841.” Perth: SROWA, AU WA S2941 cons36 099, folios 98–100.

Broun, Richard. “Letter from Richard Broun to Peter Broun, July 15, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folio 142.

Broun, Richard. “Letter from Richard Broun to Peter Broun, July 18, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 95.

Broun, Richard. “Letter from Richard Broun to Peter Broun, July 26, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 36.

Broun, Richard. “Letter from Richard Broun to Peter Broun, July 23, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 145.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 11, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 123.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 11, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 24.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 25, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folio 84.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 29, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folio 94.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 26, 1835.” Perth: SROWA, AU WA S2941 cons36 040, folio 181.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 3, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 120.

Broun, Richard. “Letter from Richard Broun to Peter Broun, June 8, 1835.” Perth: SROWA, AU WA S2941 cons36 040, folio 27.

Broun, Richard. “Letter from Richard Broun to Peter Broun, March 27, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 99.

Broun, Richard. “Letter from Richard Broun to Peter Broun, May 11, 1836.” Perth: SROWA, AU WA S2941 cons36 046, folio 37.

Broun, Richard. “Letter from Richard Broun to Peter Broun, May 14, 1838.” Perth: SROWA, AU WA S2941 cons36 062, folio 35.

Broun, Richard. “Letter from Richard Broun to Peter Broun, May 14, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 109.

Broun, Richard. “Letter from Richard Broun to Peter Broun, May 1838.” Perth: SROWA, AU WA S2941 cons36 062, folio 36.

Broun, Richard. “Letter from Richard Broun to Peter Broun, May 26, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folios 113–114.

Broun, Richard. “Letter from Richard Broun to Peter Broun, November 7, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 54.

Broun, Richard. “Letter from Richard Broun to Peter Broun, November 3, 1836.” Perth: SROWA, AU WA S2941 cons36 049, folio 12.

Broun, Richard. “Letter from Richard Broun to Peter Broun, November 27, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 100.

Broun, Richard. “Letter from Richard Broun to Peter Broun, November 1, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 60.

Broun, Richard. “Letter from Richard Broun to Peter Broun, October 10, 1837.” Perth: SROWA, AU WA S2941 cons36 056, folio 29.

Broun, Richard. “Letter from Richard Broun to Peter Broun, October 21, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folios 162–164.

Broun, Richard. “Letter from Richard Broun to Peter Broun, October 19, 1835.” Perth: SROWA, AU WA S2941 cons36 043, folio 97.

Broun, Richard. “Letter from Richard Broun to Peter Broun, October 3, 1839.” Perth: SROWA, AU WA S2941 cons36 073, folio 154.

Broun, Richard. “Letter from Richard Broun to Peter Broun, September 3, 1835.” Perth: SROWA, AU WA S2941 cons36 042, folio 93.

Broun, Richard. “Letter from Richard Broun to Peter Broun, September 12, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 43.

Broun, Richard. “Letter from Richard Broun to Peter Broun, September 10, 1840.” Perth: SROWA, AU WA S2941 cons36 085, folio 40.

Broun, Richard. “Letter from Richard Broun to Peter Broun, October 20, 1841.” Perth: SROWA, AU WA S2941 cons36 099, folio 168.

Burges, Henry. “Letter from Henry Burges to James Stirling, April 13, 1837.” Perth: SROWA, AU WA S2941 cons36 053, folio 56.

Chapman, Robert. “Letter from Robert Chapman to S.N. Fisher, January 21, 1841.” Perth: SROWA, AU WA S2941 cons36 090, folio 54.

Crichton, James. “Letter from James Crichton to Peter Broun, April 18, 1837.” Perth: SROWA, AU WA S2941 cons36 053, folio 69.

Crichton, James. “Letter from James Crichton to Peter Broun, April 13, 1840.” Perth: SROWA, AU WA S2941 cons36 081, folio 12.

Crichton, James. “Letter from James Crichton to Peter Broun, April 9, 1840.” Perth: SROWA, AU WA S2941 cons36 081, folio 13.

Crichton, James. “Letter from James Crichton to Peter Broun, July 4, 1839.” Perth: SROWA, AU WA S2941 cons36 071, folio 85.

Crichton, James. “Letter from James Crichton to Peter Broun, March 16, 1839.” Perth: SROWA, AU WA S2941 cons36 071, folio 71.

Crichton, James. “Letter from James Crichton to Peter Broun, November 24, 1837.” Perth: SROWA, AU WA S2941 cons36 057, folio 117.

Daniels, Richard. “Letter from Richard Daniels to Peter Broun, January 17, 1834.” Perth: SROWA, AU WA S2941 cons36 030, folio 86.

de Mayo, Louis. “Letter from Louis de Mayo to John Hutt, December 1840.” Perth: SROWA, AU WA S2941 cons36 080, folio 85.

Dears Thomson, E. “Letter from E. Dears Thomson to Peter Broun, December 23, 1841.” Perth: SROWA, AU WA S2941 cons36 096, folio 98.

Forster, Matthew. “Letter from Matthew Forster to Peter Broun, April 22, 1840.” Perth: SROWA, AU WA S2941 cons36 082, folios 176–177.

Gee, Charles, and Joseph Gee. “Letter from Charles Gee and Joseph Gee to John Hutt, November 1840.” Perth: SROWA, AU WA S2941 cons36 079, folio 142.

Graham, W.T. “Letter from W.T. Graham to Peter Broun, August 1, 1831.” Perth: SROWA, AU WA S2941 cons36 017, folios 3–4.

Graham, W.T. “Letter from W.T. Graham to Peter Broun, June 14, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 25.

Graham, W.T. “Letter from W.T. Graham to Peter Broun, June 14, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 29.

Graham, W.T. “Letter from W.T. Graham to Peter Broun, November 21, 1831.” Perth: SROWA, AU WA S2941 cons36 018, folio 180.

Graham, William. “Letter from William Graham to John Hutt, April 10, 1839.” Perth: SROWA, AU WA S2941 cons36 066, folio 127.

Hobbs, John. “Letter from John Hobbs to Peter Broun, March 23, 1830.” Perth: SROWA, AU WA S2941 cons36 005, folio 179.

Hunt, Thomas. “A List of Prisoners Confined in the Fremantle Jail for the Month of April 1840 Showing When Committed and the Numbers of Days that Provisions have Been Issued, April 1840.” Perth: SROWA, AU WA S2941 cons36 083, folio 7.

Hunt, Thomas. “A List of Prisoners Confined in the Jail of Fremantle for the Month of February 1840 Showing When Committed and the Number of Days that Provisions have been Issued, February 1840.” Perth: SROWA, AU WA S2941 cons36 083, folio 4.

Hunt, Thomas. “Quarterly Return of Prisoners, January 1840.” Perth: SROWA, AU WA S2941 cons36 083, folio 6.

Irwin, Fredrick Chidley. “Letter from Fredrick Chidley to William H. Mackie, October 11, 1832.” Perth: SROWA, AU WA S2941 cons36 024, folios 143–144.

Irwin, Fredrick Chidley. “Letter to Fredrick Chidley Irwin to Peter Broun, February 11, 1833.” Perth: SROWA, AU WA S2755 cons49 011, folios 2–3.

Keates, Amy. “Letter from Amy Keates to James Stirling, July 28, 1835.” Perth: SROWA, AU WA S2941 cons36 037, folios 234–235.

Knight, James. “Letter from James Knight to Peter Broun, March 27, 1839.” Perth: SROWA, AU WA S2941 cons36 058, folio 4.

Leake, George and Richard Broun. “Letter from George Leake and Richard Broun to Peter Broun, June 6, 1834.” Perth: SROWA, AU WA S2941 cons36 032, folio 165.

Leake, George and Thomas Bannister. “Letter from George Leake and Thomas Bannister to Peter Broun, March 30, 1830.” Perth: SROWA, AU WA S2941 cons36 005, folio 187.

Leake, George. “Letter from George Leake to Peter Broun, January 31, 1834.” Perth: SROWA, AU WA S2941 cons36 030, folio 132.

Leake, George. “Letter from George Leake to Peter Broun, January 15, 1833.” Perth: SROWA, AU WA S2941 cons36 030, folio 72.

Leake, George. “Letter from George Leake to Peter Broun, May 9, 1834.” Perth: SROWA, AU WA S2941 cons36 031, folio 255.

Lewis, John. “Letter from John Lewis to Peter Broun, September 20, 1837.” Perth: SROWA, AU WA S2941 cons36 055, folio 214.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, August 6, 1830.” Perth: SROWA, AU WA S2941 cons36 008, folio 64.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, December 31, 1830.” Perth: SROWA, AU WA S2941 cons36 011, folio 128.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, January 10, 1832.” Perth: SROWA, AU WA S2941 cons36 020, folio 31.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, June 11, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 15.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, June 22, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 81.

Lewis, Richard. “Letter from Richard Lewis to Peter Broun, September 3, 1831.” Perth: SROWA, AU WA S2941 cons36 017, folio 128.

Lockyer, Kesiah. “Letter from Kesiah Lockyer to John Hutt, April 6, 1839.” Perth: SROWA, AU WA S2941 cons36 066, folios 112–114.

M.M.C. “Letter from M.M.C., September 18, 1832.” In *Swan River Letters vol.1*, edited by Ian Berryman, 238–245. Glengarry: Swan River Press, 2002.

Mackie, William H. “A Report on the State of the Prisons in Western Australia as Called for by His Majesty’s Secretary of State for the Colonies in a Circular Dated 18 September 1835, September 25th, 1836.” Perth: SROWA, AU WA S2941 cons36 048, folios 123–128.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, October 10, 1832.” Perth: SROWA, AU WA S2941 cons36 024, folios 142–144.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, October 1831.” Perth: SROWA, AU WA S2941 cons36 018, folios 50–51.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, July 2, 1841.” Perth: SROWA, AU WA S2941 cons36 101, folio 61.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, April 9, 1833.” Perth: SROWA, AU WA S2941 cons36 039, folio 2.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, June 10, 1841.” Perth: SROWA, AU WA S2941 cons36 101, folio 57.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, December 4, 1840.” Perth: SROWA, AU WA S2941 cons36 089, folios 31–32.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, July 2, 1841.” Perth: SROWA, AU WA S2941 cons36 101, folio 64.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, October 21, 1841.” Perth: SROWA, AU WA S2941 cons36 101, folio 72.

Mackie, William H. “Letter from William H. Mackie to Peter Broun, July 15, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 173.

Mackie, William H., and Richard Broun. “Letter from William H. Mackie and Richard Broun to Peter Broun, January 13, 1835.” Perth: SROWA, AU WA S2941 cons36 037, folio 38.

Mackie, William H., J. Morgan and John B. Wittenoom. “Letter from William H. Mackie, J. Morgan and John Wittenoom to Peter Broun, October 12, 1833.” Perth: SROWA, AU WA S2941 cons36 035, folio 85.

Manning, William. “Letter from William Manning to Peter Broun, August 12, 1830.” Perth: SROWA, AU WA S2941 cons36 008, folio 79.

Manning, William. “Letter from William Manning to Peter Broun, July 8, 1834.” Perth: SROWA, AU WA S2941 cons36 033, folio 38.

Martin, Samuel. “Letter from Samuel Martin to John Hutt, June 26, 1841.” Perth: SROWA, AU WA S2941 cons36 092, folios 116–117.

Mckail, John. “Letter from John Mckail to Richard Spencer, March 7, 1836.” Perth: SROWA, AU WA S2941 cons36 045, folio 38.

Mitchell, William Henry Fancourt. “Letter from William Henry Fancourt Mitchell to Peter Broun, March 3, 1840.” Perth: SROWA, AU WA S2941 cons36 082, folio 174.

Page, William. “Letter from William Page to John Hutt, October 1841.” Perth: SROWA, AU WA S2941 cons36 094, folio 50.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, April 23, 1831.” Perth: SROWA, AU WA S2941 cons36 014, folio 106.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, August 23, 1830.” Perth: SROWA, AU WA S2941 cons36 008, folio 108.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, February 29, 1832.” Perth: SROWA, AU WA S2941 cons36 020, folio 168.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, February 9, 1837.” Perth: SROWA, AU WA S2941 cons36 051, folios 188–189.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, January 31, 1834.” Perth: SROWA, AU WA S2941 cons36 030, folio 127.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, January 14, 1831.” Perth: SROWA, AU WA S2941 cons36 016, folio 17.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, January 21, 1833.” Perth: SROWA, AU WA S2941 cons36 026, folios 68–69.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, January 18, 1836.” Perth: SROWA, AU WA S2941 cons36 044, folio 65.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, January 18, 1831.” Perth: SROWA, AU WA S2941 cons39 012, folio 84.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, July 13, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folios 176–177.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, July 20, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folio 167.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, June 15, 1837.” Perth: SROWA, AU WA S2941 cons36 054, folios 35–37.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, March 31, 1831.” Perth: SROWA, AU WA S2941 cons36 013, folio 219.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, May 1, 1832.” Perth: SROWA, AU WA S2941 cons36 022, folio 2.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, May 10, 1831.” Perth: SROWA, AU WA S2941 cons36 015, folio 73.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, October 24, 1836.” Perth: SROWA, AU WA S2941 cons36 048, folio 197.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, October 13, 1830.” Perth: SROWA, AU WA S2941 cons36 009, folio 65.

Reveley, Henry. “Letter from Henry Reveley to Peter Broun, September 1, 1830.” Perth: SROWA, AU WA S2941 cons36 008, folio 133.

Rice Bond, Henry. “Letter from Henry Rice Bond to Peter Broun, April 7, 1834.” Perth: SROWA, AU WA S2941 cons36 031, folio 140.

Robertson, Alexander. “Letter from Alexander Robertson to George Leake, January 14, 1833.” Perth: SROWA, AU WA S2941 cons36 026, folio 47.

Roe, John Septimus and George Fletcher Moore. “Letter from John Septimus Roe and George Fletcher Roe to Peter Broun, January 28, 1836.” Perth: SROWA, AU WA S2941 cons36 044, folio 123.

Scholl, W.H. “Letter from W.H. Scholl to Peter Broun, April 6, 1840.” Perth: SROWA, AU WA S2941 cons36 077, folio 12.

Scott, Daniel. “Letter from Daniel Scott to the Harbour Master Office Fremantle, February 2, 1831.” Perth: SROWA, AU WA S2941 cons36 012, folio 140.

Smith, Richard William. “List of Prisoners in the Jail of Fremantle for the Month of December 1840 Showing when Committed and the Number of Days which Provisions have been Issued, December 31, 1840.” Perth: SROWA, AU WA S2941 cons36 083, folio 17.

Stirling, William. “Letter from William Stirling, December 16, 1830.” In *Swan River Letters vol.1,* edited by Ian Berryman, 206–207. Glengarry: Swan River Press, 2002.

Stone, George. “Letter from George Stone to Peter Broun, January 11, 1836.” Perth: SROWA, AU WA S2941 cons36 044, folio 47.

Stone, George. “Letter from George Stone to Peter Broun, July 28, 1835.” Perth: SROWA, AU WA S2941 cons36 041, folio 154.

Symmons, Charles. “Letter from Charles Symmons to Peter Broun, January 8, 1841.” Perth: SROWA, AU WA S2941 cons36 095, folio 5.

Tanner, Edward. “Letter from Edward Tanner to John Hutt, November 25, 1840.” Perth: SROWA, AU WA S2941 cons36 079, folios 177–178.

Thomas, John. “Letter from John Thomas to Peter Broun, March 1835.” Perth: SROWA, AU WA S2941 cons36 038, folios 151–152.

Trigg, Henry. “Letter from Henry Trigg to Peter Broun, December 17, 1839.” Perth: SROWA, AU WA S2941 cons36 075, folio 224.

Trigg, Henry. “Letter from Henry Trigg to Peter Broun, November 25, 1839.” Perth: SROWA, AU WA S2941 cons36 075, folio 221.

Turner, Sarah. “Letter from Sarah Turner to John Hutt, April 6, 1837.” Perth: SROWA, AU WA S2941 cons36 066, folios 213–214.

Turner, T. “Letter from T. Turner to Peter Broun, April 23, 1833.” Perth: SROWA, AU WA S2941 cons36 027, folio 55.

Vincent, Henry. “A List of Prisoners in the Jail of Fremantle for the Month of November 1835 Showing when Committed and the Number of Days which Provisions have been Issued, November 1835.” Perth: SROWA, AU WA S2941 cons36 043, folio 230.

Vincent, Henry. “Annual Return of the State of His Majesty’s Jail at Fremantle Western Australia During the Year 1835.” Perth: SROWA, AU WA S2941 cons36 044, folio 6.

Vincent, Henry. “Letter from Henry Vincent to George Leake, July 8, 1834.” Perth: SROWA, AU WA S2941 cons36 033, folio 41.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, April 4, 1832.” Perth: SROWA, AU WA S2941 cons36 021, folio 148.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, April 5, 1832.” Perth: SROWA, AU WA S2941 cons36 021, folio 151.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, December 31, 1832.” Perth: SROWA, AU WA S2941 cons36 024, folio 95.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, June 14, 1832.” Perth: SROWA, AU WA S2941 cons36 022, folio 141.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, May 10, 1837.” Perth: SROWA, AU WA S2941 cons36 053, folio 177.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, May 9, 1834.” Perth: SROWA, AU WA S2941 cons36 031, folio 256.

Vincent, Henry. “Letter from Henry Vincent to Peter Broun, May 13, 1834.” Perth: SROWA, AU WA S2941 cons36 032, folio 9.

Vincent, Henry. “List of Prisoners in the Jail Fremantle for the Month of September 1839 Showing when Committed and the Number of Days which Provisions have been Issued, September 1839.” Perth: SROWA, AU WA S2941 cons36 058, folio 126.

Vincent, Henry. “List of Prisoners in the Jail Fremantle for the Month of January 1838 Showing when Committed for the Number of Days which Provisions have been Issued, January 1838.” Perth: SROWA, AU WA S2941 cons36 064, folio 147.

Vincent, Henry. “List of Prisoners in the Jail Fremantle for the Month March 1838 Showing when Committed and Number of Days which Provisions have been Issued, March 31, 1838.” Perth: SROWA, AU WA S2941 cons36 064, folio 149.

Vincent, Henry. “List of Prisoners in the Jail Fremantle for the Month of January 1839 Showing when Committed and the Number of Days which Provisions have been Issued, January 31, 1839.” Perth: SROWA, AU WA S2941 cons36 071, folio 89.

Vincent, Henry. “List of Prisoners in the Jail Fremantle for the Month of June 1839 Showing when Committed and the Number of Days which Provisions have been Issued, June 30, 1839.” Perth: SROWA, AU WA S2941 cons36 071, folio 97.

Vincent, Henry. “List of Prisoners in the Jail of Fremantle for the Month of October 1836 Showing when Committed and the Number of Days which Provisions have been Issued, October 31, 1836.” Perth: SROWA, AU WA S2941 cons36 048, folio 207.

Vincent, Henry. “List of Prisoners in the Jail of Fremantle for the Month of February 1837 Showing when Committed and the Number of Days which Provisions have been Issued, February 20, 1837.” Perth: SROWA, AU WA S2941 cons36 058, folio 119.

Vincent, Henry. *Quarterly Return of Prisoners Confined in the Common Jail at Fremantle the and the Quarter Session July 1 1835*. Perth: SROWA, AU WA S270 cons3676 01.

William, John. “Letter from John William to John Hutt, February 6, 1840.” Perth: SROWA, AU WA S2941 cons36 076, folio 62.

Wittenoom, John B., and Peter Broun. “Letter from John B. Wittenoom and Peter Broun to James Stirling, May 13, 1837.” Perth: SROWA, AU WA S2941 cons36 053, folio 175.

Wray, H. *Fremantle Government Buildings, Old Gaol, Proposed Extension of Round House – Sketch by H. Wray. Sketch of Chapel at Fremantle Prison.* Perth: SROWA, AU WA S399 cons1647 00104.

Blue Books

Blue Book (Statistical Returns for the Swan River Colony), 1837. Perth: SROWA, AU WA S4148 cons 1855 01.

Blue Book (Statistical Returns for the Swan River Colony), 1838. Perth: SROWA, AU WA S4148 cons 1855 02.

Blue Book (Statistical Returns for the Swan River Colony), 1839. Perth: SROWA, AU WA S4148 cons 1855 03.

Blue Book (Statistical Returns for the Swan River Colony), 1840. Perth: SROWA, AU WA S4148 cons 1855 04.

Blue Book (Statistical Returns for the Swan River Colony), 1841. Perth: SROWA, AU WA S4148 cons 1855 05.

Books

Bentham, Jeremy. "A Plea for the Constitution." In *Writings on Australia,* edited by Tim Causer and Phillip Schofield. London: The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055304/1/6.%20Plea.pdf.

Bentham, Jeremy. "An Introduction to Principles of Morals and Legislation." In *A Fragment on Government and An Introduction to the Principles of Morals and Legislation,* edited by Wilfrid Harrison, 113–435. Oxford: Basil Blackwell, 1960.

Bentham, Jeremy. "Colonization Company Proposal." In *Writings on Australia,* edited by Tim Causer and Phillip Schofield. London: The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055306/1/7.%20Colonization%20Company%20Proposal.pdf.

Bentham, Jeremy. "Emancipate Your Colonies! Addressed to the National Convention of France." In *The Works of Jeremy Bentham vol.VI.,* edited by John Bowring, 629-646. Edinburgh: William Tait, 1843. https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf.

Bentham, Jeremy. "Essays on the Subject of the Poor Laws." In *The Collected Works of Jeremy Bentham: The Writings on the Poor Laws Volume 1*, edited by Michael Quinn, 3–124. Oxford: Oxford University Press, 2010.

Bentham, Jeremy. "Letter to Lord Pelham." In *Writings on Australia*, edited by Tim Causer and Phillip Schofield. London: The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055298/1/3.%20First%20Letter.pdf.

Bentham, Jeremy. "New Wales." In *Writings on Australia,* edited by Tim Causer and Phillip Schofield. London; The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055298/1/3.%20First%20Letter.pdf.

Bentham, Jeremy. "Panopticon; or the Inspection-House: Containing the Idea of a New Principle of Construction Applicable to any Sort of Establishment, in which Persons of any Description are to be Kept Under Inspection; and in Particular to Penitentiary Houses." In *The Panopticon Writings,* edited by Miran Bozovic, 29–95. London: Verso, 1995.

Bentham, Jeremy. "Postscript Part – II. Principles and Plan of Management." In *The Works of Jeremy Bentham vol.VI.,* edited by John Bowring, 213–288. Edinburgh: William Tait,

1843. https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf.

Bentham, Jeremy. "Postscript Part I – Containing Further Particles of Construction Applicable to Any Sort of Establishment, in which Persons of any Description are to be Kept Under Inspection; and in Particular to Penitentiary Houses." In *The Works of Jeremy Bentham vo.VI,* edited by John Bowring, 124–212. Edinburgh: William Tait, 1843. https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf.

Bentham, Jeremy. "Principles of Penal Law." In *The Works of Jeremy Bentham vol.VI.*, edited by John Bowring, 660–1235. Edinburgh: William Tait, 1843. https://oll-resources.s3.us-east-2.amazonaws.com/oll3/store/titles/1925/Bentham_0872-04_EBk_v6.0.pdf.

Bentham, Jeremy. "Rid Yourselves of Ultramaria." In *Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramaria and Other Writings on Spain and Spanish America*, edited by Philip Schofield, 1–277. Oxford: Oxford University Press, 1996.

Bentham, Jeremy. "Second Letter to Lord Pelham." In *Writings on Australia,* edited by Tim Causer and Phillip Schofield. London: The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055301/1/4.%20Second%20Letter.pdf.

Bentham, Jeremy. "Third Letter to Lord Pelham." In *Writings on Australia,* edited by Tim Causer and Phillip Schofield. London: The Bentham Project, 2018 pre-publication version. https://discovery.ucl.ac.uk/id/eprint/10055302/1/5.%20Third%20Letter.pdf.

Bentham, Jeremy. *Institute of Political Economy.* In *Jeremy Bentham's Economic Writings: Critical Edition Based on his Printed Works and Unprinted Manuscripts Vol.3*, edited by Wagner Stark, 303–381. London: Routledge, 2004.

Howard, John. *The State of Prisons in England and Wales: With Preliminary Observations, and an Account of Some Foreign Prisons and Hospitals*. 2nd ed. London: Warrington, 1780.

Malthus, Thomas Robert. *An Essay on the Principle of Population.* London: Electric Book Company Ltd., 2001.

Court records

Minute Books – Court of Quarter Sessions, 1830–1838. Perth: SROWA, AU WA S204, cons 3577 1.

Minute Books – Court of Quarter Sessions, 1836–1840. Perth: SROWA, AU WA S204, cons 3577 3.

Minute Books – Court of Quarter Sessions, 1840–1861. Perth: SROWA, AU WA S204, cons 3577 4.

Newspaper articles

"(The Subject Resumed)." *Swan River Guardian.* May 11, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041691.txt.

A. "To the Editor of "The Perth Gazette." *Perth Gazette and Western Australian Journal,* May 6, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640001.txt.

"A Native Flogged at Perth." *Perth Gazette and Western Australian Journal,* April 26, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641540.txt.

"A Native Shot at York." *Perth Gazette and Western Australian Journal,* September 17, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640289.txt.

"A Native Shot." *Perth Gazette and Western Australian Journal*, May 5, 1838. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639548.txt.

"A Native Shot." *Perth Gazette and Western Australian Journal*, May 4, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642101.txt.

"Act of Acclamation." *Perth Gazette and Western Australian Journal,* November 30, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641757.txt.

"Additional Building to be Attached to the Jail at Fremantle." *Perth Gazette and Western Australian Journal,* June 14, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641457.txt.

"Attempt to Murder." *Perth Gazette and Western Australian Journal,* April 14, 1838. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639568.txt.

"Attempted Escape from the Jail at Fremantle." *Perth Gazette and Western Australian Journal*, January 18, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641677.txt.

Broun, Peter. "Colonial Secretary's Office." *Perth Gazette and Western Australian Journal*, January 16, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642625.txt.

Broun, Peter. "Government Notice." *Perth Gazette and Western Australian Journal,* March 7, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641039.txt.

Broun, Peter. “Government Notice.” *Perth Gazette and Western Australian Journal,* May 10, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641512.txt.

Broun, Richard. “To the Editor of the Perth Gazette.” *Perth Gazette and Western Australian Journal,* April 11, 1840. https://trove.nla.gov.au/newspaper/rendition/nla.news-article638747.txt.

“Capture and Escape of a Native Named Weeban.” *The Western Australian Journal,* August 24, 1839. https://trove.nla.gov.au/newspaper/rendition/nla.news-article638995.txt?=true.

“Death of Goggalee, a Native, Shot by John Mackail, a Carpenter, at Perth.” *Perth Gazette and Western Australian Journal,* June 6, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640905.txt.

“Encounter with the Natives in the Pinjarra District on the Banks of the Murray.” *Perth Gazette and Western Australian Journal*, November 1, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641213.txt

“Escape of a Native from the Fremantle Jail.” *Perth Gazette and Western Australian Journal*, November 7, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640679.txt.

“Escape of Two Prisoners from Fremantle Jail.” *Perth Gazette and Western Australian Journal,* January 5, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642279.txt.

“Escaped from the Jail of Fremantle.” *Perth Gazette and Western Australian Journal*, November 2, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641801.txt.

“Execution.” *Perth Gazette and Western Australian Journal*, May 25, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642064.txt.

“Government Notice.” *Perth Gazette and Western Australian Journal*, July 12, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641410.txt.

Giustiniani, Louis. “The Logic of Swan River.” *Swan River Guardian*, November 23, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041848.txt.

“Hobart Town.” *Colonial Times,* June 29, 1831. https://trove.nla.gov.au/newspaper/rendition/nla.news-article8645939.txt.

Lyon, R.M. “A Glance at the Manners, and Language of the Aboriginal Inhabitants of Western Australia; With a Short Vocabulary: - 23rd March, 1833.” *Perth Gazette and Western*

Australian Journal, March 30, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642150.txt.

Lyon, Robert. "Swan River." *Independent,* August 27, 1831. https://trove.nla.gov.au/newspaper/rendition/nla.news-article233684659.txt.

Macfaull, Charles. "Civil Court." *Perth Gazette and Western Australian Journal,* December 16, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639728.txt.

Macfaull, Charles. "Statistical Report." *Perth Gazette and Western Australian Journal,* June 16, 1838. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639510.txt.

"Murder by Natives." *Perth Gazette and Western Australian Journal,* May 25, 1839. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639096.txt.

"Native Trials." *Swan River Guardian,* October 5, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041909.txt.

"No Title." *Inquirer,* March 10, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article65581643.txt.

"No Title." *Perth Gazette and Western Australian Journal,* July 1, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639930.txt.

"No Title." *Perth Gazette and Western Australian Journal,* March 11, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640062.txt.

"No Title." *Swan River Guardian,* October 20, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041645.txt.

"Pardon of Wee-Ip and Release of the Native Bill-Yoo-Merry." *Perth Gazette and Western Australian Journal,* September 6, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641308.txt.

"Petty Sessions." *Perth Gazette and Western Australian Journal,* January 16, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642612.txt

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* January 9, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642589.txt

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* April 11, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640991.txt.

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* April 9, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640482.txt.

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* January 4, 1840. https://trove.nla.gov.au/newspaper/rendition/nla.news-article638841.txt.

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* October 4, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641251.txt.

"Quarter Sessions." *Perth Gazette and Western Australian Journal,* July 11, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640843.txt.

"Quarter Sessions." *Swan River Guardian,* January 5, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041860.txt.

"Report of the Committee of Correspondence, appointed at a General Meeting of the Inhabitants of the Colony of Western Australia, on the Present State of the Settlement up to 1835." *Perth Gazette and Western Australian Journal,* June 18, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640412.txt.

Stone, George. "Classified Advertising." *Perth Gazette and Western Australian Journal,* April 18, 1835. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640977.txt.

Stone, George. "Government Notice." *Perth Gazette and Western Australian Journal,* January 16, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640579.txt.

"The Natives." *Perth Gazette and Western Australian Journal,* July 15, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639917.txt?print-true.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* April 29, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640007.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* March 11, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640062.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* December 23, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639721.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* October 21, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639797.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* June 28, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641436.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* April 20, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642121.txt

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* July 26, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641393.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* April 16, 1836. https://trove.nla.gov.au/newspaper/rendition/nla.news-article640475.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* December 11, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article643271.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* August 31, 1839. https://trove.nla.gov.au/newspaper/rendition/nla.news-article638988.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* October 16, 1841. https://trove.nla.gov.au/newspaper/rendition/nla.news-article643182.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* January 11, 1834. https://trove.nla.gov.au/newspaper/rendition/nla.news-article641693.txt.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* April 18, 1835. https://trove.nla.gov.au/newspaper/article/640979?searchTerm=The%20Western%20Australian%20Journal.

"The Western Australian Journal." *Perth Gazette and Western Australian Journal,* January 12, 1833. https://trove.nla.gov.au/newspaper/rendition/nla.news-article642266.txt.

"VIII State of Crime." *Inquirer,* March 31, 1841. http://nla.gov.au/nla.news-article65582294.

"Western Australian Journal." *Perth Gazette and Western Australian Journal,* July 8, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article639923.txt.

"Whaling." *Swan River Guardian*, July 27, 1837. https://trove.nla.gov.au/newspaper/rendition/nla.news-article214041869.txt.

Viator. "Swan River," *Perth Gazette and Western Australian Journal,* April 4, 1840. https://trove.nla.gov.au/newspaper/article/638758?searchTerm=Swan%20River#.

Secondary Sources

Book chapters

Adams, Simon. "Capital Punishment and the Spectacle of Death in Colonial Fremantle." In *Voices from the West End: Stories, People and Events that Shaped Fremantle*, edited by Paul Longley Arthur and Geoffrey Bolton, 87–88. Welshpool: Western Australia Museum, 2012.

Andersen, Robin. "Prison Reform." In *Culture Wars in America: An Encyclopedia of Issues, Viewpoints, and Voices*, edited by Roger Chapman, and James Ciment. London: Routledge, 2013. http://ipacez.nd.edu.au/login?url=https://search.credoreference.com/content/entry/sharpecw/prison_reform/0?institutionId=1939.

Barcham, Manuhuia. "Noongar Nation." In *Contested Governance: Culture, Power and Institutions in Indigenous Australia* edited by Janet Hunt, Diane Smith, Stephanie

Garling and Will Sanders, 265–282. Canberra: ANU Press, 2008. https://www.jstor.org/stable/j.ctt24hcb3.18.

Collard, Len and Dave Palmer. "Noongar and Non-Aboriginal People Going Along Together (Ngulla Wangkiny, Ni, Katitjin Noongar Nyidyung Koorliny, Kura, Yeye, Boorda)." In *Indigenous Intermediaries: New Perspectives on Exploration Archives*, edited by Shino Konishi, Maria Nugent and Tiffany Shellam, 189–205. Canberra: ANU Press, 2015. https://www.jstor.org/stable/j.ctt19705zg.15.

de Garis, Brian. "Settling on the Sand: The Colonisation of Western Australia." In *European Impact on the West Australian Environment 1829–1979*, edited by Brian de Garis, 1–16. Nedlands: University of Western Australia Press, 1979.

Gordon, Colin. "Governmentality Rationality: An Introduction." In *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*, edited by Gordon Burchell, Colin Gordon and Peter Miller, 1–53. Chicago: The University of Chicago Press, 1991.

Green, Neville, "Aboriginal and White Settlers in the Nineteenth Century." In *A New History of Western Australia*, edited by C.T. Stannage, 72–124. Nedlands, University of Western Australia Press, 1983.

Kerr, Joan. "Introduction." In *Out of Sight, Out of Mind: Australia's Places of Confinement, 1788-1988*. Sydney: S.H. Ervin Gallery, 1988.

Litchfield, John. "The Round House and its Questions about Community in Fremantle." In *Imagined Places: The Politics of Making Space,* edited by Christopher Houston, Fuyuki Kurasawa and Amanda Watson, 31–38. Bundoora: School of Sociology, Politics and Anthropology La Trobe University, 1998.

Pitt Morison, Margaret and John White. "Builders and Buildings." In *A New History of Western Australia*, edited by C.T. Stannage, 511–551. Nedlands: University of Western Australia Press, 1983.

Pitt Morison, Margaret. "Settlement and Development: The Historical Context." In *Western Towns and Building*, edited by Margaret Pitt Morison and John White, 1–74. Nedlands: University of Western Australia Press, 1979.

Reece, Bob. "Glimpses of Fremantle 1829–1929." In *Voices from the West End: Stories, People and Events that Shaped Fremantle*, edited by Paul Longley Arthur and Geoffrey Bolton, 20–55. Welshpool: Western Australia Museum, 2012.

Roberts, David. “Jeremy Bentham and the Victorian Administrative State.” In *Jeremy Bentham: Ten Critical Essays*, edited by Bhikhu Parekh, 187–204. Milton Park: Routledge, 2011.

Statham, Pamela. “Contrasting Colonies, or a Tale of Three Colonies.” In *Beyond Convict Colonies*, edited by Barrie Dyster, 34–54. Sydney: Department of Economic History University of New South Wales, 1996.

White, John. “Building in Western Australia 1829–1850.” In *Western Towns and Building*, edited by Margaret Pitt Morison and John White, 74–90. Nedlands: University of Western Australia Press, 1979.

Wilson, David. “To Compare is Human: Comparison as a Research Methodology.” *Globalisation, Policy and Comparative Research* edited by J. Zajda and V. Rust, 49–60. Dordrecht: Springer Netherlands, 2017. https://doi.org/10.1007/978-1-4020-9547-4_4.

Books

Adams, Simon. *The Unforgiving Rope: Murder and Hanging on Australia’s Western Frontier.* Crawley: UWA Publishing, 2009.

Appleyard, R.T., and Toby Manford. *The Beginning: European Discovery and Early Settlement of Swan River Western Australia*. Nedlands: University of Western Australia Press, 1979.

Arnstein, Walter L. *Britain Yesterday and Today: 1830 to the Present*. Lexington: D.C. Heath and Company, 1971.

Bavin-Steding, Louise J. *Crime and Confinement: The Origins of Prisons in Western Australia.* Perth: Stone’s Publishing, 1996.

Belich, James. *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783–1939*. Oxford: Oxford University Press, 2011.

Bolton, Geoffrey. *Land of Vision and Mirage: Western Australia Since 1826*. Crawley: University of Western Australia Press, 2008.

Bosworth, Michal, David Hutchinson, Meredith Walker, and Penelope Pike. *City of Fremantle Thematic Historical Framework.* Fremantle: Fremantle City Council, 1995.

Bosworth, Michal. *Convict Fremantle: A Place of Promise and Punishment*. Crawley: University of Western Australia Press, 2009.

Brodie, Allan, Jane Croom, and James O Davies. *English Prisons: An Architectural History*. Swindon: English Heritage, 2913.

Broome, Richard. *Aboriginal Australians: A History Since 1788.* Crows Nest: Allen & Unwin, 2010.

Butlin, Robin A. *Historical Geography: Through the Gates of Space and Time*. London: Edward Arnold, 1993.

Causer, Tim. *Memorandums by James Martin: An Astonishing Escape from Early New South Wales*. London: UCL Press, 2017. https://doi.org/10.14324/ 111.9781911576815.

Carter, Bevan. *Nyungah Land: Records of Invasion and Theft of Aboriginal Land on the Swan River 1829–1850*. Guildford: Swan Valley Nyungah Community, 2006.

Clapham, J.H. *An Economic History of Modern Britain: The Early Railway Age 1820–1850.* Cambridge: Cambridge University Press, 1964.

Clark, Elizabeth A. *History, Theory, Text: Historians and the Linguistic Turn.* Cambridge: Harvard University Press, 2004.

Coleman, B.I. *The Idea of the City in Nineteenth-Century Britain.* London: Routledge & Kegan Paul Ltd, 1973.

Connell, R.W. and T.H. Irving. *Class Structure in Australian History: Documents, Narrative and Argument*. Melbourne: Longman Cheshire Pty. Limited, 1980.

Crowther, M.A. *The Workhouse System 1834–1929: The History of an English Social Institution.* London: Methuen & Co. Ltd., 1983.

Danaher, Geoff, Tony Schirato, and Jen Webb. *Understanding Foucault.* London: Sage Publications, 2007.

Daniels, Robert V. *Studying History: How and Why.* New Jersey: Prentice-Hall Inc., 1972.

Deleuze, Gilles. *Foucault*. London: The Athlone Press, 1988.

Dinwiddy, John R. *Bentham*. Oxford: Oxford University Press, 1989.

Dreyfus, Hubert L., and Paul Rabinow. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Brighton: The Harvester Press Limited, 1982.

Duignan, Brian. *The History of Philosophy: Modern Philosophy from 1500 CE to the Present*. New York: Britannica Educational Publishing, 2011.

Eagleton, Terry. *Ideology: An Introduction*. London: Verso, 1991.

Elton, G.R. *The Practice of History*. Oxford: Blackwell Publishers Ltd., 2002.

Emsley, Clive. *Crime and Society in England, 1750–1900.* 5th ed. London: Routledge, 2018. https://doi.org/10.4324/9781315144719.

Ewers, John, K. *The Western Gateway: A History of Fremantle.* 2nd ed. Nedlands: University of Western Australia Press, 1971.

Fletcher, Brian. *Colonial Australia Before 1850.* Melbourne: Thomas Nelson Australia, 1989.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1977.

Frost, Lucy, and Hamish Maxwell-Stewart (eds.). *Chain Letters: Narrating Convict Lives.* Melbourne: Melbourne University Press, 2001.

Gadamer, Hans-Georg. *Truth and Method*. London: Continuum, 2004.

Gallie, W.B. *Philosophy and the Historical Understanding.* London: Chatto and Windus, 1964.

Garraghan, G. *A Guide to Historical Method.* New York: Fordham University Press, 1957.

Gascoigne, John. *The Enlightenment and the Origins of European Australia.* New York: Cambridge University Press, 2002.

Gash, Norman. *Aristocracy and People: Britain 1815–1865*. London: Edward Arnold, 1979.

Germino, Dante. *Modern Western Political Thought: Machiavelli to Marx*. Chicago: Rand McNally & Company, 1972.

Goodin, Robert E. *Utilitarianism as a Public Philosophy*. Cambridge: Press Syndicate of the University of Cambridge, 1995.

Green, Neville. *Broken Spears: Aboriginals and Europeans in the Southwest of Australia.* Cottesloe: Focus Education Services, 1984.

Gregg, Pauline. *A Social and Economic History of Britain 1760–1965.* London: George G. Harrap & Co. Ltd, 1965.

Grondin, Jean, and Kathryn Plant. *The Philosophy of Gadamer*. Chesham: Acumen, 2003.

Guttery, Gary. *Foucault: A Very Short Introduction*. Oxford: Oxford University Press, 2005.

Guy, Josephine M. *The Victorian Age: An Anthology of Source Documents*. London: Routledge, 2002.

Hallam, Sylvia J. *Fire and Hearth: A Study of Aboriginal Usage and European Usurpation in South-Western Australia.* Canberra: Australia Institute of Aboriginal Studies, 1975.

Hallam, Sylvia, and Lois Tilbrook. *Aboriginals of the Southwest Region 1829–1840*. Nedlands: University of Western Australian Press, 1990.

Harrison, J.F.C. *The Early Victorians 1832–51*. New York: Praeger Publishers, Inc., 1971.

Hasluck, Alexandra. *Thomas Peel of Swan River*. Melbourne: Oxford University Press, 1965.

Hasluck, Alexandra. *Unwilling Emigrants: A Study of the Convict Period in Western Australia*. Melbourne: Oxford University Press, 1978.

Henderson, Fergus, Annie Guy, and Tim Causer. *Jeremy Bentham's Prison Cooking: A Collective of Utilitarian Recipes*. London: UCL Centre for Publishing, 2015.

Hetherington, Penelope. *Paupers, Poor Relief & Poor Houses in Western Australia 1829–1910*. Crawley, UWA Publishing, 2009.

Hill, C.P. *British Economic and Social History 1700–1975*. 4th ed. London: Edward Arnold (Publishers) Ltd., 1977.

Hiscock, Peter. *Archaeology of Ancient Australia*. London: Taylor and Francis Group, 2008. https://doi.org/10.4324/9780203448359.

Hitchcock, J.K. *The History of Fremantle: The Front Gate of Australia 1829–1929*. Fremantle: The S.H. Lamb Printing House, 1929.

Houghton, Walter E. *The Victorian Frame of Mind 1830–1870*. New Haven: Yale University Press, 1985.

Hughes, Robert. *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787–1867*. London: Collins Harvill, 1987.

Hussey, W.D. *British History 1815–1939*. London: Syndics of the Cambridge University Press, 1971.

Ignatieff, Michael. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850*. London: The Macmillan Press Ltd., 1978.

Kerr, James Semple. *Out of Sight, Out of Mind: Australia's Places of Confinement, 1788-1988*, Sydney: S.H. Ervin Gallery, 1988.

Kitson Clark, G. *The Critical Historian.* London: Heinemann Education Books Ltd., 1967.

Kitson Clark, G. *The Making of Victorian England: Being the Ford Lectures Delivered Before the University of Oxford*. London: Methuen, 1965.

Llewellyn, Alexander. *The Decade of Reform: The 1830s.* Newton Abbot: David & Charles, 1972.

Martens, Jeremy. *Government House and Western Australian Society 1829–2010*. Crawley: UWA Publishing, 2011.

Marwick, Arthur. *The New Nature of History: Knowledge, Evidence, Language.* Houndsmill: Palgrave, 2001.

Mortlock, J. F., G. A. Wilkes, and A. G. Mitchell. *Experiences of a Convict, Transported for Twenty-One Years*. Sydney: Sydney University Press, 1965.

Mulgan, Tim. *Understanding Utilitarianism*. Milton Park: Routledge, 2007.

Munslow, Alun. *Deconstructing History*. Oxon: Routledge, 2006.

Nixon, Jon. *Hans-Georg Gadamer: The Hermeneutical Imagination*. *Hans-Georg Gadamer*. Cham: Springer International Publishing AG, 2017.

O'Brien, J., and P. Statham-Drew. *On We Go the Wittenoom Way: The Legacy of a Colonial Chaplain.* Fremantle: Fremantle Press, 2009.

Oliver, Paul. *Foucault – The Key Ideas*. London: Hodder Education, 2010.

Palmer, Kingsley. *Noongar People, Noongar Land: The Resilience of Aboriginal Culture in the South West of Western Australia.* Canberra: AIATSIS Research Publications, 2016.

Parry, Jonathan. *The Rise and Fall of Liberal Government in Victorian Britain.* New Haven: Yale University Press, 1993.

Peel, Mark, and Christina Twomey. *A History of Australia*. London: Palgrave, 2018.

Petchell, Bill. *The Swan River Colony: Did the British Government want it to Survive*? Rivervale: Stone's Publishing, 2017.

Phillips, David, and Davies, Susanne. *A Nation of Rogues? Crime, Law and Punishment in Colonial Australia*. Carlton: Melbourne University Press, 1994.

Pick, Daniel. *Faces of Degeneration: A European Disorder, c.1848–c.1918*. Cambridge: Press Syndicate of the University of Cambridge, 1989.

Priestley, Philip, and Maurice Vanstone. *Offenders or Citizens: Readings in Rehabilitation*. Cullompton: Willian Publishing, 2010.

Rabinow, Paul. *Ethics: Subjectivity and Truth*. London: Penguin Books Ltd., 1997.

Royle, Edward. *Modern Britain: A Social History 1750–1985*. London: Edward Arnold, 1987.

Rubinstein, W.D. *Britain's Century: A Political and Social History 1815–1905.* London: Arnold, 1998.

Rude, George. *Protest & Punishment: The Story of Social and Political Protesters Transported to Australia, 1788–1868*. Oxford: Oxford University Press, 1978.

Schofield, Philip. *Bentham: A Guide for the Perplexed*. London: Continuum International Publishing Group, 2009.

Semple, Janet. *Bentham's Prison: A Study of the Panopticon Penitentiary.* Oxford: Oxford University Press, 1993.

Spillane, Joseph F. *Coxsackie: The Life and Death of Prison Reform*. Baltimore: Johns Hopkins University Press, 2014.

Statham-Drew, Pamela. *James Stirling: Admiral and Founding Governor of Western Australia*. Crawley: University of Western Australia Press, 2003.

Stumpf, Samuel E. *Philosophy: History & Problems*. New York: McGraw-Hill, Inc., 1994.

Taylor, Dianna. *Michel Foucault: Key Concepts.* Milton: Routledge, 2014.

Thomas, J.E., and Alex Stewart. *Imprisonment in Western Australia: Evolution, Theory and Practice*. Nedlands: University of Western Australia Press, 1978.

Thompson, E.P. *The Making of the English Working Class*. London: Penguin Books Ltd., 2013.

Thomson, David. *England in the Nineteenth Century.* Harmondsworth: Penguin Books Ltd., 1966.

Tilley, Christopher. *A Phenomenology of Landscape: Places, Paths and Monuments*. Oxford: Berg Publishers, 1994.

Tunick, Mark. *Punishment: Theory and Practice.* Berkeley: University of California Press, 1992.

Uren, Malcom. *Land Looking West: The Story of Governor James Stirling in Western Australia*. London: Oxford: Oxford University Press, 1948.

Vanden Driesen, I.H. *Essays on Immigration Population in Western Australia 1850–1901*. Nedlands: University of Western Australia Press, 1986.

Waldron, Jeremy. *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man*. Milton Park: Routledge, 2015.

Warburton, Nigel. *Philosophy: The Classics.* 3rd ed. Milton Park: Routledge, 2006.

Ward, John Manning. *Colonial Self-Government: The British Expansion 1759–1856*. London: The Macmillan Press Ltd., 1976.

Ward, Kirwan, and Bruce Wroth. *Fremantle Sketchbook*. Perth: Rigby Limited, 1974.

Watson, Edward J. *Rottnest: Its Tragedy and its Glory*. Perth: Frank Daniels Pty Ltd., 1998.

Webby, Elizabeth. *Colonial Voices: Letters, Diaries, Journalism and Other Accounts of Nineteenth-Century Australia*. St. Lucia: University of Queensland Press, 1990.

Whitaker, Reginald. *The End of Privacy: How Total Surveillance is Becoming a Reality*. New York: The New Press, 1999.

Winter, Sean. *Transforming the Colony: The Archaeology of Convictism in Western Australia*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2017.

Wood, Anthony. *Nineteenth Century Britain 1815–1914.* 2nd ed. Burnt Mill: Longman Group Limited, 1983.

Woodward, Llewellyn. *The Age of Reform 1815–1870.* 2nd ed. Oxford: Oxford University Press, 1962.

Journal articles

Allen, Matthew. "The Myth of the Flogging Parson: Samuel Marsden and Severity of Punishment in the Age of Reform," *Australian Historical Studies* 48, no.4 (2017):486-501. https://doi.org/10.1080/1031461X.2017.1377269.

Anderson, David M. “Punishment, Race and ‘The Raw Native’: Settler Society and Kenya’s Flogging Scandals, 1895-1930,” *Journal of Southern African Studies* 37, no.3 (2011): 479-497. https://doi.org/10.1080/03057070.2011.602887.

Azarian, Reza. “Potentials and Limitations of Comparative Method in Social Science.” *Journal of Humanities and Social Science* 1 (2011): 113–125. https://www.researchgate.net/publication/281269760_Potentials_and_Limitations_of_Comparative_Method_in_Social_Science.

Barteaux, Jillian. “Urban Planning as Colonial Marketing Strategy for the Swan River Settlement, Western Australia.” *Australasian Society for Historical Archaeology* 34 (2016): 22–32. https://jstor.org/stable/26350190.

Bavin, Louise J. “Punishments, Prisons and Reform: Incarceration in Western Australia in the Nineteenth Century.” *Studies in Western Australian History* 14, no.1 (1993): 121–148. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=940504846;res=IELAPA

Berg, Chris. “Adam Smith and Jeremy Bentham in the Australian Colonies” *History of Economics Review* 68, no.1 (2017): 2–16. https://doi.org/10.1080/10370196.2018.1449084.

Boylan, Richard T., and Naci Mocan. “Intended and Unintended Consequences of Prison Reform.” *Journal of Law, Economics, & Organization* 30, no.3 (2014): 558–586. https://doi-org.ipacez.nd.edu.au/10.1093/jleo/ewt006.

Bozovic, Miran. “An Utterly Dark Spot”: The Fiction of God in Bentham’s Panopticon.” *Qui Parle* 8, no.2 (1995): pp.83–108. https://www.jstor.org/stable/20686026.

Bunn, Michelle, and David J. Gilchrist. “A Few Good Men”: Public Sector Audit in the Swan River Colony, 1828–1835,” *Accounting History* 18, no.2 (2013): 193–209. https://doi.org/10.1177/1032373212471171.

Burke, Shane. “Innovation and Adaptability: The European Archaeology of the Swan Valley,” *Early Days* 12, no.4 (2004): 359–372. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=177032841538179;res=IELPAPA.

Burke, Shane. “Should we have Beethoven’s *Moonlight* Sonata… or a Hot Dinner?” Resource Stress as an Alternative to the Abandonment of Peel Town, Swan River Colony, 1829–1830.” *Historical Archaeology* 51 (2017): 487–505. https://doi.org/10.1007/s4163-017-0060-0.

Burke, Shane. “A Culture for All: Servant Class Behaviour at the Swan River in the Context of the British Empire.” *Studies in Western Australian History* 31 (2016): 25–39. https://search.informit.com.au/documentSummary;dn=160614654671281;res=IELHSS.

Burke, Shane. “*Fences, Furrows, Ditches and Settlement Policy: Rapid Landscape Change in the Swan River*.” History Australia 4, no.1 (2016): 03.1–03.15. https://doi.org/10.2104/ha07003.

Cain, Peter. “Bentham and the Development of the British Critique of Colonialism.” *Utilitas* 23, no.1 (2011): 1–24. https://doi.org/10.1017/S0953820810000427.

Cameron, J.M.R. “The Foundation of Western Australia Reconsidered.” *Studies in Western Australian History 3* (1978): 1–18.

Cameron, James. “Thomas Moody, James Stirling and Swan River,” *Early Days* 3, no.11 (1997): 320–337. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=990908854;re=IELAPA.

Cartwright, Celia. “A Miserable Place for Prisoners: Nineteenth Century Convict Letters from Tasmania.” *Papers and Proceedings - Tasmanian Historical Research Association* 60, no.2 (2013): 75–80. https://search.informit.com.au/documentSummary;dn=608741727020270;res=IELAPA

Causer, Tim. “The Evacuation of that Scene of Wickedness and Wretchedness’: Jeremy Bentham, the Panopticon and New South Wales, 1802–1803.” *Journal of Australian Colonial History,* no.21 (2019): 1–24. https://discovery.ucl.ac.uk/id/eprint/10085007.

Causer, Tim. “Crime, Punishment and Redemption: A Convict’s Story.” *The Mariner’s Mirror* 101, no.3 (2015): 365–367. https://doi.org/10.1080/00253359.2015.1061278.

Cecil, Dawn K. “Newsworthiness of Reform: Prison News Stories in an Era of Change.” *Journal of Crime and Justice* 42, no.2 (2019): 221–235. https://doi-org.ipacez.nd.edu.au/10.1080/0735648X.2018.1507834.

Chouchene, Amina Marzouk. “Master Servant Relationships in the Eastern Cape: The 1820 Settlement.” *African Studies Quarterly* 20, no.1 (2021): 19–35. https://www.africa.ufl.edu/asq/v20/v209laz.pdf.

Collard, Len and Sandra Harben. “Nartj Jatitj Bidi Ngulluckiny Koorl? (Which Knowledge Path Will We Travel?).” *Studies in Western Australian History* 26 (2010): 75–95. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=014516066224158;res=IELAPA.

Collins, Hugh. “Political Ideology in Australia: The Distinctiveness of a Benthamite Society.” *Daedalus* 114, no.1 (1985): 147–169. https://www.jstor.org/stable/20024958.

Cooper, Robert. “Jeremy Bentham, Elizabeth Fry, and English Prison Reform.” *Journal of the History of Ideas* 42, no.4 (1981): 675–90. https://doi.org/10.2307/2709127.

Curthoys, Ann. “The Beginnings of Transportation in Western Australia: Banishment, Forced Labour, and Punishment at the Aboriginal Prison on Rottnest Island Before 1850.” *Studies in Western Australian History* 34 (2020): 59–77. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426415565870359;res=IELAPA.

Devenish, Bruce. “A Most Maligned Man.” *Early Days* 13, no.2 (2008): 157–172. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=330270122283326;res=IELAPA.

Dobson, Jerome, E., and Peter F. Fisher. “The Panopticon’s Changing Geography.” *Geographical Review* 97, no.3 (2007): 307–323. https://www.jstor.org/stable/30034174.

Draper, Anthony J. “Punishment, Proportionality, and the Economic Analysis of Crime.” *Journal of Bentham Studies* 11, no.1 (2009): 1–32. https://doi.org/10.14324/111.2045-757X.035.

Duvall, Spring-Serenity and Nicole Heckemeyer. “BlackLivesMatter: Black Celebrity Hashtag Activism and the Discursive Formation of a Social Movement.” *Celebrity Studies* 9, no.3 (2018): 391–408. https://doi-org.ipacez.nd.edu.au/10.1080/19392397.2018.1440247.

Errington, Steve. “Swan River Newspapers and their Editors.” *Early Days* 13, no.5 (2011): 543–567. https://search.informit.com.au/documentSummary;dn=344579556104345;res=IELAPA

Finnane, Mark, and Andy Kalapdelfos. “Race and Justice in an Australian Court: Prosecuting Homicide in Western Australia, 1830–1954.” *Australian Historical Studies* 47, no.3 (2016): 443–461. https://doi.org/10.1080/103146x.2016.1194442.

Foucault, Michel. “The Subject and Power.” Critical Inquiry 8, no.4 (1982): 777–795. https://www.jstor.org/stable/1343197.

Gare, Deborah. “In the Beginning: Empire, Faith and Conflict in Fremantle.” *Studies in Western Australian History* 31 (2016): 7–24. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=160596023500023;res=IELAPA.

Garratt, Dena. “The Long Jetty in Bathers Bay, Fremantle a Case Study.” *The Bulletin of the Australian Institute for Maritime Archaeology* 11, no.1 (1987): 7–10. https://search-informit-com-au/documentSummary;dn=954314497699320;res=IELHSS.

Garrett, Paul Michael. “Confronting Neoliberal Penality: Placing Prison Reform and Critical Criminology at the Core of Social Work’s Social Justice Agenda.” *Journal of Social Work* 16, no.1 (2016): 83–103. https://doi.org/10.1177/1468017314565753.

Godfrey, Barry. “Prison Versus Western Australia: Which Worked Best, the Australian Penal Colony or the English Convict Prison System?” *The British Journal of Criminology* 59 (2019): 1139–1160. https://doi.org/10.1093/bjc/azz012.

Gombert, Karolina. “An ‘Opportunistic Interpretation’ of Bentham’s Panopticon Writings.” *Journal of Bentham Studies* 14, no.1 (2014): 1–16. https://doi.org/10.14324/111.2045-757X.003.

Guidi, Marco, E.L. “My Own Utopia’. The Economics of Bentham’s Panopticon.” *The European Journal of the History of Economic Thought* 11 no.3 (2004): 405–431. https://doi.org/10.1080/096725604200246485.

Haast, Alyce. “Convicts and Commodities: An Archaeological Approach to the Economic Value of the Western Australian Penal System.” *Archaeology in Oceania* 50, no.3 (2015): 138–144. https://doi.org/10.1002/arco.5075.

Handler, Phil. “Forgery and the End of the ‘Bloody Code’ in Early Nineteenth-Century England.” *The Historical Journal* 48, no.3 (2005): 683–702. https://doi.org/10.1017/S0018246X05004620.

Harding, Richard. W. “Prisons are the Problem: A Re-Examination of Aboriginal and Non-Aboriginal Deaths in Custody,” *The Australia and New Zealand Journal of Criminology* 32, no.2 (1999): 108-123. https://doi.org/10.1177/000486589903200202.

Harman, Kristyn. “Colonial Australia was Surprisingly Concerned about Aboriginal Deaths in Custody,” *Australasian Policing: A Journal of Professional Practice and Research* 13, no.2 (2021): 20-21. https://search-informit-org.ipacez.nd.edu.au/doi/10.3316/informit.848862289770608.

Harman, Kristyn, and Hamish Maxwell-Stewart. “Aboriginal Deaths in Custody in Colonial Australia, 1805-1860,” *Journal of Colonialism and Colonial History* 13, no.2 (2012): n.p. https://muse.jhu.edu/article/483775.

Hudson-Rodd, N., and G.A. Farrell, “The Round House Gaol: Western Australia’s First Lunatic Asylum” *Australian and New Zealand Journal of Mental Health Nursing* 7 (1998):152–162. https://www.ncbi.nlm.nih.gov/pubmed/10095465.

Humphrys, Elizabeth. “The Birth of Australia: Non-Capitalist Social Relations in a Capitalist Mode of Production?” *Journal of Australian Political Economy* 70 (2012): 110–129. https://search.informit.com.au/documentSummary;dn=042690693167412;res=IELAPA

Hunter, Ann. “European-Noongar Relations: The Status of Outlawry.” *Legal History* 14, no.3 (2012): 3–27. https://heinonline.org/HOL/P?h=hein.journals/ausleghis14&i=31.

Hunter, Ann. “The Origin and Debate Surrounding the Development of Aboriginal Evidence Acts in Western Australia in the Early 1840s.” *University of Notre Dame Australia Law Review* 9 (2007): 115–145. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=20080407;res=IELAPA.

Hutchings, Peter. “Spectacularizing Crime: Ghostwriting the Law.” *Law and Critique* 10, no.1 (1997): 27–48. https://link-springer-com.ipacez.nd.edu.au/article/10.1023%2FA%3A1008808028744.

Jackson, R.V. “Bentham’s Penal Theory in Action: The Case Against New South Wales.” *Utilitas* 1, no.2 (1989): 226–241. https://doi.org/10.1017/S0953820800000248.

Jackson, R.V. “Jeremy Bentham and the New South Wales Convicts” *International Journal of Social Economics* 25, no.2/3/4 (1998): 370–379. https://doi-org.ipacez.nd.edu.au/10.1108/03068299810193641.

Jones, Richard S. “Uncovering the Hidden Social World: Insider Research in Prison.” *Journal of Contemporary Justice* 11, no.2 (1995): 106–118. https://doi.org/10.1177/104398629501100203.

Kelly, Miriam, and Hilde Tubex. “Stemming the Tide of Aboriginal Incarceration,” *The University of Notre Dame Australia Law Review* 17, no.2 (2015): 1-17. https://researchonline.nd.edu.au/undalr/vol17/iss1/2.

Killingray, David. “The ‘Rod of Empire:’ The Debate over Corporal Punishment in the British African Colonial Forces, 1888-1946,” *The Journal of African History* 35, no.2 (1994): 201-216. https://www.jstor.org/stable/183216.

Kocka, Jurgen. “Comparison and Beyond” *History and Theory* 42, no.1 (2003): 39–44. https://www.jstor.org/stable/3590801.

Kwaymullina, Blaze. “Wadjemup: Holiday Paradise or Prison Hell-Hole.” *Studies in Western Australian History* 22 (2001): 109–119. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=200113324;res=IELAPA.

Lydon, Jane. “Anti-Slavery in Australia: Picturing the 1838 Myall Creek Massacre,” *History Compass* 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12330.

Martin, Lawrence L. “Jeremy Bentham: Utilitarianism, Public Policy and the Administrative State.” *Journal of Management History* 3, no.3 (1997): 272–282. https://doi.org/10.10.1108/13552529710181622.

Maude, Phil. “Treatment of Western Australia’s Mentally Ill during the Early Colonial Period, 1826–1865.” *Australasian Psychiatry* 21, no.4 (2013): 397–401. https://doi.org/10.1177/1039856213492863.

Mazzarol, T.W. “Tradition, Environment and the Indentured Labourer in Early Western Australia.” *Studies in Western Australian History* no.3 (1978): 30–37. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=790815240;res=IELAPA.

McCalman, Kippen. “The Life-Course Demography of Convict Transportation to Van Diemen’s Land.” *The History of the Family* 25, no.3 (2020): 432–54. https://doi.org/10.1080/1081602X.2019.1691621.

McDonald, David, and Chris Cunneen. “Aboriginal Incarceration and Deaths in Custody: Looking Back and Looking Forward,” *Current Issues in Criminal Justice* 9, no.1 (1997): 5-20. https://heinonline-org.ipacez.nd.edu.au/HOL/P?h=hein.journals/cicj9&i=9.

McGlade, Hannah. “The *McGlade* Case: A Noongar History of Land, Social Justice and Activism.” *Australian Feminist Law Journal* 43, no.2 (2017): 185–210. https://doi.org/10.1080/13200968.2017.1400371.

McHugh, James T. “Utilitarianism, Punishment, and Ideal Proportionality in Penal Law: Punishment as an Intrinsic Evil.” *Journal of Bentham Studies* 10, no.1 (2008): 1–16. https://doi.org/10.14324/111.2045-757X.032.

Meinzer, N.J. “The Western Australian Convicts.” *Australian Economic History Review* 55, no.2 (2015): 163–186. https://doi-org.ipacez.nd.edu.au/10.1111/aehr.12070.

Morgan, Kenneth. “Finding Longitude: The *Investigator* Expedition, 1801–1803.” *The International Journal of Maritime History* 29, no.4 (2017): 771–787. https://doi.org/10.1177/0843871417725688.

Morecroft, Eleanor. “Antislavery, Elite Men, and the “Voice of the British Nation:” c.1790-1860,” *History Compass* 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12374.

Moss, Kellie. “The Swan River Experiment: Coerced Labour in Western Australia 1829–1868.” *Studies in Western Australian History* 34 (2020): 23–39. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426378299927843;res=IELAPA.

Nettelbeck, Amanda. “Equals of the White Man”: Prosecution of Settlers for Violence Against Aboriginal Subjects of the Crown, Colonial Western Australia.” *Law and History Review* 31, no.2 (2013): 355–390. https://doi.org/10.1017.S073824801300060.

Nicholson, R.D., "Seats of Justice – Courthouses as Places of History." *Early Days* 10, 6 (1994), pp. 629–646. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=960706974;res=IELAPA.

Ocobock, Paul. "Spare the Rod, Spoil the Colony: Corporal Punishment, Colonial Violence, and Generational Authority in Kenya, 1897-1952," *The International Journal of African Historical Studies* 45, no.1 (2012): 29-56. https://www.jstor.org/stable/23267170.

Paisley, Fiona. "Introduction: Special Issue on Anti-Slavery and Australia," History Compass 15, no.5 (2017): n.p. https://doi.org/10.1111/hic3.12336.

Peacock, Chloe. "Curative, Regenerating, Redemptive and Liberating? The Systematic Production of Ignorance in Michael Gove's Rhetoric on Prison Reform at a Time of Crisis." *Crime, Media, Culture: An International Journal* 15, no.1 (2019): 89–105. https://doi.org/10.1177/1741659017740714.

Pete, Stephen Allister. "Keeping the Natives in their Place: The Ideology of White Supremacy and the Flogging of African Offenders in Colonial Natal – Part 1," *Fundamina: A Journal of Legal History* 26, no.2 (2020): 374-423. https://doi.org/10.10520/ejc-funda-v26-n2-a5.

Pete, Stephen, and Annie Devenish, "Flogging, Fear and Food: Punishment and Race in Colonial Natal," *Journal of Southern African Studies* 31, no.1 (2005): 3-21. https://doi.org/10.1080/03057070500035570.

Porter, Roy. "Rethinking Institutions in Late Georgian England." *Utilitas* 6, no.1 (1994): 65–80. https://doi.org/10.1017/S0953820800001333.

Powell, J.M. "Assertions of a Bold 'Periphery': Further Interpretations of Environment and Society in Swan River Colony." *Studies in Western Australian History* 5 (1982): 72–78. https://research-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=8111421910;res=IELAPA.

Pratt, John. "'This is Not a Prison': Foucault, the Panopticon and Pentonville." *Social & Legal Studies* 2, no.4 (1993): 373–395. https://doi.org/10.1177/096466399300200402.

Price, Kim. "Time to Write: Convict Petitions in the 19th Century." *Family & Community History* 22, no.1 (2019): 22–39. https://doi.org/10.1080/14631180.2019.1638598.

Reece, Bob. "Eating and Drinking at Early Swan River Colony." *Royal Western Australian Historical Society* 13, no.4 (2010): 462–477. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=324855463120469;res=IELAPA.

Reece, Bob. “Richard McBryde Broun Fremantle’s Government Resident, 1834–1858.” *Early Days* 101 (2017): 25–42. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=350430309079419;res=IELAPA.

Richmond, Linda M. “First Step Act is Start Toward Meaningful Prison Reform.” *Psychiatric News* 54, no.3 (2019): 3. https://doi-org.ipacez.nd.edu.au/10.1176/appi.pn.2019.2a10.

Robertson, Francesca, Glen Stasiuk, Noel Nannup, and Stephen Hopper. “Ngalak Koora Djinang (Looking Back Together): a Nyoongar and Scientific Collaborative History of Ancient Nyoongar Boodja.” *Australian Aboriginal Studies* 1 (2016): 40–54. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=220817786606525;res=IELIND.

Roscoe, Katherine. “‘Too Many Kill ‘em. Too many Make ‘em Ill’: The Commission into Rottnest Prison as the Context for Section 70.” *Studies in Western Australian History* 30 (2016): 43–57. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=1598134707178;res=IELAPA.

Roscoe, Katherine. “A Natural Hulk: Australia’s Carceral Islands in the Colonial Period, 1788–1901.” In *IRSH* 63, no. S26 (2018): 45–63. https://doi.org/10.1017/S0020859018000214.

Rosen, David and Santesson, Aaron. “The Panopticon Reviewed: Sentimentalism and Eighteenth-Century Interiority.” *ELH* 77, no.44 (2010): 1041–1059. https://muse.jhu.edu/article/406162.

Sewell William H. Jnr. “Marc Bloch and the Logic of Comparative History.” *History and Theory* 6, no.2 (1967): 208–218. https://www.jstor.org/stable/2504361.

Smits, Katherine. “John Stuart Mill on the Antipodes: Settler Violence Against Indigenous Peoples and the Legitimacy of Colonial Rule.” *Australian Journal of Politics and History* 54, no.1 (2008): 1–15. https://doi-org.ipacez.nd.edu.au/10.1111/j.1467-8497.2008.00480.x.

Staples, A.C. “Spanish Colonial Influence on Sir James Stirling.” *Early Days* 10, no.6 (1994): 592–604. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn960706971;res=IELAPA.

Steadman, Philip. “Samuel Bentham’s Panopticon.” *Journal of Bentham Studies* 14 no.1 (2012): 1–30. https://doi.org/10.14324/111.2045-757X.044.

Steadman, Philip. “The Contradictions of Jeremy Bentham’s Panopticon Penitentiary.” *Journal of Bentham Studies* 9 no.1:2 (2007): 1–31: https://doi.org/10.14324/111.2045-757X.030.

Strong, Rowan. “Church and State in Western Australia: Implementing New Imperial Paradigms in the Swan River Colony, 1827–1857.” *Journal of Ecclesiastical History* 61, no.3 (2010): 517–540. https://doi.org/10.1017/S0022046909991266.

Van der Heiden, Gert-Jan. “The Voice of the Past in the Present: On Dialogue and Testimony.” *Journal of the Philosophy of History* 8 (2014): 426–444. https://doi.org/10.1163/18722636-12341283.

Vessey, David. “Gadamer’s Logic of Question and Answer and the Difference Between the History of Philosophy and the History of Ideas.” *Journal of the Philosophy of History* 8 (2014): 360–379. https://doi.org/10.1163/18722636-12341280.

Walliss, John. “New Directions in the Historiography of the Administration of the Bloody Code.” *History Compass* 16 (2018): 1–12. https://doi.org/10.1111/hic3.12463.

Werret, Simon. “Potemkin and the Panopticon: Samuel Bentham and the Architecture of Absolutism in Eighteenth Century Russia.” *Journal of Bentham Studies* 2, no.1 (1999): 1–25. https://discovery.ucl.ac.uk/id/eprint/648.

White, Hayden. “Interpretation in History.” *New Literary History* 4, no.2 (1973): 281–314. https://www.jstor.org/stable/468478.

White, John. “Henry Reveley, Architect and Engineer.” *Early Days* 7, no.8 (1976): 24–42.

White, Michael. “Agricultural Societies in Colonial Western Australia 1831–1870.” *History of Education* 29, no.1 (2000): 3–28. https://doi.org/10.1080/004676000284463.

Whitely, Thomas G. “Permeability and Persistence of Physical and Social Boundaries in the Context of Incarceration in Nineteenth Century Western Australia.” *Archaeology in Oceania* 50, no.1 (2015): 123–129. https://doi.org/10.1002/acro.5063.

Williams, Brad. “The Archaeological Potential of Colonial Prison Hulks: The Tasmanian Case Study.” *Bulletin of the Australasian Institute for Maritime Archaeology* 29 (2005): 77–86. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=781344625509449;res=IELHSS.

Willis, James J. “Punishment and the Cultural Limits to State Power in Late 18th-Century Britain.” *Punishment and Society* 10, no.4 (2008): 401–428. https://doi.org/10.1177/1462474508095318.

Winter, Sean. “Coerced Labour in Western Australia During the Nineteenth Century.” *Australasian Historical Archaeology* 34, (2016): 3–12. https://www.jstor.org/stable/26350188.

Young, Denise. “Convict Builders of Fredrick’s Town: Outpost Convict Experience, King George’s Sound, Western Australia, 1826–1831.” *Studies in Western Australian*

History 33 (2020): 83–103. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=132182316732123;res=IELAPA.

Young, Denise. "Layers of Visibility: Convict Discipline, Crime and Punishment, King George's Sound, Western Australia, 1826–1831." *Studies in Western Australian History* 34 (2020): 41–57. https://search-informit-com-au.ipacez.nd.edu.au/documentSummary;dn=426396932899101;res=IELAPA.

Maps

Location Maintenance and Delivery. *2033-IV-NE*. 2020. 1:25,000 scale. Midland, Landgate. https://www0.landgate.wa.gov.au/maps-and-imagery/topographic-maps.

News articles

Andrews-Dyer, Helena. "Kim Kardashian is Still Fighting for Criminal Justice Reform." *The Washington Post*, January 31, 2019. https://www.washingtonpost.com/arts-entertainment/2019/01/31/kim-kardashian-is-still-fighting-criminal-justice-reform/.

Polus, Sarah. "Kim Kardashian: When it Comes to Trump, Prisoners Don't Care Who Signs that Clemency Paper." *The Washington Post*, May 13, 2019. https://www.washingtonpost.com/arts-entertainment/2019/05/13/kim-kardashian-says-when-it-comes-trump-prisoners-dont-care-who-signs-that-clemency-paper/.

Online resources

Kaartidjin Noongar: Sharing Noongar Culture. "Noongar lore." Accessed November 09, 2020. https://www.noongarculture.org.au/noongar-lore.

Kaartidjin Noongar: Sharing Noongar Culture. "Noongar." Accessed March 09, 2021. https://www.noongarculture.org.au/noongar/.

Reports

Campbell, Robin Mck. *The Round House Report No.2.* Perth: City of Fremantle, 1973.

Griffin, Prue, Gemma Dewar and Renae Canterbury. *Round House, Fremantle – Conservation Management Plan*. Fremantle: Hocking Planning & Architecture Pty Ltd., 2020. https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/a751c347dc79990c076fd6dadb6a47e8bbfd9508/original/160221030

7/Round_House_CMP_FINAL_with_Appendices_compressed_%281%29.pdf_fffc00f1d553f7644182dcce6c9f2509?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20210913%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20210913T015821Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=257b9a72f2f8e07941383230f8ee621e2d3a936ce7d6a21ac8c2ecbe6987833e.

Heritage Council of Western Australia. *Register of Heritage Places – Permanent Entry: Roundhouse.* Perth: Heritage Council of Western Australia, 1993. http://inherit.stateheritage.wa.gov.au/Admin/api/file/16d28870-b519-a23d-3704-07e42af8e754.