

RECOVERING LIVES:
15 CONVICTS IN NEW SOUTH WALES

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I hereby state this thesis to be my own work; all sources have been duly acknowledged.

(Louise Westall Taylor)

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ABSTRACT

While individual biographies of convict lives have appeared in the literature of Australian colonial history – albeit in truncated form – an aggregate study of convicts selected from a homogeneous group has appeared less often. Thus an opportunity has been missed to examine the commonalities as well as differences of such individuals over time – both before and after their punishment.

My thesis examines the lives of 15 convicts who had worked during their bondage at the Australian Agricultural Company in New South Wales. Although the primary purpose is to use the method of micro-prosopography to seek the commonalities, differences and idiosyncrasies of these convicts' experiences, as well as their aggregate, the biographies are important in themselves. By compiling portraits of their lives I have sought to rescue them from what E.P. Thompson famously called 'the enormous condescension of posterity'.

Gaps in the biographies inevitably appear, and more information about some than others has been found, but all biographies reveal enough information to highlight broader themes in colonial history – criminality and punishment, alcohol, and economic outcomes – which have been explored extensively. By tracing, where possible, the trajectory of the lives of their families I have also examined the legacy of convicts in the later history of Australia.

ABBREVIATIONS

AACo	Australian Agricultural Company
ABS	Australian Bureau of Statistics
ADA	Australian Data Archives
AGPS	Australian Government Printing Service
AJCP	Australian Joint Copying Project
ANU	Australian National University
AUN	Archives of the University of Newcastle
BC	<i>The Brisbane Courier</i>
CM	<i>The Courier Mail</i>
FT	<i>Forbes Times</i>
GG	<i>New South Wales Government Gazette</i>
HO	Home Office
MBC	<i>The Moreton Bay Courier</i>
MM	<i>The Maitland Mercury & Hunter River General Advertiser</i>
NAIGA	<i>North Australian, Ipswich & General Advertiser</i>
NBAC	Noel Butlin Archives Centre
NMH&MA	<i>Newcastle Morning Herald & Miners' Advocate</i>
n.p.	No page number given
NSWG	New South Wales Government
NT	<i>Nepean Times</i>
PRO	Public Records Office
QSA	Queensland State Archives
SG	<i>Sydney Gazette & New South Wales Advertiser</i>
SH	<i>The Sydney Herald</i>
SLNSW	State Library of New South Wales
SM	<i>The Sydney Monitor</i>
SMH	<i>The Sydney Morning Herald</i>
SRNSW	State Records of New South Wales
TC	<i>The Courier</i>
TM	<i>The Monitor</i>
TNA	The National Archives (United Kingdom)
TQ	<i>The Queenslander</i>
WA	<i>Warwick Advertiser</i>
WET	<i>Warwick Examiner & Times</i>

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INTRODUCTION

The aim of my thesis is to use the method of prosopography (a distinct form of collective biography) to identify the aggregate characteristics of 15 convicts transported from Britain to the colony of New South Wales between 1822 and 1837. Prosopography can be defined as a method used to investigate ‘the common background characteristics of a group of actors in history by means of a collective study of their lives’.¹ In compliance with requirements of prosopography all participants were chosen from a homogenous group, the Australian Agricultural Company (company/AACo) at either Port Stephens or Newcastle, the largest employer of convict labour in the colony. Biographies of the convicts were then compiled to take us through their lives from conviction to their final days and, in some cases, into the following generations. Subsequently a set of the same questions was asked of each biography, the results combined and compared, and important variables highlighted.²

Prosopography is normally used to provide information in aggregate about large numbers of people in prominent positions; eminent historian Lawrence Stone basically dismisses the idea that it could be used further down the social scale where information is patchy and invariably incomplete. I aim to show, however, that this method can be applied to a small number of individuals — ordinary individuals such as convicts, about whom little has been known before now. The results give us at least some understanding of the lives of ‘forgotten people’, both as individuals and as a group. Politically and historically important, the prosopographical results in my thesis

¹ Lawrence Stone, ‘Prosopography’, *Daedalus*, Vol. 100, No. 1, Winter, 1971, pp. 50-51.

² See Lawrence Stone, ‘Prosopography’, pp. 50-51.

also afford the opportunity to consider some typical (as well as idiosyncratic) convict experiences, which, in turn, serve to throw light on broader themes of Australian history. The results also provide material to compare and contrast with the conclusions of previous historians.

The systematic method for studying prosopography had its heyday in the decades before the Second World War. As Stone has shown, a cluster of major studies were produced by a group of scholars known as Namier Inc., so called because of their association with the leading proponent of prosopography, Sir Lewis Namier.³ Stone himself was responsible for putting prosopography back onto the historian's agenda in a seminal article published in 1971. Some recent historians such as Christine MacLeod and Alessandro Nuvolari, however, reject Stone's definition (and even the term) as terse and out-dated, preferring terms such as 'group biography' or 'career path analysis', but their alternatives seem to add little, as they themselves ultimately concede. Furthermore, their claim that the term 'prosopography' is used chiefly, nowadays, 'in classics or ancient history' is incorrect. Koenrood Verboven, Myriam Carlier and Jan Dumolyn, writing in the following year, include Stone's definition with those of three other historians, H. De Ridder-Symoens, N. Bulst and Ph. Genet. They consider certain key concepts common to all four: biographical and group aspects, external features as well as the data collected and processed.⁴

³ Lawrence Stone, 'Prosopography', pp. 50-51.

⁴ Lawrence Stone, 'Prosopography', pp. 46-79. In their study Christine MacLeod and Alessandro Nuvolari construct a data set of approximately one per cent of the biographies of inventors born between 1650 and 1850 who are featured in the British *Dictionary of National Biography*. They conclude that their use of collective biography for the study is inappropriate 'as a source for the history of technology', citing two serious pitfalls. Their findings, however, are unconvincing as they are based on the information revealed by their very use of collective biography. Furthermore, in claiming that the term 'prosopography' is used chiefly, nowadays, '... in classics or ancient history ...', the title of their

Stone suggested that prosopographies tend to fall into two broad groups: the study of large numbers of people (mass prosopography) and the study of smaller groups, most of whom are invariably drawn from among social élites. The potential of mass prosopography has expanded exponentially by developments in computer technology, which allow the accumulation and manipulation of very large data-sets.⁵ An example relevant to the present study is the computer-based 'convict lives' study of all 73,000 convicts transported to Tasmania.⁶ As discussed by Neithard Bulst, one of the modern-day problems, however, with the use of large numbers for computerised prosopographies is the ability to link to other databases and the consequent possibility of abuse. Moreover, what is sometimes called 'new prosopography' has increasingly seen the building of the database as an end in itself: the data is the outcome.⁷

Although Stone insists the use of prosopography is restricted to groups of people in prominent positions where ample information is available, Paul Pickering has rejected this conclusion and, in his study of the Manchester Chartists, he attempted to show that what he calls micro-prosopography can reveal significant insights despite incomplete information.⁸ Another work that has applied the prosopographical method

article uses this term. See MacLeod, Christine and Nuvolari, Alessandro, 'The Pitfalls of Prosopography: Inventors in the *Dictionary of National Biography*', *Technology and Culture*, Vol. 47, No. 4, October 2006, pp. 757-776. See Koenraad Verboven, Myriam Carlier and Jan Dumolyn, 'A Short Manual to the Art of Prosopography', in Keats-Rohan, K.S.B. (Ed.), *Prosopography Approaches and Applications: A Handbook*, Oxford, Unit for Prosopographical Research (Linaccre College), 2007, pp. 35-69.

⁵ See Paul Pickering, 'Telling the People's Story: Writing, Representing and Selling the Past', unpublished public lecture, Sheffield Hallam University, June 2013.

⁶ This study, entitled *Founders and Survivors. Australian life courses in historical context 1803-1920*, is a 'partnership between historians, genealogists, demographers and population health researchers'. See web site <http://foundersandsurvivors.org/>

⁷ Neithard, Bulst, 'Prosopography and the computer: problems and possibilities,' *History and computing*, Vol. 2, 1989, pp. 12-18.

⁸ Paul Pickering, *Chartism and the Chartists in Manchester and Salford*, Macmillan Press Ltd, London, 1995. See also Pickering's review of Di Langmore, *Australian Dictionary of Biography*, Vol. 17, 1981-1990, *Labour History*, No. 95, November, 2008. I am grateful to Paul Pickering for the concept micro-

not only to the 'lower orders' but to a relatively small number, is a study that endeavours to analyse the common attributes of 64 19th century Oromo slave children.⁹ The narratives of these children survived and were combined with primary source material to enable a longitudinal prosopography of the cohort. This approach forms the basis of the methodology used in this thesis.

The group used in this thesis is confined to 15 because of the extensive effort involved in collecting the fragments of information essential for biographical portraits of these men. Although such a small number would obviously be frowned upon by well-known exponents of prosopography, such as K.S.B. Keats-Rohan¹⁰ and Stone, my thesis will reveal the advantages of treating the study of micro-prosopography through the disciplined and systematic approach necessary in undertaking prosopography.

Although building on the ground-breaking works of historians such as A.G.L. Shaw, L.L. Robson and others that included comprehensive statistical analysis of convicts before they were emancipated, my biographies are diachronic, examining the lives of the convicts both before and after emancipation; furthermore they yield so much more

prosopography as a means of describing the approach using small samples. I understand that he has work in progress on this subject.

⁹ Sandra Carolyn Teresa Rowoldt Shell, *From slavery to freedom: the Oromo slave children of Lovedale, prosopography and profiles*, Dissertation submitted for Doctor of Philosophy in Historical Studies, University of Cape Town, 2013. Classic studies such as George Rude's *Crowd in the French Revolution* are not prosopographies. Nor is The Dictionary of Labour Biography (published in 13 volumes thus far). See George Rude, *Crowd in the French Revolution*, Clarendon Press, Oxford, 1959; David Howell and Keith Gildart (Eds), *The Dictionary of Labour Biography*, Vol. 13, Palgrave Macmillan, Basingstoke, UK, 2010.

¹⁰ Keats-Rohan is principally a medieval historian working in the Unit for Prosopographical Research at Linacre College, Oxford University. While having written on the computerization of prosopographical results, see for example, 'Prosopography and Computing: A Marriage made in Heaven?', in *History and Computing*, Vol. 2, No. 1, 2000, pp. 1-11, possibly her major contribution to the field is the monograph she edited entitled *Prosopography Approaches and Applications: A Handbook*, published in 2011. Keats-Rohan's contribution, 'Biography, Identify and Names: Understanding the Pursuit of the Individual in Prosopography', pp. 139-181, makes it clear that the purpose of this method is to analyze the 'sum of data about many individuals' and that a 'significantly large collection of biographical data' is needed. Keats-Rohan, K.S.B. (Ed.), *Prosopography Approaches and Applications*, p. 141.

when viewed collectively and in aggregate from beneath the prosopographical umbrella.

The AACo was decided upon as the common point from which convicts were selected since the company accepted only male convicts and so the sample here is restricted to this gender. The company was established at Port Stephens in New South Wales in 1824 for the 'purposes of Agriculture generally ... but more particularly to the rearing of flocks of Sheep of the purest and finest Breed.'¹¹ Indentured servants with specific skills were shipped to the colony by the company, but it was the intention of the British government that 'the shepherds and labouring Men shall consist principally of Convicts; and, in this manner, it is calculated that about 1,400 may be eventually employed, which will diminish the government expenditure to the extent of £30,800 annually.'¹² The British government was optimistic in believing that 1,400 convicts would be employed at the company as the government in the colony was also obliged to meet the demands for convict labour from private settlers. Despite this the company was allocated more convicts than any other enterprise in the colony – the largest of which were allowed a maximum of 70 convicts at any one time – although the Home Office in London was prompted to intervene on the company's behalf on at

¹¹ Dispatch No. 20 from the Earl of Bathurst to Sir Thomas Brisbane, Downing St., London, 13 July 1824. *HRA*, Series I, Vol. XI, p. 305.

¹² Dispatch No. 30 from the Earl of Bathurst to Sir Thomas Brisbane, Downing St., London, 18 May 1825, with attached proposal for the formation of the Australian Agricultural Company, *HRA*, Series I, Vol. XI, p. 593. The Proposal also stated that the convicts should be employed 'under such discipline and regulations, as may best conduce to the great object of Government in establishing and containing the Punishment of Transportation.' Although, it was not the intention of the Government 'to deny to private Settlers that average accommodating convict labour, which they have been in the habit of receiving', private landowners were subsequently aggrieved to find, after the establishment of the company, that they were indeed deprived of the numbers they had been accustomed to being allocated. Dispatch No. 20 from the Earl of Bathurst to Sir Thomas Brisbane, Downing St., London, 13 July 1824, *HRA*, Series I, Vol. XI, p. 306.

least one occasion when very few convicts were received.¹³ In addition to the AACo's one million acre estate at Port Stephens, the British government arranged a lease for the company covering the coal mines in nearby Newcastle. This lease was for 30 years in three-year terms, for an annual rent in 'proportion of the Coal raised'.¹⁴

The biographies of these 15 men were chosen using a combination of names from the book *Convicts of the Australian Agricultural Company 1825-1850*¹⁵ and Leslie Uebel's website, *Claim a Convict*.¹⁶ After an exhaustive process of elimination, my choice of subjects was a pragmatic one; these are the 15 who I believed were most likely to yield sufficient information to write about in any meaningful way.¹⁷ It is a truism that the survival of historical records is innately random but my pragmatism surely disqualifies any claim to random selection or statistical significance; since it is a small sample anyway, and no such significance is claimed. Despite exacting scrutiny of all sources found, gaps in the biographies remain. In part, this problem has been addressed by examining the experiences of close family members who shared in the lives of these men. The incompleteness of the historical record requires no apology, however, especially to a biographer. The pragmatic choice of the 15 does open up opportunities to suggest general themes that might otherwise be lost.

¹³ See, for example, Dispatch No. 43 from Lord Glenelg to Sir Richard Bourke, Downing St., London, 19 August 1835, *HRA*, Series I, Vol. XVIII, p. 83.

¹⁴ Précis of the Charter of the Australian Agricultural Company enclosed with Dispatch No. 36 from the Earl of Bathurst to Governor Darling, Downing St., London, 29 April 1826, *HRA*, Series I, Vol. XII, p.238.

¹⁵ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company 1825-1850*, Port Stephens Family History Society, Tanilba Bay, New South Wales, 2004.

¹⁶ See web site: http://www.claimaconvict.net/index_files/Page319.htm. This is a free service introduced by Lesley Uebel in 1998 in order to 'assist those researching the same convict ancestors to contact each other directly.'

¹⁷ There are precedents for such an approach. See, for example, Paul Pickering, *Chartism and the Chartists*, chapter 8.

For the student of convicts the primary sources are fairly extensive and, thus, I have subjected the 15 convicts selected to exhaustive historical research in a multitude of official records the governments in both Britain and the colony kept during their punishment. Many are included in two series of important compilations, the *Historical Records of New South Wales* and particularly the *Historical Records of Australia*, published in 1892-1901 and 1914 respectively,¹⁸ as well as the massive corpus of documents relating to Australia in the Colonial Office and the Home Office. In the Colonial Office are censuses, musters and statistical returns, as well as letters, petitions and reports on issues such as 'land grants, debts, appointments, expeditions, arrival of emigrants, conduct of convicts [and] admission to asylums'; in the Home Office is data about the penal system's administration, the prisons and hulks in Britain and transportation registers.¹⁹ Material held in other repositories such as the British Library and the National Libraries of Ireland, Scotland and Wales was also consulted as were commercial sites including *Ancestry*, *Find My Past* and *Vital Records*.²⁰

¹⁸ F.M. Bladen, (Ed.), *Historical records of New South Wales*, Vols. 1-7, Charles Potter, Government Printer, 1892-1901; Frederick Watson, (Ed.), *Historical records of Australia (HRA)*, Series I, III and IV, The Library Committee of the Commonwealth Parliament, 1914-1925

¹⁹ These records are available in microform thanks to a mammoth task called the *Australian Joint Copying Project (AJCP)*. The project was to last for over 50 years before it was finally completed. While initially involving collaboration between the National Library of Australia and the State Library of New South Wales, other state libraries and the National Library of New Zealand were later included. Details of the project can be found on the web sites of most libraries in Australia. The Public Record Office is now called The National Archives (TNA). See also National Library of Australia website: <http://www.nla.gov.au/research-guides/australian-joint-copying-project>.

²⁰ See www.ancestry.com.au; www.findmypast.com.au; www.worldvitalrecords.com. Another important resource is that run by the Church of Jesus Christ of Latter-Day Saints, *Family Search*. See <https://familysearch.org/>. According to Rebecca Kippen and David Lucas, many of their records are derived from Australian sources. See *Sources for Australian Historical Demography*, Working Papers in Demography No. 93, March 2004, Research School of Social Sciences, Australian National University, p.9. A new source of information that became available from early September 2013 is the *Biographical Database of Australia*, a research tool purporting to provide data concerning 'tens of thousands of records of deceased persons born or arriving in Australia'. See <http://www.bda-online.org.au/>

I have also sought to contact the convicts' descendants.²¹ Given that one aim was to examine the trajectory of the convict lives into later generations, this was an important opportunity to supplement conventional avenues of historical research. Of course some family stories must be treated with caution but in certain cases they have opened up lines of inquiry otherwise unavailable. In all instances genealogical details have been made available by the descendants of the convicts selected and very often have resulted in important leads; descendants have shown great generosity in sharing their information with me.

While I have painted a fairly rosy picture about the availability of convict records covering their time of punishment, once the convicts gained their freedom the government was no longer responsible for them and consequently had no further interest in recording their details. The task of tracking down this information now becomes much more difficult. Here newspapers – metropolitan and regional – have been used extensively. Since over half the convicts subsequently settled in the Hunter Valley region, the most important source in this respect is *The Maitland Mercury*, established in 1843.²²

My thesis is divided into three sections: “Rescuing Convict Lives” in which there are three chapters, “Writing Convict Lives”, consisting of one chapter, and “Studying Convict Lives” in which there are again three chapters. In the first section, Chapter 1 is entitled ‘Writing about Convicts – a Spectrum of Differing Approaches’. In this chapter,

²¹ The *Claim a Convict* website was important in this respect.

²² The *Maitland Mercury and Hunter River General Advertiser* is the third oldest newspaper in Australia. See Rod Kirkpatrick, *Country conscience: a History of the New South Wales Provincial Press*, Infinite Harvest Publishing, Canberra, 2000, pp. 10, 20.

in order to examine how others have written about convicts, a spectrum has been devised along which they can be located. This provides me with an opportunity to more precisely locate my work in the existing literature. In Chapter 2, 'Past, Present and Future: A Prosopographical Analysis of Convict', data identified in the micro-prosopography is tabulated and extensively analyzed. It concludes with a portrait of the common features of the convict *cum* emancipist. Chapter 3 is devoted to just one man, Charles Randall. Randall is a rare example where sufficient information has come to light to say significantly more about not only his life but also his views and his values. Although for the purposes of comparison he is included in the micro-prosopography in Chapter 2 and the three thematic chapters five, six and seven, the opportunity to separately ponder his life and discuss his views is too good for a social historian to pass up.

In Section 2, "Writing Convict Lives", Chapter 4 presents the biographies (excluding Randall) in alphabetical order. That the details included in these biographies sometimes overlap with those in the micro-prosopography is inevitable. Nevertheless, it is precisely by attempting to combine a systematic approach to biographical information with diachronic biographical portraits that an opportunity arises to highlight broader themes in colonial history which are worthy of consideration. These themes are presented in Section 3, "Studying Convict Lives". Here Chapter 5 looks at crime and punishment and is entitled 'A Cycle of Crime? Judgements and Punishments'; Chapter 6, 'The Demon Drink', obviously analyses the role of alcohol in the colony and Chapter 7, 'Success, Ruin and Salvation', concentrates principally on the theme of bankruptcy (and insolvency) while at the same time exploring the lives of convicts who survived well in the colony.

The lives of these convicts and of those of their descendants offer support, in some cases, for the broader conclusions reached by previous historians and in others they suggest new insights or ways of thinking. In every case they tell the story of people who hitherto have had no place in the historical record. I have endeavoured to bring them to life in their biographies, particularly after their emancipation when they married, had children, adapted to their new surroundings and interacted with others in their work and play, as well as in their worries and suffering. It is not only the major events but the minutiae of daily living that helps to bring them to life. As most lived and died in the place they settled after emancipation, they become swathed in these surroundings – the material items, places, culture – and their surroundings enhance their image. These images are reflected in the micro-prosopographical analysis. And telling their stories is valuable in and of itself. If biography — to borrow an old adage — is a lens onto society, then the biography of a group such as this, however small, has potential to broaden our view. Moreover, to invoke E.P. Thompson's famous injunction, these 15 humble convicts deserve to be rescued from 'the enormous condescension of posterity'. As already noted, gaps in the biographies inevitably appear, and more information about some than others has been found, but all biographies reveal enough information to highlight broader themes in colonial history. As such their stories and the trajectory of the lives of their families provide an opportunity to consider the legacy of convicts in the later history of Australia.

SECTION 1 RESCUING CONVICT LIVES

CHAPTER 1 WRITING ABOUT CONVICTS – A SPECTRUM OF DIFFERING APPROACHES

The fascination with convicts in the academy and popular culture has been fuelled by both fact and fiction. In order to locate my work it is useful to consider a selection of those that have written about Australian convicts and emancipists using fact or fiction, or both in some cases. To do so I have placed them on a spectrum at one end of which are amateur historians including genealogists and historical novelists, and at the other, professional historians trained in the academy. First, I consider historical novelists.

Although they rarely claim to be writing history, as opposed to fiction, novelists undoubtedly have the potential to confuse their readers due to their inclusion of historical characters and events. Of course, genealogists and family historians who come next can be highly trained but many are not and may 'still need academics to help them ... interpret their data.'¹ After these along the spectrum comes a second but distinct type of amateur historian, the convict memorialists who wrote autobiographies and other accounts of their lives. Even though these accounts may or may not always be authentic descriptions of their lives, their words are possibly the closest that can be found to the much sought-after 'convict voice'. Then come professional historians who use a conventional empirical approach. Here too there are distinctions. On the one hand, there are those who ostensibly write factual history but also draw on fiction to address gaps in the documentary evidence. On the other are what we might call 'conventional' historians who draw exclusively on archival, published and unpublished sources: some rely principally on statistical information and

¹ Tanya Evans, 'Secrets and Lies: the radical potential of family history', *History Workshop Journal*, Oxford University Press, 2011, p.55.

others concentrate on social, material and cultural history. There are also biographers whose aim is to provide insights into the nature of their subject by using a wide variety of factual sources.

While building on information made available by others – from genealogists to empiricists – my approach is the application of the technique of small group prosopography or micro-prosopography to the biographies of convicts tracking their lives – where possible – before and after their emancipation. This is the first time that a micro-prosopography of this scale has been used to show the commonalities of convict *cum* emancipist experiences in New South Wales.

When outlining this continuum it might be regarded unjust to include historical novelists. Even though some are highly skilled researchers, most novelists don't claim to be historians – amateur or professional. But in relation to the study of convicts in colonial New South Wales, one recent novelist justifies their inclusion here. In her much debated novel, *The Secret River*,² Kate Grenville states has argued that she had wanted to 'do something a little more nuanced than [just writing fiction]: to acknowledge the complex relationship, backwards and forwards across an invisible line, between the world of fiction and the world inhabited by living people.'³ And although she has retrospectively denied vehemently having said she was writing history she has claimed that the book represents a new kind of history writing.⁴

² Kate Grenville, *The Secret River*, Text Publishing, Melbourne, 2005.

³ Although included on Grenville's website in c. 2010, this sentiment is not included in her revised website accessed on 1 September 2013: <http://kategrenville.com/node/75>.

⁴ In a book review by Jane Sullivan in *The Age*, Grenville denies having said this, claiming the words to have been taken out of context. J. Sullivan, 'Making a Fiction of History', *The Age*, 21 October 2006.

Prominent historians who have taken exception to Grenville's claim include Inga Clendinnen, John Hirst, Paul Pickering and Mark McKenna. Clendinnen, who was particularly indignant about the way in which Grenville uses her empathy – as well as transporting incidents geographically and in time – asks: 'Are we seduced into an illusion of understanding [British people of 200 years ago] through the accident of a shared language?'⁵ In his collection of essays, *Sense and Nonsense in Australian History*, John Hirst accuses Grenville of embracing a 'liberal fantasy' and giving her character Thornhill (an emancipist) modern-day sensitivities. Effectively, Hirst suggests, the leading character of *The Secret River* was not a 19th century waterman *cum* settler, but rather Grenville herself.⁶ Paul Pickering talks about what Grenville calls her 'experiential theory of writing', giving the example of Grenville setting herself up in a bark hut, together with acrid smoke, in order to cast herself back to the situation in which her chief character had found himself.⁷ Pickering has defined this as a form of 'reenactment' and concludes that 'the acrid smoke did nothing to narrow the distance between past and present'. Mark McKenna rues the way in which certain novelists 'willingly play "the historian"'.⁸ He says that Grenville sees herself as 'a history warrior ... demanding that the nation come to grips with her rendering of frontier history'.⁹ These comments are a reminder of the importance of acknowledging and, to the extent possible, suspending our contemporary ideas, assumptions and prejudices when exploring the lives of convicts. I aim to do this in my thesis.

⁵ See web site: <http://www.theage.com.au/news/books/making-a-fiction-of-history/2006/10/19/1160851069362.html?page=2>

⁶ John Hirst, *Sense and Nonsense in Australian History*, Black Inc. Agenda, Melbourne, 2006, pp. 84-85.

⁷ Paul A. Pickering, "'No Witnesses. No Leads. No Problems": The Reenactment of Crime and Rebellion,' in Iain McCalman and Paul A. Pickering, (Eds.), *Historical Reenactment. From Realism to the Affective Turn*, Palgrave MacMillan, England, 2010, p. 122.

⁸ In J. Sullivan, 'Making a Fiction of History', *The Age*, 21 October 2006.

⁹ See Mark McKenna's essay 'Writing the Past: History, Literature and the Public Sphere in Australia' on Austlit website: <http://www.austlit.edu.au/austlit/page/C567314>.

Nonetheless despite the criticisms noted, *The Secret River* (now also a film) has had a wide general appeal and received many awards as well as being runner-up, in 2006, for both the Miles Franklin Award and the Man Booker Prize. Notwithstanding this, it is poor history; it is not even a proximate history of what happened.

Others who write historical novels about convicts and/or emancipists, such as Roger McDonald, Peter Carey and Tom Keneally, do not claim to be writing history as opposed to fiction. They make a range of different claims about their work. Roger McDonald, when speaking about his novel *The Ballad of Desmond Kale*,¹⁰ was adamant that the book had 'no historical validity whatsoever'; that it was a 'totally fictional construct', and that when writing fiction 'your imagination takes charge'.¹¹ While the work makes use of Australian colonial history – Desmond Kale is an emancipist and the characteristics of historical figures such as Samuel Marsden and Governor Macquarie are easily recognizable – McDonald is adamant that the work was 'written out of the present moment'. Moreover, he has stated that 'Any novelist who would make their primary claim a claim to be writing history is doing a disservice to fiction', but he also goes on to say that fiction 'has its own way of crystalizing truth'.¹² Irrespective of this subtle distinction, the inclusion of historical figures and events and his undoubted skill as a writer are surely enough to seduce some readers into believing his stories are history in the more conventional sense.

¹⁰ Roger McDonald, *The Ballad of Desmond Kale*, Random House Australia, Sydney, 2005.

¹¹ See web site for recording made on 25 October 2006 at Macquarie University:
http://www.mq.edu.au/about_us/faculties_and_departments/faculty_of_arts/departments_of_english/multimedia/.

¹² See interview by journalist Jason Steger on 23 June 2006:
<http://www.theage.com.au/news/books/convict-tale-wins-over-judges/2006/06/22/1150845313557.html?page=fullpage>.

When talking about one of his historical novels, Peter Carey acknowledged that because he was writing about historical characters readers had certain expectations – they ‘saddle you with expectations of verisimilitude’.¹³ Indeed, he feels that perhaps he should have the word ‘novel’ printed in large letters on the cover of his books so that he does not need to keep saying they are works of fiction. Despite this statement, the title of another of his books, *The True History of Ned Kelly*, is surely deliberately designed to tease historians.¹⁴ Notwithstanding the use of the word ‘true’ he estimates that only ten per cent of its content to be factual and the remainder invented while still consistent with the facts. He had pieced the fragments of fact together with the use of his imagination.¹⁵ Thus the mélange of fact and fiction in the hands of a skilled writer of imaginative fiction such as Carey is problematic precisely because it is the imaginative bits that make the narrative seem real.

Another of Australia’s celebrated authors is Thomas Keneally who includes both convicts and emancipists in his book *Australians. Origins to Eureka*, Vol. I.¹⁶ Although not exciting controversy in the same way as Grenville’s, this book raises a number of the same issues in a more subtle way. When asked if he was absolutely faithful to the historical record when used as history in his novels, Keneally offered the response that

¹³ Interview by Robert Birnbaum. See website:

http://www.themorningnews.org/archives/personalities/birnbaum_v_peter_carey.php.

Peter Carey is Australia's most celebrated living writer. He has received both the Booker Prize (twice) and the Commonwealth Writers Prize and every major Australian literary prize at least twice.

¹⁴ See Inga Clendinnen, ‘The History Question. Who Owns the Past?’, *Quarterly Essay*, Issue 23, Black Inc., Melbourne, 2006, p. 32.

¹⁵ See interview on website: <http://www.cv.vic.gov.au/stories/ned-kelly/9618/imagining-ned-kelly-interview-with-peter-carey/>.

¹⁶ Thomas Keneally, *Australians. Origins to Eureka*, Vol. 1, Allen & Unwin, Crows Nest, N.S.W.. 2009.

in the novel you feel the freedom to tell the truth by creating divine lies. You can mess around with the characters. You can basically if the chief aim of the novelist is verisimilitude (*sic*). And particularly the novelist in good historical fiction is trying to talk about the present too.¹⁷

When questioned about the debate between fiction and history, he is clearer. He states that whilst historians are his heroes, 'history is too rich to be left in their hands'.¹⁸ Despite his apparent regard for historians, however, he does not acknowledge them for providing much of the material upon which he bases information in either Volume I or II of his *Australians*.

For my purposes Keneally's books contain sections in relation to micro-biography that are of particular interest and are worth lingering over. In volume I of *Australians*, when writing about marriages between free settlers and convicts, for example, he offers a handful of micro-biographies about these mixed unions and decides that their children were not 'criminal spawn, abandoned by their "unnatural parents" or raised amidst scenes of criminal activity and daily debauchery', agreeing with historian Portia Robinson that they grew up 'a remarkably honest, sober, industrious and law-abiding group of men and women'.¹⁹ He also claims that these children were given trades 'so that they would not be tempted into the youthful follies that had seen their parents transported' (forgetting that only one of the parents he is writing about was transported).²⁰ Nowhere does he give reasons for selecting these particular micro-biographies nor provide evidence to support his assertion that the offspring of mixed unions grew up to be 'law-abiding' and were given trades. Moreover, by indicating that

¹⁷ Interview by Robin Hughes on 11 September 2002. See website: <http://www.australianbiography.gov.au/subjects/keneally/interview11.html>.

¹⁸ See interview on Austlit website: <http://www.austlit.edu.au/news/newsAprilMay2006>.

¹⁹ Thomas Keneally, *Australians. Origins to Eureka*, p. 289.

²⁰ Thomas Keneally, *Australians. Origins to Eureka*, p. 289.

crimes were committed by convicts in their youth, he is obscuring the fact that a large number were over 30 years of age when they arrived.

In a discussion of the conditions endured by convicts in the chain gang, Keneally states that the huts in which they slept were often 'too crowded for everyone to lie down. In these cramped quarters, the physical and sexual savageries between young and old, strong and infirm, comprise something over which the imagination might prefer to cast a veil.'²¹ Although the huts accommodating the convicts in chain gangs were crowded, the suggestion that they were 'too crowded for everyone to lie down' is not backed up by the archival evidence that is available.²² Unlike independent historian Babette Smith in *Australia's Birthstain*,²³ Keneally also glosses over the issue of homosexuality, which, as discussed below, was a major reason behind the push of the anti-transportationists. When considering a succession of relatively minor errors historians are surely entitled to ask in what sense is the history 'too rich' for their hands? Moreover, how is getting even the banal fact wrong enriching it?

Inadvertently, however, Keneally's Volume II of *Australians*, makes the case for the approach taken in this thesis.²⁴ In this book Keneally concentrates mainly on the well-known figures in Australia from which despite the fact that a great deal of the country's population, possibly half, was made up of emancipists at the time.²⁵

²¹ Thomas Keneally, *Australians. Origins to Eureka*, p. 312.

²² An exception may be the hut at Emu Plains known as the Belly Bot where Patrick Hoyle from our sample was most likely incarcerated. Belly Bot is described in the Chapter on Crime and Punishment.

²³ Babette Smith, *Australia's Birthstain. The Startling Legacy of the Convict Era*, Allen & Unwin, Crows Nest, N.S.W.

²⁴ Thomas Keneally, *Australians. From Eureka to the Diggers*, Vol. II, Allen & Unwin, Crows Nest, N.S.W., 2011.

²⁵ In addition, women and aborigines are barely mentioned.

Admittedly, in the opening paragraph mention is made of a handful of convicts, but their stories do not lead anywhere: take the Scottish convict Margaret Dalziel, for example, 'Having begun a free life, she then disappears from the record.'²⁶ Did she? This need not be the case – Margaret Dalziel may not have disappeared from the record at all. This begs the question: how hard has he looked? Perhaps Keneally realizes how difficult and time consuming it can be to find information once a convict has been emancipated. Perhaps history is richer than he is prepared to admit? I have not pursued the life of Margaret Dalziel after her emancipation but, as I show in this thesis, we can at least in part follow some others into their 'free life'.

After historical novelists it is important to consider the contribution of amateur genealogists and family historians to the study of convict lives. Of course, there are many professional historians who write about family history and/or who work as genealogists, often commercially, and it is not my intention to catch them under this heading. It is those who undertake research without formal training in the discipline of history who interest me here. And again, while there are undoubtedly many excellent amateur researchers and 'history detectives' among them, the defining characteristic is that they are not trained. Of course, untrained 'amateur' historians are almost invariably interested in aspects of their own past and are thus more prone to, and less able to respond to, the dangers of family legends or myths. Some of those that I have consulted when researching this thesis obviously had vested interests that affected decisions about the veracity of evidence in relation to their forebears. Moreover, they

²⁶ Thomas Keneally, *Australians. From Eureka to the Diggers*, p. 2.

can get 'too close' to their ancestors on whom they concentrate almost exclusively without including parameters or methods in their research.²⁷

For our purposes it is important to note that much of the effort of amateur family historians has been devoted to convicts. Indeed, as David Roberts has noted, in 2007 more than 20 percent of Australians claimed to have been descended from a convict, a figure he found to be 'impossibly high'.²⁸ Although found to be acceptable today (and a source of great pride for many), as late as the 1960s when relatives were first starting to search for their families' roots, there were those who still wished their convict connections to remain hidden.²⁹ According to genealogist John Spurway, it was not until the late 1980s and into the 1990s that the pursuit of family history probably reached its peak in Australia with 'prejudice against convict origins [having] largely vanished'.³⁰ By this time, genealogy had become one of the fastest growing leisure activities in Australia.³¹ This was a time when there was an increasing need for white Australians to find a sense of 'belonging' to their country.³²

²⁷ See Tanya Evans & Robert Reynolds, 'Introduction to this Special Issue on Biography and Life-Writing', *Australian Historical Studies*, Volume 43, Issue No.1, 2012, p 1. Nevertheless, in 1989 a leading historian, Alan Atkinson, asserted that family historians had 'something to offer the profession.' Babette Smith, *Australia's Birthstain*, p. 55.

²⁸ David Roberts, 'Australia's changing attitude to its convict heritage', in the University of New England's *News and Events*, 16 January 2007.

²⁹ One ancestor that I identified emphasized that she did not wish her convict family history to be known. With regret, this particular biography was excluded.

³⁰ John Spurway, 'The Growth of Family History in Australia', *The Push. A Journal of early Australian social history*, University of New England, No. 27, 1989, p 93.

³¹ John Spurway, 'The Growth of Family History in Australia', p 93. Convict records had become accessible to the public in 1951. In the same year a State Archives Authority was established in Tasmania and 1961 saw the establishment of a similar Authority in New South Wales. See also Babette Smith, *Australia's Birthstain*, pp. 4 & 39.

³² Alison Alexander, *Tasmania's Convicts: how felons built a free society*, Allen & Unwin, Sydney, 2010, p. 56. An analysis of data collected in the 1999 Constitutional Referendum Study revealed that people in Tasmania were twice as likely to claim they had convicts in their family than were those in other states. Data from all states showed that 'younger, left-leaning, working class Australians [were] most likely to identify as convict descendants, while older, high income, educated, city dwellers [were] less likely to

To understand the transformation from 'shame' to 'pride' among Australians, it is important to review the history of how the heritage of convictism has been generally regarded in Australia. Historian Anne Coote claims that the celebrations of Anniversary Day in the nineteenth century did not include any historical re-enactments.³³ Anniversary Day was a day for regattas, race meetings and holiday-making, not a day for commemorating the event it was designed to commemorate.³⁴ Moreover, as Malcolm Prentis has noted, it is alleged that when the splendid Garden Palace in Sydney's Hyde Park burned to the ground in 1882 the flames were also fed by convict records.³⁵ No mention of convictism was made at the Centenary of European settlement in 1888³⁶ and a history book published especially to mark the centenary mentioned convicts on only one occasion.³⁷ One year later, however, when the Seventh Earl of Beauchamp came from Britain to take up the Governorship of New South Wales, he is reputed to have said, 'Greetings! Your birthstain have you turned to good'.³⁸ As stated by historian David Roberts, 'Beauchamp thought he was paying us a compliment, but many people were seriously distressed'. Roberts has rightly described it as 'one of the most famous *faux pas* of Australian history'.³⁹ This pattern continued

identify.' Bruce Tranter & Jed Donoghue, 'Convict ancestry: a neglected aspect of Australian identity,' *Nations and Nationalism*, Volume 9, Issue No. 4, 2003, p. 565, p. 555.

³³ See Anne Coote, ' "This is the people's golden day": Anniversary Day Press Coverage and National Consciousness in New South Wales', *Journal of Australian Colonial History*, Vol. 12, 2010, pp. 39-54.

³⁴ Babette Smith claims that since the mid-19th century, people had 'suffered from a major distortion of its convict history, a distortion that [had] been accompanied by an obvious desire to avoid the subject altogether if possible'. Babette Smith, *Australia's Birthstain*, p. 2. Both Smith and Tasmanian historian Alison Alexander confirm the near-absence of the subject of convicts at Australia's major national events.

³⁵ Malcolm D. Prentis, 'What do we know about the Scottish convicts?', *Journal of the Royal Australian Historical Society*, Vol. 90, Part I, June 2004, pp.37-38.

³⁶ Babette Smith, *Australia's Birthstain*, p.2.

³⁷ W. Frederic Morrison, *The Aldine Centennial History of New South Wales*, The Aldine Publishing Company, Sydney, Vol. 2, 1888, p. 461.

³⁸ See Earl Beauchamp's biography on Australian Dictionary of Biography website: <http://adb.anu.edu.au/biography/beauchamp-seventh-earl-5174>.

into the twentieth century. For example, there was nothing said about convictism 12 years later during the celebrations that marked the Federation of the states in 1901 and there was but a passing mention at the Sesquicentenary in 1938.⁴⁰

While the celebrations in 1988 of the Bicentennial of European settlement included some references to penal origins, the only speaker to directly refer to convicts was the Prince of Wales.⁴¹ The choice was criticized by many commentators, and although there was some official recognition of the nation's convict past with re-enactments that included convict trials and floggings, these were fumigated. There was, however, an unofficial First Fleet Re-enactment. Rejected by the authorities in favour of a parade of Tall Ships from various countries around the world, the re-enactment went ahead independently and the fleet entered Sydney Harbour on Australia Day to a tremulous welcome. The arrival 'produced an outpouring of emotion that was the wellspring of that anniversary'.⁴²

The attitude to convicts among historians took a complementary trajectory.

Admittedly, as Roberts has noted, in 1922, George Wood, a Professor of History at the University of Sydney, declared that Australia's convict 'forefathers' were victims of

³⁹ David Roberts, 'Australia's changing attitude to its convict heritage', in the University of New England's *News and Events*, 16 January 2007.

⁴⁰ John Spurway, 'The Growth of Family History in Australia', p. 74. According to Smith, the only mention made was that some states were penal settlements for up to 80 years. On the other hand, Herbert Rumsey, 'the pioneering genealogist', published a collection of First Fleet biographies to commemorate the Sesquicentenary. See David Roberts, 'The "Knotted Hands that Set Us High": Labour History and the Study of Convict Australia Author(s)', *Labour History*, No. 100, May 2011, p. 37; Babette Smith, *Australia's Birthstain*, pp. 2, 37.

⁴¹ Babette Smith, *Australia's Birthstain*, p.3. The chief criticism was the official attempt to 'gloss over' the wrongs of the past with regard to Indigenous Australians. Robert Crawford, 'Celebration of Another Nation?: Australia's Bicentenary in Britain,' *History Compass*, Volume 6, Issue No. 4, 2008, p. 1067. See also: Bruce Tranter & Jed Donoghue, 'Convict ancestry', p. 556.

⁴² Babette Smith, *Australia's Birthstain*. p.3.

misfortune.⁴³ The cornerstone of this latter-day rehabilitation of convicts was to justify their crime – how could a starving person be guilty if their only crime was to steal a loaf of bread?⁴⁴ From this time, however, most historians have argued the opposite.⁴⁵ In his renowned book *Australia* published in 1930, for example, W.K. Hancock, wrote, ‘The typical convict was not a picturesque rustic, but a London thief’,⁴⁶ an opinion backed by Stephen Roberts from the University of Sydney in 1938.⁴⁷ Going one step further, in 1956 Manning Clark stated that most of the convicts ‘belonged to a section of the working class who were, for whatever reason, habitual criminals’.⁴⁸ A.G.L. Shaw, writing in the *Sydney Morning Herald* in 1953, made similar claims.⁴⁹ One of the advantages of the approach adopted in this thesis is that it provides the capacity to reflect on these stereotypes.

Among the general public (especially as represented by family historians) having a convict in the past was no longer seen as having a skeleton in the cupboard; indeed it has increasingly become something of a badge of honour. In tracing the rise in

⁴³ Roberts further claims that ‘Wood’s strident enunciation of the noble convict as nation-builder has ever since marked him as the key spokesman for the most popular and persistent Australian cultural myth regarding convict history and ancestry.’ See ‘The “Knotted Hands that Set Us High”’, p. 36.

⁴⁴ When writing about the World War I diggers as ‘home-grown products of the convict era’, Smith was adamant that Australians were still ‘victims of the social amnesia created by shame about our years as a penal colony which caused us to cover up what happened during that time... As a consequence it became impossible to discuss our penal foundations, let alone identify as a convict family.’ See Smith’s website: http://www.babettesmith.com/index.php?option=com_content&view=article&id=9:diggers-true-blue&catid=3:articles&Itemid=11. Rodney Hall in The Alfred Deakin Lectures 2001, claims that communities take from history ‘a selection of stories ... stories they are comfortable with.’ See website: <http://www.abc.net.au/m/deakin/>.

⁴⁵ Babette Smith, *Australia’s Birthstain*. p. 10.

⁴⁶ Quoted in John Spurway, ‘The Growth of Family History in Australia’, p. 85.

⁴⁷ Quoted in John Spurway, ‘The Growth of Family History in Australia’, pp. 85-86.

⁴⁸ Quoted in John Spurway, ‘The Growth of Family History in Australia’, p. 86. According to David Roberts, however, ‘Clark’s austere, empirical revisionism ... was diluted by his reflections on how the convicts’ “cheekiness” and “irreverence” prefigured “many of the features of the later Australian larrikin”’, David Roberts, ‘The “Knotted Hands that Set Us High”’, pp. 37-38.

⁴⁹ *SMH*, 27 June 1953. ,

popularity of family history in Australia, Spurway goes back to 1932 when, in Sydney, the Society of Australian Genealogists was founded with a membership of 46, rising to 10,000 by 1987.⁵⁰ In 1965 the Society published a guide entitled *Compiling Your Family History* and while the first print run was 500 copies, 11,000 were printed in 1986 with the 17th edition.⁵¹ Apart from the family history societies that were being established around the country, other events were occurring that encouraged interest. Between 1980 and 1983 a column appeared in the *Sydney Morning Herald* that gave advice on various aspects of family history and ran 'descendants sought' notices.⁵² This was followed by a column entitled a 'Direct Line' in the *Sun-Herald*.⁵³ 'Floating genealogy classes' were held on P&O cruises and radio presenter Caroline Jones conducted a weekly genealogical session on Radio 2BL.⁵⁴ Similar cruises continue to be held at the time of writing.⁵⁵

⁵⁰ John Spurway, 'The Growth of Family History in Australia', p. 54. Interest in family history was possibly peaking at this time. Spurway also states here that membership had decreased to 6,500 by 2009.

⁵¹ John Spurway, 'The Growth of Family History in Australia', p. 57. In the meantime, in 1978, the Australasian Federation of Family History Organisations was launched in Canberra in order to 'coordinate and assist the work of Australian and New Zealand groups with interests in family history, genealogy, heraldry and related subjects.' See website: <http://www.affho.org/affho/history.php>. By 1996 there were 50,000 persons represented by the various group members representing organizations in all states as well as New Zealand; organizations had been springing up all over the countryside, sometimes affiliated with the major society in their capitol city, and sometimes not. The commencement dates for the states' family societies were as follows: New South Wales 1932, Australian Capital Territory 1964, South Australia 1973, Victoria 1977, Queensland and Tasmania 1978, Western Australia 1979 and the Northern Territory 1981.

⁵² This was entitled 'Jeeves on Monday' and 'Jeeves on Thursday'. See also John Spurway, 'The Growth of Family History in Australia', pp. 55-56.

⁵³ This was published in 1991-1998 and also included 'wanted' items.

⁵⁴ See Stephen Mutch, *Public Policy Revolt: Saving the 2001 Australian Census*, first published in *Archives and Manuscripts*, Vol. 30, No. 2, November 2002. See website: <http://www.affho.org/projects/Mutch.pdf>.

⁵⁵ For example, the fourth 'Unlock the Past' cruise scheduled for February 2014. See website: <http://www.unlockthepastcruises.com/cruises/4th-cruise>. Spurway has that it was due to the demand of the family historians that public resources had become increasingly available. In the mid-1940s the *Australian Joint Copying Project* was starting to microfilm data for distribution to libraries through the country; in 1981 the Births, Deaths and Marriages Index was issued for the colonial years; and the Church of Latter-Day Saints was increasingly adding genealogical data to their IGI, or International Genealogical Index. See John Spurway, 'The Growth of Family History in Australia', pp. 57-59. For similar

Many family historians do not belong to societies, depending instead on their local libraries and the internet for information. Although commercial internet resources tend to be costly, there are others devoted to providing information about convicts that are free. A prime example here is the site mentioned above, *Claim a Convict* started by Lesley Uebel in 1998 that, apart from providing background information on certain aspects of the transportation system, has established a service whereby family historians can literally 'claim a convict'.⁵⁶ Here one finds listed names of convicts taken from the ships' indents, together with details such as their arrival date, ship, trial place and year, and sentence.⁵⁷ Alongside *Claim a Convict* is an on-line forum, Port Jackson Convicts Rootsweb Mailing List, for those wishing to find and/or exchange information about their convict ancestors and information about convictism in general.⁵⁸ Another service, *Convicts to Australia*, lists all the convict transports⁵⁹ as well as other information about the system, and yet another, *Free Settler or Felon*, provides information about ancestors in the Hunter Valley of New South Wales.⁶⁰ There are many more.⁶¹

details see also Babette Smith, *Australia's Birthstain*. p 41. The most recent publication of interest to family historians and researchers alike, is *Guide 4 to New South Wales State Archives relating to Convicts and Convict Administration* published in 2006 by the State Records Authority of NSW, Kingsford. A summary of the contents is contained in the *Journal of Australian Colonial History*, Vol. 9, 2009, pp. 204-205.

⁵⁶ See website: <http://www.claimaconvict.net/>.

⁵⁷ Through this service those researching the same convict ancestor can make initial contact with one another through an email address when authorized by the ancestor making the initial listing.

⁵⁸ Email address AUS-PT-JACKSON-CONVICTS@rootsweb.com.

⁵⁹ This information is presumably taken from the only authoritative source of data that presently exists about convict transports, Charles Bateson's *Convict Ships 1787-1868*, Brown, Son & Ferguson, Glasgow, 1959.

⁶⁰ See website of researcher Jen Willetts: <http://www.jenwilletts.com/>.

⁶¹ An additional form of assistance to family historians is genetic or DNA (deoxyribonucleic acid) testing. This holds out the prospect of confirming hereditary issues and resolving disputed or doubtful claims that can make the life of the family historian a misery. Due to the cost, however, it is unlikely to be used frequently for the foreseeable future..

As noted, family historians in pursuit of the history of their families very often have to contend with legends or myths. In some cases, descendants cling to myths tenaciously. As we shall see, the family of a William Bryant, for example, believe him to have been 'Terrible Billy', a notorious bushranger who terrorized the Monaro in the south-east of New South Wales in the 1860s.⁶² In fact, there were clearly two William Bryants in the area who arrived on different ships.⁶³ One was sentenced to 7 years transportation at the age 15 for stealing a hat, and led a blameless life as a convict after his arrival in 1834. He received his freedom in 1841 and after marrying in Sydney in 1853 he moved around the Monaro working as a selector, stockman, carrier, labourer and shepherd.⁶⁴ 'Terrible Billy', on the other hand, went on a crime spree stealing personal possessions and live stock and, on one occasion, committing arson.⁶⁵ The descendant of the well-behaved Bryant simply has conflated the two.

Convict memorialists, who wrote or dictated their autobiographies, fit somewhere between historical novelists and amateurs on the spectrum. Like many family historians and genealogists, few convict autobiographers would have had the formal training that might allow them to be aware, in a rigorous way, of the problems associated with their account as a form of historical evidence.⁶⁶ Although memoirs and

⁶² See website: <http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=monaropioneers&id=I80310>. The claims of the descendants also include the possibility that Bryant was Banjo Patterson's 'Man From Snowy River'.

⁶³ There were at least 10 William Bryants transported to New South Wales between 1820 and 1840.

⁶⁴ See web site: <http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=monaropioneers&id=I80310>.

⁶⁵ The William Bryant I have been investigating was a much more likely candidate for the title of 'Terrible Billy' as he was in trouble in the colony from the time of his arrival. I could not trace him to the Monaro, however, after his emancipation.

⁶⁶ In the 1950s, historian Geoffrey Blainey somewhat unkindly referred to the amateur tradition as 'scissor-and-paste' history. Included in Richard Waterhouse, 'Locating the New Social History: transnational historiography and Australian local history', *Journal of the Royal Australian Historical Society*, Vol. 95, Part 1, 2009, p. 7.

autobiographies are primary sources and ostensibly at least have a claim to authenticity, they are often highly problematic. Their authors generally make no attempt at balance, often vent grievances, seek to settle old scores and stake out a claim for a place in history. To sell books the memoirs need to have elements of sensation; they can also be a naked attempt to make money leaving their author prone to exaggeration.⁶⁷ According to H.M. Green, author of the pioneering study, *A History of Australian Literature*, convict memoirs are of the 'picaresque tradition' and depict 'adventurers, wrongdoers and unfortunates, usually in an attractive light and for popular readership'.⁶⁸ Another scholar, Matthew Mauger, claims that while some of these narratives 'engage in political debates others have clearly didactic motivations ... [they commonly] take as their main subject the criminal history of their supposed author, and the description of his travels around the world to ... New South Wales'.⁶⁹ Not surprisingly, half of the titles of convict memoirs identified thus far include adjectives intended to heighten expectation of a good read: the unhappy transport, the exile's lamentations, a sorrowful account, a rum story, the horrid and dreadful sufferings, and so on. Despite, however, the potential for their writing to be tainted by exaggeration and invention, the words of the memorialist and autobiographer are

⁶⁷ An example of a convict who wished to make money from his memoirs was Thomas Page. Page was exonerated of his crime 15 years after his conviction and, returning to England to find his family either dead or destitute, published his memoirs in order to earn money. These were entitled, *The Horrors of transportation: containing the life, and sufferings of Thomas Page, who was transported for 21 years, with an account of the hardships he endured, and his happy return to his native country*. A summary of the pamphlet that was published is summarized by Kay Walsh and Joy Hooton, *Australian Autobiographical Narratives. An Annotated Bibliography*, Volume I: To 1850, Australian Scholarly Editions Centre, University College, ADFA and the National Library of Canberra, Canberra, 1993, p. 122.

⁶⁸ Quoted in David Dunstan, (Ed.), *Owen Suffolk's Days of Crime and Years of Suffering*, Australian Scholarly Publishing Pty Ltd, Victoria, 2000, p. xiv.

⁶⁹ See website: <http://iccs.arts.utas.edu.au/abstracts2.html#mauger>. One of Mauger's interests is in the literary origins of Australian convict narratives.

surely closer to the 'convict voice' than anything else we can find.⁷⁰ It is for this reason that they have been placed in the middle of the spectrum between the amateur historians and professional historians who are in constant search for the most authentic 'convict voice'.⁷¹

Historian Anne Conlon identified thirty convict narratives published in Great Britain between the years 1815 and 1850 and six published in New South Wales and Tasmania during this time.⁷² Since 1969, when she undertook her search, many more have come to light. Although most are published in the form of short pamphlets, Mauger claimed the number to be closer to 60,⁷³ a number increased to over 100 by 2001 according to Lucy Frost and Hamish Maxwell-Stewart.⁷⁴ Included now, for example, are *The Horrors of Convict Life* by the former Chartist, John Frost, comprising two lectures delivered in England in 1856 and published in the same year, lectures that clearly had political motives;⁷⁵ *'Jack Bushman', Passages from the life of a 'Lifer'*, the supposed story of the convict Thomas Brooks' criminal life in the colony;⁷⁶ and *Martin Cash, the bushranger of Van Diemen's Land in 1843-4: a personal narrative of his exploits in the bush and his*

⁷⁰ The words in letters and diaries are other examples. As contended by Alan Atkinson, 'The final identity of convicts is not to be found in any aspect of what they looked like ... It is to be found in what they felt, thought and said over a period of time.' Alan Atkinson, 'Writing about convicts: Our escape from the one big gaol', *Tasmanian Historical Studies*, Vol. 6, No. 2, 1999, p. 26.

⁷¹ This topic is further explored below when tattoos are discussed.

⁷² Anne Conlon, *The other side of the mountain. An investigation of eyewitness accounts of New South Wales and Van Diemen's Land published principally between 1815 and 1950*, University of Sydney, Sydney, 1969. (Microfilm).

⁷³ See web site: <http://iccs.arts.utas.edu.au/abstracts2.html#mauger>

⁷⁴ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters. Narrating Convict Lives*, Melbourne University Press, Melbourne, 2001, p. 1.

⁷⁵ These were published again in Hobart in 1973.

⁷⁶ See story signed Jack Bushman in *The Moreton Bay Courier (MBC)*, 20 November, 8 & 25 December 1858, 12 & 25 February, 2, 9, 16, 23 & 30 April, 1859. It has been argued by British historian Ian Duffield that this narrative does not represent the author but rather the editor. See Ian Duffield, 'Problematic Passages: "Jack Bushman's" Convict Narrative', Ian Duffield and James Bradley (Eds.), *Representing Convicts. New Perspectives on Convict Forced Labour Migration*, Leicester University Press, London, 1997, pp. 20-42.

experiences at Port Arthur and Norfolk Island, a memoir dictated by Cash to an amanuensis and, like '*Jack Bushman*', clearly one that describes the subject's criminal history.⁷⁷ All those discovered are authored by men.⁷⁸

A project at present underway will undoubtedly shine light on even more convict narratives. Entitled *Convict Narratives, The Australian Penal Colonies in Print, 1776-1900*, it commenced in 2013 and will run for two years with the aim of uncovering contemporary data that will not only include convict memoirs, ballads, novels and journals but newspaper articles and more.⁷⁹ This is a mammoth undertaking and one that will contribute enormously to the research of colonial Australian history.

One of the memoirs not uncovered by Conlon back in 1969, that of Owen Suffolk, was edited and republished by David Dunstan in 2000.⁸⁰ Writing in 1847, Suffolk was an adventurer and a wrongdoer. It is worth considering his 'story' in detail precisely because it illustrates the way that it could shape public perception of convict life. Suffolk was not your average convict however; he was educated, widely read, and, according to Dunstan, a 'poet, storyteller and orator' whose autobiography 'is the work of a talented writer.'⁸¹ Nevertheless, his story is useful here – and it is thus worth lingering over – as it raises a number of issues that will be canvassed in detail in the subsequent sections of this thesis.

⁷⁷ This has been reprinted many times between 1870 and 1991.

⁷⁸ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, p 90.

⁷⁹ This project is being conducted by Dr Nathan Garvey, a post-doctoral fellow at the University of Queensland and is supported by an Australian Research Council Discovery Early Career Researcher Award. See website: <http://www.austlit.edu.au/austlit/page/5979855>.

⁸⁰ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*.

⁸¹ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, front book flap and p. xi.

In his Introduction Dunstan explicitly questions the authenticity of the account, wondering whether or not Suffolk had re-worked his experiences 'to suit the commercial requirements of an editor, the desires of an audience, or even his own self-delusions', going on to say that Suffolk 'was, after all, a confidence man'.⁸² Nonetheless, Dunstan finds that the story was based on fact and many accurate incidences are enumerated by him.⁸³ Suffolk had not been in the colony for long before seeing himself as a bushranger, writing that he had become noted for his 'skillful and fearless horsemanship' just before he was apprehended stealing a horse. While acquitted of the charge, he was immediately brought back before the court on a second horse stealing indictment. This time he was not so lucky and received a sentence of five years on the roads and ended up at Cockatoo Island (gaol) in Sydney Harbour.

At Cockatoo Island Suffolk was to endure a flogging for the first time, writing that he could not describe the torture 'for mere words are very poor exponents of physical agony'.⁸⁴ He continued: 'I only wish that those who devise such punishments would, in order to have a just conception of what they are, submit to a slight infliction of the

⁸² David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, p. xviii.

⁸³ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, p. xix. One possible example of the factual nature of Suffolk's story, although not recorded by Dunstan, is Suffolk's mention of a companion, David Green, who was incarcerated on Cuckatoo Island at the same time as Suffolk and whose 'tastes were very similar to [his] own, even to scribbling down his experiences.' It is quite likely that Green was actually one Henricke Nelsen who was encouraged by a warden at the Geelong Gaol to keep a diary subsequently published under the title *They called me The Wildman – a prison diary of Henricke Nelsen*. Suffolk was extremely well known in the Geelong area and he spent time in Geelong Gaol on at least one occasion. It is likely that the warden was one and the same, and that he was aware of and interested in Suffolk's writing.

⁸⁴ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, pp. 157-158. For a discussion of the reactions to flogging including a 'sense of desperation, vulnerability and inward rage', see Raymond Evans & Bill Thorpe, c, p. 26. Dunstan, however, could not find any records of the flogging. He states, 'this may have been something the authorities did not want to admit or record.' David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, p. xxvii. In the biography of Patrick Hoyle included in this thesis, it is noted that although he was almost certainly flogged on several occasions, no records of this could be found.

kind themselves.’ And apart from receiving corporal punishment Suffolk was to later spend three years in irons. Altogether he spent 17 years in prison.⁸⁵ Since he was allegedly a model prisoner for most of the time why, then, asks Dunstan, ‘could he not become a model colonist as well?’⁸⁶ Instead Suffolk – horse thief, forger, confidence man, bushranger and womanizer – was sent back to England enabling him to claim the dubious honour of being exiled from both Britain and Australia. Not long after his arrival in Britain Suffolk was back in gaol again – this time for bigamy.

Among historians there is a spectrum of approaches. In 2012, historian Jill Roe mused over how the ‘difference between fiction and non-fiction ... is becoming increasingly blurred, and a certain amount of overlap and loosening up of categories may be desirable or necessary’.⁸⁷ Of course, all historians draw upon their imagination to a greater or lesser extent. More than 50 years ago celebrated historian Manning Clark, for example, was not averse to turning to his imagination, which he used mainly to illustrate broad themes without much interest in individual convict experiences. In a well-known passage he summarized the experience and attitudes of thousands of Londoners at the end of the 18th century likely to fall foul of the law:⁸⁸

⁸⁵ Suffolk had at least three tickets of leave issued and cancelled.

⁸⁶ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, p. xxxvi.

⁸⁷ Jill Roe, ‘Biography Today: A Commentary’, p. 114.

⁸⁸ C.M.H. Clark, *A History of Australia*, Melbourne University Press, Melbourne, 1961, Vol. I, p. 95.

When those men and women spoke for themselves before their judges, they seemed to be liars, drunkards and cheats, flash and vulgar in dress, cheeky in addressing their gaolers when on top, but quick to cringe and whine when retribution struck. With hearts and minds unsustained by any of the great hopes of mankind, driven on by the terror of detection, strangers to loyalty, parasites preying on society, fit objects for that eye of pity with which the historian contemplates those on whom the hand of the potter blundered, they were men and women who roused their contemporaries to disgust and to apprehension, but rarely to compassion, and never to hope.

In this instance Clark is speaking in general terms, not attributing thoughts and feelings to individuals. When, however, he writes about an individual such as Anne Gower, a convict sent to New South Wales for 14 years in 1831, he does not venture beyond the limits of the evidence tendered in court: she was just one of many who were ‘in liquor when they committed their offence, and had no memory of what they had done’.⁸⁹

Rather than the venerable Clark, Roe was more likely to have in mind more recent historians who write empirical history but who are also prepared to intersperse fact with fiction; that is, those who use their imagination to fill in gaps in the historical record. Among Australian scholars Lucy Frost, in particular, comes to mind in this regard. Frost, Professor of English at the University of Tasmania whose principal interest is in colonial Australia, collaborated with historian Hamish Maxwell-Stewart in 2001 to edit a collection of articles called *Chain Letters. Narrating Convict Lives*.⁹⁰ This book is an important recent example, at least in part, of what has long been known as ‘fictive history’. The fact that the book relates directly to convict experience means that it is worth looking at in more detail. At the outset it is important to note that the authors have undertaken extensive and impressive archival research. Inevitably, however, with such subjects, gaps remain and Frost and Maxwell-Stewart state that

⁸⁹ C.M.H. Clark, *A History of Australia*, 1968, Vol. II, p. 9.

⁹⁰ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*.

they have no intention of 'blurring the boundaries between history and fiction'.⁹¹

While there is no suggestion that they made up 'facts', Frost does use her imagination to add colour and affect to their narrative in a way that is potentially misleading.

An example here is Frost's treatment of the case of Elizabeth Churchill, a convict in the female factory in Launceston.⁹² In 1842 Churchill gave evidence before a Committee of Enquiry into Female Convict Prison Discipline thereby securing her freedom years in advance of her sentence. When confirming her evidence, reports show that Churchill signed with a cross in court. According to Frost, she 'took the time to make her mark meticulously, elaborating it as a distinctive signature, and not just a sign that she could not write'.⁹³ There are innumerable ways in which this scene might have unfolded and Frost has used her imagination to embellish events with the novelist's flourish. The problem is that her imagination imparts character to Churchill for which there is no evidence. Perhaps we end up knowing more about the writer than the historical character.

Another example occurs when Frost and Susan Ballyn write about the biography of 'Adelaide', a convict who was supposedly an aristocrat fallen upon hard times.⁹⁴ And here, paradoxically, while criticizing Adelaide's biographer, the clergyman Cameron, for possibly having used the story 'as the springboard for fiction',⁹⁵ the authors themselves speculate about Cameron's interaction with Adelaide. The chapter begins,

⁹¹ Lucy Frost and Hamish Maxwell-Stewart (eds.), p. 206.

⁹² 'Eliza Churchill tells . . .', Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, pp. 79-90.

⁹³ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, p. 89.

⁹⁴ 'A Spanish convict, her clergyman biographer, and the amanuensis of her bastard son'. Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, pp. 91-104.

⁹⁵ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, p. 93.

'It was her courtesy which made him notice her. The bent and toothless old woman who opened the door of the worker's cottage had manners elevated beyond her circumstances, and the clergyman was intrigued.'⁹⁶ Frost and Ballyn provide no evidence to support the claim about what intrigued the clergyman or whether he was intrigued at all. Presumably they agree with Virginia Woolf's conclusion nearly a century ago that it was impossible for the biographer to know the mind of another – leaving fiction as the only viable alternative.⁹⁷ But if there is a line to cross the authors need to be clear about if and when they have crossed it. Similarly, interspersing colourful speculation could be misleading. Was Adelaide, they muse:⁹⁸

... like her first child, the bastard offspring of a man who used her mother and then pushed her aside, perhaps a British soldier fighting with the Spanish to free the Iberian Peninsula from Napoleonic invaders? Did Adelaide's mother make her way to London in search of the child's father, and then die or abandon her daughter to fend for herself as prostitute or servant?

Although they are posed as questions, these comments suggest a range of possibilities that could well be erroneous but that, nonetheless, have an emotional impact on the reader.

One reviewer in particular, historian Ian Henderson, condemned the book for attempting to discover 'the emotional "truth" motivating the texts under scrutiny', and for 'offering suggestions about what the convict was "feeling" without duly

⁹⁶ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, p. 91.

⁹⁷ See Virginia Woolf, 'The New Biography' in *Essays of Virginia Woolf*, Andrew McNeillie, (ed.), Vol. 4, The Hogarth Press, London, 1994, pp. 473-480.

⁹⁸ Lucy Frost and Hamish Maxwell-Stewart (eds.), *Chain Letters*, p. 103.

appreciating that “feelings” are also historically and class specific’.⁹⁹ Nonetheless, for all that Lucy Frost and at least one other contributor to *Chain Letters* cross the line into ‘fictive history’, this did not prevent the book from winning the Kay Daniel Prize in 2004 for ‘producing an exciting and original text that changes the face of convict history’.¹⁰⁰ It is clear that inclusion of imaginative notions, or the mingling of fiction with fact to create affect, was acceptable to the Australian Historical Association judges who awarded the prize.

At the end of the spectrum are the historians who, as far as possible, draw only on archival research and eschew fictive embellishment in order to present details of the convict. It was not until the 1960s, however, that historians made a concerted effort to write about convicts as more than an anonymous group. Prior to this, prominent historians including GA Wood, WK Hancock and Stephen Roberts had shown some interest in the subject, although mainly at the level of generalities. There were few actual life stories – as opposed to glimpses of a life – in their work.¹⁰¹ As we have seen Manning Clark described convicts as a criminal class of amorphous ‘liars, drunkard and cheats’. Russell Ward in *The Australian Legend*, first published 1956, left the

⁹⁹ Ian Henderson, ‘Review: “Chain Letters: Narrating Convict Lives”’, *Journal of the Association for the Study of Australian Literature*, 1, 2002 p. 102.

¹⁰⁰ See Australian Historical Association’s web site: <http://www.theaha.org.au/awards-prizes.html>

¹⁰¹ G.A. Wood, ‘Convicts’, *Royal Australian Historical Society, Journal and Proceedings* 8, No. 4, 1922, pp. 182-183; W.K. Hancock, *Australia*, Jacaranda Press, Brisbane, (first published in 1930), 1966; S.H. Roberts, ‘English Background of Australian Settlement’, *SMH*, Sesquicentennial Supplement, 24 January 1938, p. 2. It had been left to a lesser known historian, Eris O’Brien, to provide a detailed picture of the transportation system, albeit only for the early years. He maintained that there was paucity of available information because of the unattractiveness of the subject, and that, ‘It would seem that historians have felt that they should either defend or apologize for the system.’ O’Brien’s book was first published in 1937. Eris O’Brien, *The Foundation of Australia (1786 – 1800)*, Greenwood Press, Connecticut, 1950. According to David Roberts, however, in 1918 the statistician Timothy Coghlan had been able to draw conclusions about the value of convict capital by accessing indents, musters and labour returns in London, documents that were not available in Australia at the time. David Roberts, ‘The “Knotted Hands that Set Us High”’, pp. 35-36.

impression that convicts were the 'quintessential Australian battlers' and that 'convictism was *central* to the development of Australian society and culture'.¹⁰²

It was two historians in the 1960s, LL Robson and AGL Shaw, who attempted to go beyond the impressionistic image of the convict that had hitherto persisted;¹⁰³ it was principally the painstaking efforts of these two historians, sifting through huge amounts of archival data (without the aid of computers) who collated and analysed statistical data. The information they brought to light in that decade challenged the generally held assumptions.

Robson based his work, published in 1965, on a sample of one in 20 of all those transported.¹⁰⁴ Thanks to the careful calculations he made from the ships' indents, it was the first approximation of how many men and women were transported to the colony. He also calculated sub-categories showing, for example, that the majority came from England; half were sentenced to seven years and a quarter to life; the average age was 26; nearly all were from the labouring classes; at least half were recidivists, and 80 per cent were transported for larceny of various kinds.¹⁰⁵ Initially, he posited that, on balance, convicts were 'ne'er-do-wells from the city slums,' but 20 years later, he had changed his view: convicts were no longer 'ne'er-do-wells' but 'pretty

¹⁰² See David Roberts, 'The "Knotted Hands that Set Us High"', p. 38 and David Roberts, 'Russell Ward and the Convict Legend', *Journal of Australian Colonial History*, Vol. 10, No.2, 2008, p. 1. *The Australian Legend* has also been praised for its 'history from below' approach that was decades ahead of its time. See Russell Ward, *The Australian Legend*, Oxford University Press, Melbourne, 1978.

¹⁰³ L.L. Robson, *The Convict Settlers of Australia*, Melbourne University Press, Melbourne, 1965; A.G.L. Shaw, *Convicts and the Colonies. A Study of Penal Transportation from Great Britain and Ireland to Australia & Other Parts of the British Empire*, Faber and Faber, London, 1966.

¹⁰⁴ L.L. Robson, *The Convict Settlers of Australia*, p. 164.

¹⁰⁵ These are Robson's general findings only. With his main emphasis on the origins of the convicts, his book also includes place of trial, offences and circumstances in which the offences occurred.

ordinary'.¹⁰⁶ In neither case, however, did he make an attempt to look at them on an individual basis.

Shaw, who began his extensive examination of convict transportation in 1950, published his findings in 1966.¹⁰⁷ Covering similar ground to that of Robson, he systematically traced the various stages of transportation of convicts to Australia from the First Fleet in 1788 to the last convict transport to arrive in Western Australia in 1868. Shaw broadly endorsed Robson's findings but, on the one hand, he was more inclined to categorize convicts as habitual criminals,¹⁰⁸ and, at the same time, he felt that there was 'no *simple* description can do justice to the manifold variety of the prisoners who were sent out'.¹⁰⁹ Nevertheless, he was the first historian to definitely establish the fact convicts were not the 'original innocents' that so many had hoped them to be. Shaw's findings certainly excited notice by his fellow historians. Despite the apparent quality of this ground-breaking work, those who bickered about the publication included Douglas Pike, the general editor of the *Australian Dictionary of Biography* at the time, and legal historian Charles Currey, both of whom considered the task to be beyond Shaw's ability.¹¹⁰ Nonetheless Shaw's findings have been widely acclaimed.

¹⁰⁶ L.L. Robson, 'The Convict Cargo Re-inspected', *Bulletin of the Centre for Tasmanian Historical Studies* 2, no. 1, 1988, p. 37, cited in Brian Patrick Walsh, 'Heartbreak and Hope, Deference and Defiance on the Yimmang: Tocal's Convicts 1822-1840', Unpublished Doctoral Thesis, University of Newcastle, September 2007, p. 18; L.L. Robson, *The Convict Settlers of Australia*, p. 158

¹⁰⁷ A.G.L. Shaw, *Convicts and the Colonies*.

¹⁰⁸ A.G.L. Shaw, *Convicts and the Colonies*, p. 165. It seems here that Shaw was agreeing with the opinion of Mayhew and Binney in H. Mayhew and C. Binney, *Criminal Prisons of London*, Charles Griffin, London, 1862, pp. 43-45, p. 89.

¹⁰⁹ A.G.L. Shaw, *Convicts and the Colonies*, p. 147.

¹¹⁰ See T.G. Parsons, 'Obituary. Some thoughts on the Sydney years: A.G.L. Shaw (1916-2012)', *Journal of the Royal Australian Historical Society*, Vol. 98, Part 2, December 2012, p. 168.

Important works on convictism by historians such as George Rudé, John Hirst, Michael Sturma as well as the early works of Alan Atkinson,¹¹¹ have appeared subsequently, but it was Stephen Nicholls's edited collection, *Convict Workers*, which had a particular impact on the field.¹¹² Published in 1988, the book contained a harsh attempt to refute the findings of Robson and Shaw, in particular, that convicts came from the professional criminal class and were a drain on the economy. Written by six economic historians from the University of New South Wales, the results were based on computerized data taken from a sample of the ships' indents of convicts transported to New South Wales between 1817 and 1840. The main argument that recurred throughout the book was that the skills of the convicts had been ignored in the past and therefore the riches of the application of their human capital had been disregarded. Based on a detailed analysis of the statistics the authors made a series of claims including that convicts were an asset to the labour market as they were literate, fit and had useful skills, were given a 'higher level of nutrition than currently recommended Australian levels' and were allocated jobs according to the skills they had exhibited in Britain.¹¹³

¹¹¹ See, George Rudé, *Protest and Punishment: The Story of the Social and Political Protestors transported to Australia 1788-1868*, Oxford University Press, Melbourne, 1978; J.B. Hirst, *Convict Society and its Enemies: A History of early New South Wales*, George Allen & Unwin, Sydney, 1983; Michael Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales*, University of Queensland Press, St. Lucia, Queensland, 1983; Alan Atkinson and Marian Aveling (Eds.), *Australians 1838*, Fairfax, Syme & Weldon, Sydney, 1987.

¹¹² Stephen Nicholas (Ed.), *Convict Workers. Reinterpreting Australia's Past*, Cambridge University Press, Cambridge, 1988.

¹¹³ See Chapter One, 'Unshackling the Past', Stephen Nicholas (Ed.), *Convict Workers*, pp. 3-12. A major problem with the book is not only its reliance on the ships' indents for information, but also the lack of any allowance for recording errors in the original documents. Furthermore, there is no justification given for the broad sample chosen nor is it made clear why the sample changed in size as different values were tested. Although the data are said to be based on 19,711 convicts, the sample size is reduced to 12,602, for example, in Table A8. Another problem is the reliance for accuracy on the 1828 census. In my History Honours thesis submitted in 2002, I found many inaccuracies in the recording of occupations in this census.

It was anticipated that the arguments presented in the book would draw criticism and this indeed was the case.¹¹⁴ In a follow-up publication, *Beyond Convict Workers*, produced in order to refute some of this criticism, Nicholas reiterated his earlier claims about the authors' reliance on the indents for their information.¹¹⁵ He also stated that this enabled them to look at the past from the 'bottom up'.¹¹⁶ For our purposes here, however, it is important to note that when assessing agency, the authors argued that the 'convicts speak not in words, but out of the dry dust of the statistics collected in order to regulate their convict life'. This phrase 'the dry dust of statistics' was first used by Lawrence Stone. Although in this thesis I have also used statistics to create composite pictures of convicts and their families I have also attempted (to borrow another phrase of Stone's) to add glimpses of the 'sweet wine of personality'.¹¹⁷

In this way my approach has much in common with historians who are more interested in social, material and cultural history than statistics and economics. Notable among those who have expressed an interest in finding the 'convict voice' are James Bradley and Hamish Maxwell-Stewart, who have focused on the transliteration of tattoos noted on the indents.¹¹⁸ Although not unproblematic,¹¹⁹ Bradley and Maxwell-

¹¹⁴ See in particular Ralph Shlomowitz, 'Convict Workers – A Review Article', *Australian Economic History Review*, No. 2, 1990, pp. 67-88.

¹¹⁵ Barrie Dyster (Ed.), *Beyond Convict Workers*, Department of Economic History, University of New South Wales, Sydney, 1996.

¹¹⁶ See Malcolm D. Prentis, 'What do we know about Scottish convicts?', p. 42.

¹¹⁷ Stephen Nicholas (Ed.), *Convict Workers*, p. 45; Lawrence Stone, *The Decline of Aristocracy*, Clarendon Press, Oxford, 1965.

¹¹⁸ James Bradley and Hamish Maxwell-Stewart, 'Embodied explorations', p. 198.

¹¹⁹ James Bradley and Hamish Maxwell-Stewart, 'Embodied explorations: investigating convict tattoos and the transportation system', *Representing Convicts. New Perspectives on Convict Forced Labour Migration*, Leicester University Press, London, 1997, pp. 183-203. There is considerable room for error on the occasions when the tattoos were transcribed – they may have decided that these were too numerous to continue with this area of convictism. Such errors could have occurred on the indents on embarkation in Britain and again on arrival when indents were made out anew or the existing information updated. Indeed, it has been found that, on disembarkation in Hobart, approximately a

Stewart's approach is innovative and multi-disciplinary involving behavioural psychologists and anthropologists. In a subsequent article Maxwell-Stewart goes even further claiming that tattoos 'the convict voice as much as any convict narrative'. Nevertheless, Maxwell-Stewart gives examples of just how difficult it is to read tattoos - sometimes they take the form of acronyms or are written in short-hand or copperplate and so on – and he also rises the broader methodological concern that reading tattoos is 'dependent upon the reader's understanding of the text' and decides that, in what seems a contradictory statement in respect of the earlier claim of finding the convict voice, 'the need to interpret the lives of nineteenth century convicts necessarily involves the substitution of our voice for theirs'.¹²⁰

Another prominent historian, David Kent, has investigated the tattoos transcribed from the bodies of the men on the *Eleanor*, which arrived in Sydney in 1831.¹²¹ Taking a more cautious approach than Bradley and Maxwell-Stewart he wonders whether they will tell us 'something about the private, personal and emotional convict self'. In 1998, Raymond Evans and Bill Thorpe, in an article principally concerning the effects of flogging on the body and mind of convicts, briefly look at the voluntary nature of the tattoo and suggest that whatever else they were they served as an 'almost infallible

quarter of Scottish convicts sported tattoos that had not been recorded on the embarkation indents. Prentis suggests that 'getting a tattoo' was part of the shipboard life for convicts but some of these may not have been transcribed onto the indents upon disembarkation. Malcolm D. Prentis, 'What do we know about the Scottish convicts?', p. 43.

¹²⁰ Hamish Maxwell-Stewart, 'The search for the convict voice', *Tasmanian Historical Studies*, Vol. 6, Issue 1, 1998, pp. 75-89.

¹²¹ David Kent, 'Decorative bodies: The significance of convicts' tattoos', *Journal of Australian Studies*, Volume 21, Issue 53, 1997, pp. 78-88.

means of identification' by colonial officials.¹²² In the words of Alan Atkinson, 'tattoos reinforced bondage'.¹²³

If finding the convict voice is an important pursuit then surely it can be heard, at least to some extent, in the work of historians who use extensive research to achieve a form of historical understanding. One such historian is the respected colonial historian Alan Atkinson. In his important study of europeans in Australia, Atkinson brings convicts to life.¹²⁴ Writing with great humanity he invites his readers to share his compassion. By including their words, albeit taken mainly from official documents, he endeavours to stop them from falling through the cracks of history when, whether illiterate or otherwise, they did not leave their own words behind in letters or stories. We hear their voice through the words of others. Listen to the story of a convict cook accused of taking an overseer's knife. The evidence of the overseer was taken down 'verbatim' by the court clerk:¹²⁵

he said he had taken it and should stick to it. I told him he would repent his insolence some day, he said it was a d[amne]d lye, he would not repent. I asked him if he called me a liar, he said yes, you are a liar, a b[lood]y liar, he said something afterwards, I asked him what it was, he said in reply Bollocks, I then called him a d[amne]d Convict, and again told him it was improper language to use to me.

Readers trust Atkinson's skill and assume – correctly – that his evidence is not decontextualized. Notwithstanding obvious problems with the evidence itself – how verbatim is verbatim – we can surely hear a convict voice in this exchange. The point is

¹²² Raymond Evans & Bill Thorpe, 'Commanding men: Masculinities and the convict system', pp. 27-28.

¹²³ Alan Atkinson, 'Writing about convicts ...', p. 24.

¹²⁴ Alan Atkinson, *The Europeans in Australia: A History. Democracy*, Vol. II, Oxford University Press, Melbourne, 1998.

¹²⁵ Alan Atkinson, *The Europeans in Australia*, p. 72.

that Atkinson is not engaged in what Inga Clendinnen has called 'untutored empathy' and he does not stray into the fictive.

Atkinson's work covers the period from the 1820s to the 1870s and although claiming to have selected 'significant individuals' from the powerful and the not-so-powerful in the hope of representing the imagination of 'large numbers of people considered together', historian Paul Pickering's opinion that his focus is mainly 'on the edge of the crowd, at those in the second row',¹²⁶ is more accurate. Although noting that around 30 per cent of convicts were illiterate Atkinson claims that as a community they talked rather than read. Indeed, their power largely depended on talk rather than paper: 'on intonation, on idiom, on argument, and on the exact recollection of who said what and to whom'.¹²⁷ He also notes that punishment by means of solitary confinement and, to a lesser extent, assignment to the chain gang, had the added benefit of restricting convicts' 'talk-based power'.¹²⁸ Having said that, one of Atkinson's overall arguments in his two-volume account is that colonial Australia underwent a 'revolution in communication', which, he contends, stimulated political and intellectual connection with other countries in the world. Thus he balances the claim that most convicts were illiterate by asserting that they were still aware of the vital nature of reading and writing as a metaphorical means of escape: the 'letters [they] wrote were their only means of keeping in touch with their earlier selves and with the world that meant most to them'.¹²⁹

¹²⁶ Paul A. Pickering, 'Review: *The Europeans in Australia: Volume 2, Democracy* by Alan Atkinson', *Network Review of Books*, Perth, Australian Public Intellectual Network, March 2005.

¹²⁷ Alan Atkinson, *The Europeans in Australia*, p. 71.

¹²⁸ Alan Atkinson, *The Europeans in Australia*, pp. 83-84.

¹²⁹ Alan Atkinson, *The Europeans in Australia*, p. 80.

The work of narrative historians such as Atkinson (and John Hirst among others) is augmented the multidisciplinary approach of Grace Karskens. Karskens' highly-commended, *The Colony*, brings to the task of understanding the experience of early Sydney a focus on the topography, architecture and material culture of the settlement. She draws the reader back into the formative days of European settlement in Sydney and out into the surrounding Cumberland Plain.¹³⁰ Her evocative descriptions take us to the narrow, crooked streets in close proximity to the docks that thereby demanded a close-knit settlement; the Tank stream, shaded by a wide corridor of trees, dividing the housing of those in authority from the convicts; the Governor's north-facing brick house, built in Palladian style; the two-roomed convicts' huts made of timber slabs and shingles; the animal pens, the gardens and the pubs. And as part of this tableaux, Karskens includes a huge amount of detail about the historical actors: the convicts, the military and marines, the administrators, the free settlers, and the traditional Indigenous owners all of whom, except for those under lock and key, explore, work and wander the streets mixing freely, or almost. And in taking the reader from the Sydney settlement onto the plain, Karskens' remarkable descriptive powers continue. However, amidst this wonderfully rich description it would have been interesting if more attention had been paid to the individual lives of the 'ordinary' convicts and emancipists, telling us life stories.

Another historian on the spectrum who writes social and cultural history is the independent historian, Babette Smith. Smith, who undertook a formidable amount of

¹³⁰ Grace Karskens, *The Colony: A History of Early Sydney*, Allen & Unwin, Sydney, 2009; 'Shifting the Shape of Australian History: Convicts, the early colonial period and the making of Australia', Australian National University's School of History 2012 Allan Martin Lecture held on 15 May 2012.

research for her book *Australia's Birthstain*, published in 2008.¹³¹ Here she claims that, despite the acceptance of their convict ancestry by many Australians during the past 40 years, there still exists an ambivalence towards the 'birthstain' of the convict past and, in some cases, family amnesia and actual suppression of knowledge of convict ancestors exist.¹³² The reason for this, she maintains, is largely and artificially caused by the anti-transportationists, particularly the clergy, whose distortion of convict history is exacerbated by publications that dwell on material that stereotyped convicts as, for example, brutal, depraved and prone to homosexuality.¹³³

Later, in 2010, Smith provoked a more widespread debate when she reviewed Alison Alexander's *Tasmania's Convicts*,¹³⁴ who then replied in a discussion forum initiated by the Australian colonial historian David Roberts.¹³⁵ Although there are several points of difference between the two historians about nature of the anti-transportation campaign, the main argument revolved around the subject of homosexuality: whether or not the promotion of homophobia was used by anti-transportationists to further

¹³¹ Babette Smith, *Australia's Birthstain*.

¹³² Babette Smith, *Australia's Birthstain*, p. 1-3.

¹³³ Apart from the clergy, Smith names Marcus Clarke's *For the Term of His Natural Life* as notable in promoting this perspective. This novel was published in 1874, nearly four decades after the anti-transportationist campaign.

¹³⁴ Alison Alexander, *Tasmania's Convicts*.

¹³⁵ *Journal of Australian Colonial History*, Vol. 14, January 2012, pp. 205-279. The papers included in the Discussion Forum were by David Roberts, 'Remembering "Australia's glorious League", The Historiography of Anti-Transportation Movement', pp. 205-215; Babette Smith, 'Comments on Tasmania's Convicts (2010)', pp. 216-220; Alison Alexander, 'A Reply to Babette Smith', pp. 220-221; Babette Smith, 'Beyond Birthstain: Further Research into Anti-Transportation Campaign in Australia', pp. 222-229; Tim Causer, 'Anti-Transportation, "unnatural crime" and the "horrors" of Norfolk Island', pp. 230-240; Hilary M. Carey, 'Clerics and the Beginning of the Anti-Transportation Debate', pp. 241-249; David Stoneman, 'Anti-Transportation: The Statesmen's Perspective', pp. 250-259; Stefan Petrow, '"Convict-phobia": Combating Vandemonian Convicts in 1850s and 1860s Victoria', pp. 260-271; Chris Holdridge, 'Putting the Global Back into the Colonial Politics of Anti-Transportation', pp. 272-279..

their cause.¹³⁶ The debate was entitled ‘Beyond “the Stain”: Rethinking the Nature and Impact of the Anti-Transportation Movement’.

Given the nature of my thesis, it is the stories of the hundreds of convicts included in *Australia's Birthstain*, often drawing upon the work of family historians, that I am particularly interested in.¹³⁷ This involvement of the work of family historians has provoked a response from two highly regarded Australian colonial historians one of whom is David Roberts, who has argued that: ‘Methodologically, [Smith’s] reliance on family history research may ... be problematic, because those convicts (or at least the male convicts) who had married, procreated and grew old were the luckiest of their cohorts and were less likely to have encountered the brutal depths of the system.’¹³⁸ The second, Hamish Maxwell-Stewart, makes the much harsher claim that *none* of the research by ancestors of male convicts can be used in support of Smith’s argument since those who married were ‘disproportionately drawn from the ranks of prisoners on short sentences who possessed colonially marketable skills’.¹³⁹ Smith indeed fails to acknowledge that family historians, in general, are not trained in the rigours of historical research.

¹³⁶ Smith argues that the issue of homosexuality was used misleadingly by the anti-transportationists in their efforts to end transportation.

¹³⁷ Smith’s case studies are centered on male convicts who were transported on four ships, two of which arrived in New South Wales in 1817 and 1832, one in Van Dieman’s Land in 1853 and the other in Western Australia in 1863.

¹³⁸ David Roberts, ‘Review Article. Bearing Australia’s “beloved burden”: recent offerings in Australian convict history’, *Journal of Australian Studies*, Vol. 33, No. 2, June 2009, p. 229.

¹³⁹ Hamish Maxwell-Stewart, *Australia's Birthstain: The Startling Legacy of the Convict Era* [Book Review], *Journal of Australian Colonial History*, Vol. 11, 2009, pp. 196-199. It is to be noted that half the convicts in our sample were transported for life rather than given a ‘short sentence’. See Table 2, Chapter 2. Furthermore reference to Table 3 in the Prosopography chapter shows occupations on arrival, while Table 9 compares them with those taken up in the colony. (At least eight in the sample took up different occupations.)

By including convict stories Smith asserts that she will explore 'the human face' behind the myriad of statistics published on convicts since archival material became readily available in Australia in 1951.¹⁴⁰ Surprisingly then, her book contains only a limited number of convicts whose lives are followed through from their sentencing in Britain to their deaths in Australia and, for the most part, these stories are scattered throughout the book rather than considered systematically. A case in point is the story of William Brodribb who stands out from the sample of poachers who were convicted in England in 1816. Brodribb was a 'gentleman' lawyer who, sympathizing with the poachers, administered an unlawful oath and was rewarded with the sentence of transportation for seven years. Details of the court case are given in Chapter 1 of *Australia's Birthstain* in two different segments; in Chapter 2 mention is made of how Brodribb's wife and children arrived in Van Dieman's Land in 1818 and of the success of his son in 1834; in Chapter 3 there are several separate mentions including how Brodribb shared a cabin on the convict transport with a friend, how he had written to his wife from the Cape of Good Hope; how he had journeyed from Sydney to Van Diemen's Land; taken positions with the Governor; bought land and built a house, received his conditional pardon; had assigned servants; hidden his convict status; opened a legal practice; received his absolute pardon and had a family of eight children. He is not heard of again until Chapter 8 when he and his family moved to Victoria.¹⁴¹ In Chapter 9 there is a passing mention and in Chapter 10 the move to Victoria is mentioned again as well as his death and that of his wife. In this chapter Smith asserts that Brodribb, along with several others named in the book, laid down

¹⁴⁰ Babette Smith, *Australia's Birthstain*. p. 6. When reading the review of Smith's book by Tim Causer one is tempted to believe that the lives of around 1100 convicts are followed from 'their convictions in Britain to their ultimate fates in the colonies.' This is not the case and it would be a monumental work were it to be so. Tim Causer, *Reviews in Australian Studies*, Vol. 3, No. 7, 2008, p. 1.

¹⁴¹ Although no mention of the date is made the family probably moved in 1853.

the foundations of modern Australia. In the final chapter, however, it is stated that he participated in the 'Black Line' that was formed in Van Diemen's Land between 1828 and 1832 with the intention of rounding up and exterminating all the indigenous inhabitants on the island. Hardly a commendable legacy.

The book contains the stories of numerous characters, which, like Brodribb's are dispersed throughout the text. Effectively, the reader has to put the lives back together. For me, the effect of not telling stories as complete stories is to diminish their import. More importantly, however, rich pictures of convict lives would make them amenable to prosopographical analysis facilitating valuable data to help understand the lives of convicts in general.¹⁴²

The same can also be said of the book by David Kent and Norma Townsend, *The Convicts of the Eleanor. Protest in Rural England. New Lives in Australia*. In the preface Kent and Townsend argue that they have 'recovered and reconstructed' the colonial lives of those from the *Eleanor*.¹⁴³ Kent and Townsend set out to marry the English lives of the convicted men known as the Wessex machine breakers, or Swing rioters, with their lives in Australia after transportation. The book is divided into two discrete sections but there is actually little continuity or linkage of the mini-biographies between the two. The Australian section, 'Reconstructed Lives', is written by Townsend. Much of it is concerned with generalities of the convict system, which,

¹⁴² In another of Smith's books an opportunity to employ prosopography was again not taken. See Babette Smith, *A Cargo of Women: Susannah Watson and the Convicts of the Princess Royal*, New South Wales University Press, Kensington, N.S.W., 1988.

¹⁴³ David Kent and Norma Townsend, *Convicts of the Eleanor. Protest in Rural England, New Lives in Australia*, Merlin Press, London, 2002, p. x.

although informative, is not in keeping with the stated aim of the book.¹⁴⁴ It is only when Townsend concentrates on places of assignment and marriages that individuals come to the fore. In doing so she relies heavily on registers of marriages, births and deaths; indeed the authors open their study by arguing that such records 'are usually the sum total of what is known of men and women in New South Wales after they left the convict system'.¹⁴⁵ But if these records are 'under-exploited' (as they claim) it is surprising that it 'proved impossible' to follow 47 the 138 transportees they consider 'after they became free'.¹⁴⁶ Moreover, the treatment of the other 91 is often relatively superficial and it is notable that there is no attempt to draw in the often richly-detailed biographical information from the English section to create accounts, where possible, of the course of an entire life.

It is here where I seek to locate my approach to the subject of convicts *cum* emancipists: a collective study of individual biographies. It comprises two core elements: first I will seek to offer an account of lives in aggregate. This is the heart of the prosopographical method. It provides a platform to consider themes, pose questions and offer prospective conclusions about the nature of the convict experience. To the best of my knowledge, it is the first study of its kind of convict-emancipists (and their families). I have revealed several 'common background characteristics' (to invoke again Stone's words); characteristics that, with due caution, can be extrapolated to an understanding of the wider convict-emancipist community.

¹⁴⁴ When generalizing about the large employers of convicts, the Australian Agricultural Company, by far the largest employer, is not mentioned.

¹⁴⁵ David Kent and Norma Townsend, *Convicts of the Eleanor*, p. x.

¹⁴⁶ David Kent and Norma Townsend, *Convicts of the Eleanor*, p. 235.

Second, I attempt to tell life stories; to record the trajectory of 15 convict lives before and after their punishment.

CHAPTER 2 PAST, PRESENT AND FUTURE: A PROSOPOGRAPHICAL ANALYSIS OF CONVICT LIVES

Unlike other studies that have written about the lives of convicts, I employ the lens of micro-prosopography to examine the lives of a group convicts *cum* emancipists collectively, not merely to seek statistical aggregations but to seek both the range and commonalities of their life experiences. Although 15 is a very small sample, there is sufficient information to gain an impression of the lives lived in the two hemispheres. The identikit portrait based on these impressions is offered as a provisional sketch that may, at the very least, raise questions.

The bibliographical portraits of these 15 men who were convicts, at one time at the AACo in Port Stephens or Newcastle, have been built up from a variety of sources as stated in the Introduction. Those included virtually selected themselves in accordance with the amount and relevance of the information found. Using information from these biographies this chapter will examine the numerous common experiences of these men both before and after they gained their freedom. In some cases it will also follow them beyond the grave, so to speak, to consider their legacy in the lives of their dependants. The chapter will conclude with an identikit portrait or composite picture of our 'typical' convict *cum* emancipist.

Table 1 Age & Year of transportation; Place of Birth

Name	Age when Transported	Year Transported	Place of Birth
Bray, Thomas	21	1831	London
Broadhead, Samuel	26	1824	Yorkshire
Collins, Edward	18	1830	Stafford
Collins, John	25	1830	Stafford
Earp, William	24	1824	Derbyshire
Goodman, James	61	1831	Worcester
Goodman, Thomas	16	1831	Stafford
Hampton, William	46	1837	Kent
Herring, Diogenes	17	1829	London
Hoyle, Patrick	22	1822	Louth, Ireland
Hyde, James	19	1827	Shropshire
McNally, Francis	35	1826	Meath, Ireland
Mulholland, James	18	1829	Dublin, Ireland
Randall, Charles	19	1828	London
Stephenson, James	22	1827	Derbyshire

*Source: SRNSW, Annotated Printed Indents.

Twelve of the 15 emancipists, or 80 per cent were born in England. Of these, one was born in Yorkshire in the north and seven in the Midlands – Staffordshire in the central midlands, Derbyshire in the east and Shropshire in the west; four were born in the south – three in London and one in Kent. The remaining three, or 20 per cent, were born in three adjoining counties on the east coast of Ireland – Dublin, Meath and Louth. The first historian to publish comprehensive statistical details of Australian convicts, Lloyd Robson, based his calculations on a sampling method of one in 20.¹ His results showed that 56 per cent were born in England, 23 per cent in Ireland and 5 per cent in Scotland and overseas.² This being the case, the present sample can possibly be considered as a reasonable representation of the distribution of the countries of birth.

¹ For a detailed explanation of the sampling method used see L.L. Robson, *The Convict Settlers of Australia*, Melbourne University Press, Melbourne, 1965, Appendix 1, pp. 139-144.

² He was unable to find the place of birth for 16% of his sample, presumably predominately for transportees 1821, when the records were often incomplete.

The fact that the convicts in our sample hailed from a variety of regions in the United Kingdom also provides us with an insight into an important feature of colonial society: the extraordinary variety of regional backgrounds, that is, from the natural rhythm of rural life that survived into the 19th century, to the regimen of the factory bell in a metropolitan centre that quickly overtook it; from the experience of labour in England's green and pleasant lands to that in its dark satanic mills; from life lived under the gaze of the squire to that observed by the factory boss; and even to the odd discord between accents cultivated in different parts of the country, which are discussed below.³

The 15 men were born between the years of 1770 and 1818 and lived for a mean of 65½ years. This is six and a half years longer than men were expected to live in Australia at the end of the 1800s⁴ – they did well. The youngest to die was Earp at the age of 31 and the oldest James Goodman, at the age of 91. The average age of death is also significantly higher than Britain, which, by 1900, was only 47 for men. Ironically, then, for these men transportation was good for them. Their ages when transported ranged from 16 to 61 with the 16-year-old boy, Thomas Goodman, the son of 61-year-old James.⁵ Six of the 15, or 40 per cent, were in their teens, another six were aged between 21 and 26, again 40 per cent, while the remaining three, 20 per cent, were aged from 35 to 61. It becomes obvious from looking at the number of those aged

³ Dialects can be defined as 'differences in grammar and vocabulary' and accents 'varieties of pronunciation'. Arthur Hughes, *English accents and dialects: an introduction to social and regional varieties of British English*, London, 1979, p.2. See also E.P. Thompson, 'Time, Work, Discipline, and Industrial Capitalism', *Past and Present*, No. 38, December 1967, pp. 56-97; Arthur Redford, *Labour Migration in England*, Manchester, Manchester University Press, 1964.

⁴ See Ruth Weston, Lixia Qu and Grace Sorino, 'The Changing Shape of Australia's Population', *Australian Institute of Family Studies*, No. 10, September 2001, <http://www.aifs.gov.au/institute/pubs/briefing10.pdf>.

⁵ Although the Goodman father and son were parted after the convict transport arrived at the dock, by coincidence they both worked at different times at the AACo.

below 26 that the *mean* of 25.9 years for the sample gives a false picture as it is skewed by the ages of the three older men – McNally, 35, Hampton, 46 and the 61-year-old James Goodman. It is therefore the *median* age of 22 years that gives a better representation although the mean age does correspond with that given by Robson of 25.9. The age of 40 per cent of teenagers in our sample is higher than that given by Robson for all male convicts, 19 per cent, while the percentage of those aged between 21 and 26, 40 per cent, is approximately the same as Robson if his figures in the categories of ages 20 to 24 and 25 to 29 are extrapolated. The 20 per cent for the three men in our sample aged between 35 and 61 is higher than that of Robson, 13 per cent, although Robson did not have the data that accounted for 9 per cent of his sample. Even though our sample is small and thus the percentages are easily distorted, the ages of our emancipists are weighted more heavily in both the younger and older age ranges than those of Robson.

As mentioned in the Introduction, the men in our sample were transported between 1822 and 1837. According to Robson, they were in company with 19,280 males transported to New South Wales in the 1820s and 27,560 in the 1830s.⁶ The other historian to publish statistical information just a year after Robson, A.G.L. Shaw, showed figures that differed slightly – 18,489 transportees in the 1820s and 27,309 in the 1830s.⁷ Both Robson (14,600) and Shaw (13,923) show that transportation of males to New South Wales peaked between 1830 and 1834, when, from among our cohort, the Collins brothers and the Goodman father and son were transported. The

⁶ L.L. Robson, *The Convict Settlers of Australia*, p 146. These figures, however, disagree with those given by him on p. 153 which are higher.

⁷ A.G.L. Shaw, *Convicts and the Colonies. A Study of Penal Transportation from Great Britain and Ireland to Australia & Other Parts of the British Empire*, Melbourne University Press, Melbourne, 1998, pp. 365-367.

transportees for the period between 1835 and 1839, Robson (12,860) and Shaw (13,386), included Bray, Hampton and Hyde.

Table 2 Place of Birth & Conviction; Crime & Sentence

Name	Place of Birth	Place of Conviction	Crime	Sentence
Bray, Thomas	London	Lincoln	Burglary of silver watch	Life
Broadhead, Samuel	Yorkshire	Nottingham	Highway robbery	Life
Collins, Edward	Stafford	Worcester	Stealing donkey	Seven
Collins, John	Stafford	Worcester	Stealing donkey	Seven
Earp, William	Derbyshire	Derbyshire	Stealing clothes, etc.	Life
Goodman, James	Worcester	Stafford	Buying stolen poultry	14
Goodman, Thomas	Stafford	Stafford	Buying stolen poultry	14
Hampton, William	Kent	Kent	Stealing firewood	Seven
Herring, Diogenes	London	Surrey	Stealing watch	Seven
Hoyle, Patrick	Louth, Ireland	Louth	Stealing calico	Seven
Hyde, James	Shropshire	Shropshire	Highway robbery	Life
McNally, Francis	Meath, Ireland	Galway	Firing with intent to kill	Life
Mulholland, James	Dublin, Ireland	Dublin	House robbery	Life
Randall, Charles	London	London	Stealing musical instruments, etc.	Life
Stephenson, James	Derbyshire	Northampton	Stealing handkerchiefs	14

*Source: SRNSW, Bound Manuscript Indents.

Almost half the men in our sample were sentenced to life for their crimes. This not only included the men who committed the more serious crimes listed in Table 2 – Broadhead, Hyde, McNally and Mulholland – but three whose crimes were of a more minor nature (Bray, Earp and Randall). The Goodmans were each given 14 years as was Stevenson. Those receiving seven years were the Collins brothers, Hampton, Herring and Hoyle. With 47 per cent transported for life, 20 per cent for 14 years and

only 33 per cent for seven years, our sample does not correlate with that of Robson that shows half of all male convicts to have been transported for seven years.⁸

A little over half of the men were not convicted in the county of their birth. This proportion that migrated within the United Kingdom was far higher than that of the general population where, notwithstanding the fact that this was a period of substantial growth in labour migration, 'the great majority ... [clung] to their own home'.⁹ Despite having been caught for committing a crime, they seemingly showed more enterprise in their quest for employment than most.¹⁰ Whether they travelled even further afield is unknown.¹¹

Seven of the eight to have migrated were English and the eighth was Irish. Englishmen Broadhead and James Goodman, who had both been soldiers, almost certainly found themselves without work when demobbed after the Napoleonic Wars ended in 1815. Life now for the poor in Britain was even harder than previously: Parliament chose this time to pass the Corn Laws, laws that protected the landed gentry at the expense of the poor by placing taxes on imported grain. As a consequence the price of bread

⁸ Robson, *The Convict Settlers of Australia*, p 154. My reading has revealed that historians generally accept Robson's calculation that half of all male convicts were transported for seven years.

⁹ Redford, *Labour Migration*, p. 157.

¹⁰ At this time population was on the increase, possibly due to the drop in infant mortality. See John Burnett, *Plenty and Want. A social history of diet in England from 1815 to the present day*, Thomas Nelson and Sons, London, 1966, p. 1. Infant mortality in England and Wales, as well as in the colony, is discussed below. According to Redford, 'Between 1800 and 1850 the population of Great Britain practically doubled itself, increasing from under eleven million to more than twenty-one millions'. He queries, however, the reasons given for the natural increase in population due 'to the inadequate statistics of the time.' *Labour Migration*, pp. 12 and 15. Be this as it may, Burnett maintains that by the middle of the century 'more than one third of the whole adult population had no regular employment.' Burnett, *Plenty and Want*, p. 136.

¹¹ The book *Convict Workers*, in the chapter entitled 'Convicts as Migrants', makes the misleading claim that by comparing 'the birthplace of convicts with their country of trial, the extent of pre-transportation migration can be easily calculated.' Stephen Nicholas (Ed), *Convict Workers, Reinterpreting Australia's Past*, Cambridge University Press, Cambridge, 1988, p. 54.

became exorbitant. Broadhead was only 17 at this time and presumably needed to travel to find work as a labourer (another occupation given for him). At the very least he went from Leeds in West Yorkshire to Nottinghamshire, a county adjoining to the south, where he was convicted. On the other hand, James Goodman, from Worcestershire, was 45 when the war ended and possibly spent the seventeen years before he was transported either working or looking for work to provide for himself, his wife and four children. He also became severely disabled – blind in one eye, nearly blind in the other and an unusable right arm. Although described as a carter in addition to a soldier, no doubt he took whatever work he could find in his travels north through Worcestershire to the adjoining county of Staffordshire where he and his son were convicted.¹²

Bray, a 21-year-old English labourer born in London, travelled north through at least two other English counties to Lincoln¹³ where he committed his crime. The Collins brothers, who were 18 and 25 years of age and both with the occupation ‘ploughs, reaps, shears and milks’,¹⁴ presumably travelled through Staffordshire to the county of Worcestershire to the south where they were convicted. Herring was also a farm worker and only 13 when convicted in Surrey for stealing a watch. He may have been forced to live by his wits on the streets as he travelled from his birthplace in Thames

¹² Staffordshire was particularly known for its coalmines by the first part of the 19th century. Goodman possibly thought there were more work to be had there than in Worcestershire although, according to Arthur Redford, *Stafford*, together with Warwick, ‘had much the densest population’. Arthur Redford, *Labour Migration*, p. 13.

¹³ Bray was convicted in 1837 and presumably was hoping for work in Lincoln as, around this time in some of the parishes, a ‘labourer had a cottage and garden rent-free, a rood of land for potatoes, and the keep of a pig: some were even able to pasture a cow in return for some deduction in their wage’. John Burnett, *Plenty and Want*, p. 27.

¹⁴ Burnett had added ‘shepherds’ to these occupations.

Ditton, London, south-west to the county of Surrey trying to find work.¹⁵ At his age, the pay for his work would have barely kept him alive.¹⁶

Stephenson, a 22-year-old stockinger¹⁷ and bargeman, went from Derbyshire, south to Northamptonshire where he was convicted, presumably travelling through the county of Leicestershire looking for employment. On the other hand, there is a clear reason why the Irishman policeman, McNally, aged 35, was convicted on the other side of the country to that of his birth. After returning to Ireland from the Napoleonic wars in 1815, he married in his home county of Louth on the east coast and moved with his wife across the country to Galway on the west coast to take up a position with the police force.

¹⁵ Although unknown, Herring may have spent time in a London refuge for the destitute. See Megan Webber, 'Reformation and Recidivism: The London Refuge for the Destitute, c. 1806-1849', Feature Article in *Chainletter*, No. 11, August 2012, pp. 2-7, <http://foundersandsurvivors.org/node/92142>.

¹⁶ It is possible that Herring earned approximately 2s. per week, the wage for an agricultural labourer aged 12 years as cited by Burnett, who also gives the cost of feeding an adult male labourer at 6s. per week. John Burnett, *Plenty and Want*, p. 26 P. 27.

¹⁷ A stockinger was a stocking weaver.

Table 3 Time in English Gaols and Hulks

Name	Gaol	Time in Gaol	Hulk	Time on Hulk	Total Time in Gaol & Hulk
Bray, Thomas	Lincoln	2m	<i>Ganymede</i>	5m	7 months
Broadhead, Samuel	Nottingham	2m	<i>Ganymede</i>	2m	4 months
Collins, Edward	Worcester	4m	<i>Retribution</i>	4m	8 months
Collins, John	Worcester	4m	<i>Retribution</i>	4m	8 months
Earp, William	Derby	3d	<i>Ganymede</i>	1.5m	1.6 months
Goodman, James	N/A**	1m	<i>Justitia</i>	3d	1 month 3 days
Goodman, Thomas	N/A	1m	<i>Justitia</i>	3d	1 month 3 days
Hampton, William	Horsemonger Lane	0.75m	<i>Fortitude</i>	7m	7.75 months
Herring, Diogenes	N/A	N/A	<i>Justitia/ Bellerophon/ Euralus</i>	5 yrs	5 years +
Hoyle, Patrick***					
Hyde, James	Shrewsbury	2.5m	<i>Justitia</i>	2m	4.5 months
McNally, Francis***					
Mulholland, James***					
Randall, Charles	Newgate	3m	<i>Ganymede</i>	0.75m	3.75 months
Stephenson, James	Ipswich	1m	<i>York</i>	2m	3 months

*Source: SRNSW (PRO), *Hulks – Miscellaneous Convict Prison Registers*. Gaol details included in hulk records.

**Not available

***No Gaol or Hulk information available for the three Irishmen.

Reference to Table 3 shows that the 12 men from England spent between three days and four months in gaol. It should be noted that all of these men were incarcerated in their local gaol and were not sent straight to the hulks or to a holding gaol in London such as Newgate as claimed by previous historians such as Mayhew and Binney.¹⁸ They spent between three days and five years on the hulks which were moored in several of the English ports in the vicinity of the Thames and further south around the coast.

¹⁸ The exclusions were Randall and Hampton as Newgate was one of their 'local' gaols.

Although we know where the English convicts in our sample were incarcerated before they left Britain, these details are not available for the three Irishmen as indicated.

Table 4 Occupation & Crime

Name	Occupation in Britain	Crime Committed
Bray, Thomas	Labourer	Burglary silver watch
Broadhead, Samuel	Soldier, labourer	Highway robbery
Collins, Edward	Ploughs, reaps, shears and milks	Stealing donkey
Collins, John	Ploughs, reaps, shears, milks and shepherds	Stealing donkey
Earp, William	Tailor	Stealing clothes, etc
Goodman, James	Soldier, Carter	Buying stolen poultry
Goodman, Thomas	Carter	Buying stolen poultry
Hampton, William	Labourer	Stealing firewood
Herring, Diogenes	Farm worker, Tailor's boy	Stealing watch
Hoyle, Patrick	Reaper	Stealing calico
Hyde, James	Collier	Highway robbery
McNally, Francis	Policeman	Firing with intent to kill
Mulholland, James	Barber	House robbery
Randall, Charles	Hairdresser/barber	Stealing musical instruments, etc
Stephenson, James	Stockinger, Bargeman	Stealing handkerchiefs

*Source: SRNSW, Bound Manuscript Indents.

Referring to Table 4, it can be seen that the occupations of those convicted outside of their home county were either semi-skilled or unskilled. The occupations of the other seven in the sample – that is, those who committed their crime in the county of their birth – are harder to assess in terms of their skills. Earp, for example, at 24 years of age, was likely to have had some years of experience as a tailor. On the other hand, Mulholland and Randall were much younger at 18 and 19 years of age respectively, and even if they started working at a very young age, it is impossible to know their level of skill in their occupations as a barber and hairdresser. Four of those remaining had relatively unskilled occupations: 16 year-old Thomas Goodman was a carter,

Hampton, 46, a labourer, Hyde, 19, a collier and the 22-year-old Irishman, Hoyle, a reaper. When read alongside the findings of Robin Haines and John Macdonald in relation to the convict population between 1817 and 1840, the Port Stephens sample was less skilled than the norm when they were transported. Haines and Macdonald found that 42 per cent of male convicts could be described as 'skilled' (compared to only three or four in our sample). They found that 30 per cent were unskilled whereas the number among the Port Stephens convicts was certainly higher.¹⁹

Wages attached to these skill levels were presumably low,²⁰ and it is not unlikely that some resorted to crime in order to survive. The nature of the crimes committed is available for all 15 men as shown in Table 4. All but two crimes involved theft and, on the face of it, eleven of these were trivial, or at least by to-day's standards. William Hampton stole firewood, Stephenson handkerchiefs, Earp clothes, Hoyle calico, the Collins boys' a donkey, Bray and Herring each stole a watch, Randall musical instruments and a wig, while the Goodman father and son were caught receiving stolen poultry. More serious was that of Mulholland who was caught robbing a house and of Hyde and Broadhead, each of whom committed highway robbery. Last of all is the Irish policeman, McNally, who was convicted for shooting with intent to kill when attempting to break up a riot.

¹⁹ Robin Haines and John Macdonald, 'Skills, Origins and Literacy: A Comparison of the Bounty Immigrants into New South Wales in 1841 with the Convicts Resident in the Colony', *Australian Economic History Review*, vol. 2, no. 42, pp. 151-2.

²⁰ Given that their crimes were committed between 1822 and 1837, during this period wages could vary not only according to the county in which they worked but also according to the area within the county. In 1824, 'in the district of Wingham in Kent, for example, wages in some parishes were 6d. a day, and in others 1s.6d.' John Burnett, *Plenty and Want*, p. 17.

Table 5 Days on Ship

Name	Ship	Days on ship before leaving Britain	Days on Voyage	Days on ship before disembarking Sydney	Total days on Ship
Bray, Thomas	<i>Norfolk</i>	22	108	9	139
Broadhead, Samuel	<i>Minerva I</i>	12	128	6	146
Collins, Edward	<i>Nithsdale</i>	13	131	9	153
Collins, John	<i>Nithsdale</i>	13	131	9	153
Earp, William	<i>Minerva I</i>	12	128	6	146
Goodman, James	<i>York I</i>	10	156	11	177
Goodman, Thomas	<i>York I</i>	10	156	11	177
Hampton, William	<i>Lloyds</i>	7	110	N/A**	117 +
Herring, Diogenes	<i>Mellish</i>	61	106	N/A	167 +
Hoyle, Patrick***	<i>Isobella I</i>	N/A	125	5	130 +
Hyde, James	<i>Prince George</i>	35	114	3 +	152 +
McNally, Francis***	<i>Mangles</i>	N/A	118	N/A	118 +
Mulholland, James***	<i>Fergusson</i>	N/A	130	N/A	130 +
Randall, Charles	<i>Florentia</i>	37	110	11	158
Stephenson, James	<i>Midas</i>	14	122	14	150

*Source: Calculated from information included in SRNSW (PRO), *Journals of the Surgeon Superintendents en route for the Australasian Colonies* (Admiralty Dept.) and Sydney newspapers.

**Not available

***Less information available for the Irish convicts

When considering the length of time convicts spent on these vessels, it is usual to take into account only the days undertaken on the voyage itself²¹ - the days spent on board at the beginning and end of the voyage are not included. This is something that is not normally recognized by historians and other writing about convicts and ship life. Take James Hyde as an example. While his voyage on the *Prince George* took 114 days – a long enough punishment in itself – he actually was on the ship for 35 days before it left

²¹ These numbers can be found in the book by Charles Bateson, presently the only authority on Australian convict marine history. Charles Bateson, *The Convict Ships 1787-1868*, Brown Son & Ferguson, Glasgow, 1959. Kirsty Reid is writing a book provisionally entitled 'Australia Bound: convict voyaging, 1788-1868'. For details of her work to date see her blog: <http://convictvoyaging.blogspot.com.au/>.

British waters and a further of three days minimum before he was able to disembark in Sydney. Thus he was incarcerated on the *Prince George* for 152 days, not just 114.

From the information available for our sample, the average time spent on board before commencing the voyage was 22.5 days and the average number of days before disembarkation was a further 8.5 days. These men, therefore, were confined for an average of 31 days before and after the voyage in addition to the average of 125 days spent on the voyage itself.

Table 6 Number Affected by Scurvy on Ships; Deaths on Ships

Ship	Convict on Ship	No. on Board	No. with Scurvy	Deaths from Scurvy	Total deaths
Fergusson	Mulholland	216	69	2	2
Florentia (1)	Randall	165	0	0	1
Isobella I (2)	Hoyle	200	No sick list	N/A**	0
Lloyds (2)	Hampton	200	0	0	0
Mangles (4)	McNally	190	2	0	2
Mellish (1)	Herring	170	1	0	0
Midas (2)	Stephenson	148	6	2	5
Minerva I (4)	Broadhead & Earp	172	0	0	2
Nithsdale	Collins x 2	184	0	0	1
Norfolk (5)	Bray	280	'A few'	0	2
Prince George	Hyde	250	4	3	7
York I (2)	Goodman x 2	156	0	0	2

* Source: SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.),

**Not available.

Surgeon's Journals are available for the 12 ships transporting the convicts in our sample.²² Four of these men were named as treated during the voyage: Hampton on the *Lloyds* suffered a cold; Earp on the *Minerva* had fever and dysentery accompanied by loss of appetite, nausea and headaches; John Collins had an aching back and limbs, and suffered a continuing fever while his younger brother, Edward, suffered an

²² Surgeons were given more authority after 1815 and were known formally as Surgeon Superintendents. David Kent and Norma Townsend, *Convicts of the Eleanor. Protest in Rural England, New Lives in Australia*, The Merlin Press Ltd., London, 2002, p. 149.

inflammation of external areas of his body. Reference to Table 6 shows that very few convicts on these ships contracted scurvy except for those on the *Fergusson* where one third were affected. Although the Journals on the *Isobella* and the *Norfolk* did not name the patients who had scurvy, it seems almost certain that all the convicts in our sample were lucky enough to escape this debilitating and sometimes fatal disease.²³

Table 7 Religion and Literacy

Name	Religion	Read & Write	Read Only	Illiterate
Bray, Thomas	Protestant	Yes		
Broadhead, Samuel	Protestant	N/A**	N/A	N/A
Collins, Edward	Protestant		Yes	
Collins, John	Protestant	Yes		
Earp, William	N/A	N/A	N/A	N/A
Goodman, James	Roman Catholic		Yes	
Goodman, Thomas	Protestant			Yes
Hampton, William	Methodist		Yes	
Herring, Diogenes	Protestant	Yes		
Hoyle, Patrick	N/A	N/A	N/A	N/A
Hyde, James	Protestant			Yes
McNally, Francis	Protestant	Yes		
Mulholland, James	Roman Catholic	Yes		
Randall, Charles	Protestant	Yes		
Stephenson, James	Protestant		Yes	

* Source: SRNSW, Bound Manuscript Indents.

**Not available.

The religion of 13 of the 15 emancipists was recorded.²⁴ Eleven, or three-quarters of these were Protestant; all were English except for the Irishman McNally who, according to the ship's indent, had been Roman Catholic but was now Protestant.

While a further Englishman, Goodman Snr, was recorded as Roman Catholic, his son was recorded as Protestant, perhaps indicating a recording error in the case of one or

²³ Ruth Walker and David Walker, however, have noted that convicts in early New South Wales were more prone to scurvy on land than at sea because of the availability of lime and lemon juice. See: R. Walker and D. Roberts, *From Scarcity to Surfeit: a history of food and nutrition in New South Wales*, UNSW Press, Sydney, 1989, p. 11.

²⁴ Neither Englishman Earp nor Irishman Hoyle had their religion recorded.

the other. The Irishman Mulholland's religion was recorded as Roman Catholic.²⁵ The appellation 'Protestant' is unhelpful as it is unlikely to correspond to 'Anglican' and thus obscures any record of levels nonconformity, which the census of religious practices conducted in Britain two decades later would show were a significant minority of church-goers. The fact that a religion was recorded in the overwhelming number of cases, however, is in contrast to the finding of the census that shows the majority of Britons were not attending church.²⁶ The sample – small though it is – roughly accords with the findings of Robin Haines and John Macdonald. They found that, unlike the free settlers (divided roughly evenly between Protestant and Catholic), over two-thirds of convicts transported between 1817 and 1840 were Protestant.²⁷

With regard to literacy, information is only available in 12 cases.²⁸ Of these two – the younger Goodman and Hyde – could neither read nor write. While four – Goodman Snr, Edward Collins, Hampton and Stephenson – could read but not write; six were recorded as being able to both read and write. This is in line with Haines and Macdonald's finding from an examination of all convicts sent to New South Wales (1817-1840). They found that 50 per cent of convicts could read and write; 22 per cent could read only and 29 per cent could do neither. This was considerably lower than for

²⁵ Although some sectarian violence occurred in the colony, measures were taken to avoid antagonism between Roman Catholics and Protestants. An example is the decision taken by Governor Bourke in 1836 to provide government funding in equal measure to the Church of England, the Catholic Church and the Presbyterians. See John Hirst, *Sense & Nonsense in Australian History*, Black Inc. Agenda, Melbourne, 2006, pp. 13-15.

²⁶ See K.S. Inglis, *Churches and the Working Classes in Victorian England*, Manchester University Press Manchester, 1963.

²⁷ Robin Haines and John Macdonald, 'Skills, Origins and Literacy', p. 148.

²⁸ The literacy of two Englishmen was not recorded – Broadhead from Yorkshire and Earp from Derbyshire. The third was the Irishman Hoyle from County Louth.

the immigrant population.²⁹ Notwithstanding the fact that compulsory education did not come into force in England until the 1870s, 73 per cent of migrants in 1840 could read and write; 11 per cent read only and only 17 per cent were illiterate. Included among six fully literate in our sample three hailed from London (Randall, Bray and Herring); John Collins from Stafford and two of the three Irishmen (Mulholland and McNally) were from Dublin and Galway respectively. It is clear from the foregoing that five and possibly six of those recorded as being able to read and write were from cities rather than from rural areas. This is unsurprising. Stephen Nicholls and Peter Shergold have also shown that the convict population in the Australian colonies generally was more literate than in Britain, which they attribute to the fact that the majority came from urban areas where literacy rates were higher.³⁰

²⁹ See: Manfred Görlach, *English in Nineteenth-Century England*, Cambridge University Press, Cambridge, 1999, pp 45 and 7. In Australia before the 1870s, schools were built by the government only if the local residents helped pay for some of the costs. After this time the government provided the full cost. See John Hirst, *Sense & Nonsense in Australian History*, p. 309. It is not known whether any of the children of the emancipists in the sample received any formal education, although it can be seen from Randall's biography that he was against compulsory education.

³⁰ See S. Nicholls, *Convict Workers*, p. 82. See also Haines and Macdonald, 'Skills, Origins and Literacy', p. 150.

Table 8 Offences before conviction and after arrival in the colony; Punishment; Offences of relatives in Colony

	No. Offences before conviction in Britain	Offences after arrival in colony	Punishment	Offences and punishment of Relatives in colony
Bray, Thomas	0	Absconding x 3 Unknown crime	Unknown Sydney Gaol	
Broadhead, Samuel	N/A**	Robbery plus another unknown crime	Newcastle & Sydney Gaols, Moreton Bay	Wife, Sydney Gaol & Female Factory four times for unknown crimes, illegally at large
Collins, Edward	0	Assault Unknown crime	Moreton Bay Newcastle Gaol	Son, stealing
Collins, John	2	Nil known		
Earp, William	1	Absconding many times, Theft	Flogging, Treadmill, Ironed Gang	
Goodman, James	1	Nil known		
Goodman, Thomas	0	Nil known		
Hampton, William	1	Nil known		Son, daughter-in-law and three grandsons, mainly for stealing cattle
Herring, Diogenes	0	Nil known		
Hoyle, Patrick	N/A	Absconding many time Assault	Sydney Gaol x two, Emu Plains, Port Macquarie, Newcastle in double irons, Flogging. House of Correction	
Hyde, James	0	Disobedience, Drunkenness x 2, Robbery. Unknown crime	Newcastle gaol x four Newcastle Gaol with hard labour	First wife, stealing. Father-in-Law, unknown crime, Newcastle gaol, Port Macquarie. Spoiling work & insolence, Newcastle Gaol, Flogging.
McNally	0	Nil known		
Mulholland, James	2	Absconding, burglary, disorderly conduct & absence from work	Sydney Gaol, H.P. Barracks Newcastle Gaol x two Newcastle Gaol again with hard labour	Wife, drunk & disorderly, seven days Newcastle Gaol.
Randall, Charles	0	Nil known		
Stephenson, James	0	Manslaughter	Died before sentencing	Second wife, manslaughter, gaoled for six months.

*Source: SRNSW, *Bound Manuscript Indents*; other data from various sources cited in individual Biographies.

**Not available.

The 'contamination' that supposedly occurred as a result of consorting with convicts will be discussed in a later chapter but it is useful to visit this subject now and look principally at anomalies that are not apparent from a simple reading of Table 8 above. This relates to five of our convicts but particularly to William Hampton and the crimes committed by members of his family. Hampton's good behaviour while assigned to the AACo convinced the Superintendent to recommend that his wife and children be allowed to join him. Although his wife did not come, many of his family, including his older children and a brother, came to the colony as free settlers. Whereas the Table might give the impression that his son, daughter-in-law and three grandchildren listed were 'contaminated' by Hampton's criminal tendencies, with the exception of one of his grandchildren, it is most unlikely that they were ever reunited in the colony. Hence criminality by association – familial contamination – can, for the large part, be ruled out. The cycle of crime, however, evident in the family is explored in his biography.

Looking briefly at the other anomalies, in the case of both Hyde and Stephenson and their wives, reference to their biographies will show that it is more likely that alcohol rather than criminality was the contaminating factor. Furthermore, although Hyde's father-in-law had a criminal history in the colony, it is unlikely that he and Hyde ever met. With regard to Broadhead and Mulholland, there was also no contamination as the crimes of each of their wives occurred before they knew one another. Another case, however, that of Edward Collins, is different. Although Collins himself committed a crime after arrival in the colony, his son was sent to gaol for nine months for stealing from Collins himself. In reporting the crime, it would appear that Collins was determined that his son would not follow him down the criminal path.

While two of the 15 did not have their previous criminal history recorded, of the five that are known to have been recidivists, only two of these went on to commit crimes in the colony: Earp from Derbyshire in the English midlands, who absconded several times and committed a theft, and the Irishman Mulholland who absconded twice, was charged with burglary, disorderly conduct and absence from work. While Earp died before his emancipation, Mulholland went on to live a blameless life as far as the law was concerned. On the other hand Hoyle, another Irishman, was not recorded as being a recidivist in Ireland, but in addition to absconding many times in the colony, went on to commit a crime after emancipation when he was gaoled for assault.

Table 9 Sentences, Crimes in colony, Years bonded

Name	Sentence	Year of sentence	Crimes in colony	Final ToL	Certificate of Freedom	No. of years bonded
Bray, Thomas	Life	1836	3	1848	1850	14
Broadhead, Samuel	Life	1824	2	1838	1846	22
Collins, Edward	Seven	1828	1	1834	1837	9
Collins, John	Seven	1828	0	N/A**	1835	7
Earp, William	Life	1824	5	N/A	Died 1832	8
Goodman, James	14	1830	0	1838	1844	14
Goodman, Thomas	14	1830	0	1842	1844	14
Hampton, William	Seven	1836	0	1842	N/A	N/A
Herring, Diogenes	Seven	1824	0	N/A	1831	7
Hoyle, Patrick	Seven	1821	5	N/A	1833	12
Hyde, James	Life	1836	2	1847	1850	14
McNally, Francis	Life	1825	0	1834	1840	15
Mulholland, James	Life	1829	6	1848	1854	25
Randall, Charles	Life	1827	0	1838	1844	17
Stephenson, James	14	1826	1	1833	1840	14

* Source: SRNSW, *Bound Manuscript Indents*; other data from various sources cited in individual Biographies including Ticket of Leave and Certificate of Freedom Butts.

** Not available.

The length of the initial sentence and subsequent behaviour in the colony were crucial factors in determining when convicts were issued with their ticket of leave and certificate of freedom. Convicts could request that their ticket of leave be given for a particular district and once approved they were paid for work performed. A condition of the ticket was that they report to a specified authority once a month and stay in the district for which the ticket was issued; it was usually issued for one year at a time. Attendance at church every Sunday was required unless precluded by distance.

Table 9 above shows the time between sentencing and the granting of freedom. While the New South Wales Act of 1823³¹ stipulated that original sentences were to be extended by any further 'sentences of transportation' meted out by magistrates for secondary crimes, according to Hirst, this power was rarely used and ceased altogether after 1830.³² It was the responsibility of the convict to apply to the local magistrate when they considered their term had been served and, after approval and verification with reference to the ship's indent in Sydney, a certificate would be issued.

Looking at six of our seven convicts who were transported for life,³³ the time from sentencing to freedom ranged between 14 years for Bray and 25 years for Mulholland. A possible explanation for the difference lies in the marital situations in which these two found themselves. Bray, who had been settled in Pambula on the New South Wales south coast for two years with his ticket of leave, had met a free settler,

³¹ The official name of this Act was the Act for the Administration of Justice in New South Wales and Van Diemen's Land, 1823 (4 Geo. IV, c.96). *A Source Book of Australian Legal History. Source Materials from the Eighteenth to the Twentieth Centuries*. Selected and Edited by J.M. Bennett and Alex C. Castles. The Law Book Company, Sydney, Melbourne, Brisbane and Perth, 1979.

³² See John Hirst, *Sense & Nonsense in Australian History*, pp. 107-108.

³³ Earp has been excluded as he died before gaining his freedom.

Johanna, whom he desired to marry. This may have provided additional incentive to prove that his convict past was behind him (or even kept it hidden, as generations would later seek to do). Either way no reference to his former status appear on his marriage certificate, having had his certificate of freedom formalized two weeks before the wedding ceremony.³⁴ Mulholland, on the other hand, already had a wife and seven children to provide for.³⁵ Although he was earning as a blacksmith he was in debt to the AACo from whom he had purchased land in Newcastle. Mulholland had committed crimes in the colony but there is no evidence that his sentence was extended as a result. Either or both of these circumstances may have hampered his efforts to obtain a certificate of freedom. Or perhaps he was unconcerned to do so. After all, his ticket of leave had provided him with all the opportunities of regular civilian life in the British world including debt.

The case of Edward Collins is another instance that suggests that a formal certificate of freedom, as opposed to a ticket of leave, was of less importance to some convicts than it would be to later generations who would go great lengths to hide the 'stain' on their past. According to the index of the State Records of New South Wales, Collins was issued with two certificates of freedom, one in 1837 and another in 1842. In fact, his 1837 certificate had been returned 'mutilated' in 1842 and had to be reissued.

³⁴ Although Bray had absconded from the AACo on three occasions his sentence had not been extended. It had been suggested only that he be fined.

³⁵ Mulholland's wife had been married twice previously and brought four children with her to their marriage.

Table 10 Occupation in Britain and Occupation in NSW

Name	Britain	NSW
Bray, Thomas	Labourer	Farmer
Broadhead, Samuel	Soldier, Labourer	Carrier, Inn Lessee
Collins, Edward	Ploughs, Reaps, Shears & Milks	Carter, Spirit Merchant, Farmer
Collins, John	Ploughs, Reaps, Shears, Milks & Shepherds	N/A**
Earp, William	Tailor	Tailor, Convict Constable
Goodman, James	Soldier, Carter	N/A (disabled)
Goodman, Thomas	Carter	Labourer, Bullock Driver
Hampton, William	Labourer	Gardiner, ? Shepherd, Farmer
Herring, Diogenes	Farm Worker, Tailor's Boy	Farm Worker
Hoyle, Patrick	Reaper	Labourer, Fencer, Basket Weaver
Hyde, James	Collier	Bushman
McNally, Francis	Policeman	Groom, Furrier, Master of Stud, Vet
Mulholland, James	Barber	Blacksmith, Shearer
Randall, Charles	Hairdresser, Barber	Hairdresser, Lodging House Keeper, Sawyer
Stephenson, James	Stockinger, Bargeman	Inn Keeper, Mill & Sales Yard Owner

*Source: SRNSW, *Bound Manuscript Indents*; other data from various sources cited in individual Biographies.

** Not available.

It is clear from Table 10 that eventually at least eight men from our sample took up different occupations in the colony – two-thirds of the cases where information is available.³⁶ A direct comparison shows, at first glance, that the majority of these were occupations with the same or similar level of skill. Prior to transportation, however, none appears to have been in ‘business’ whereas in New South Wales six had apparently achieved this status. Interestingly, there was only three who became farmers. This would have surely surprised British audiences familiar with the spectacular success of Charles Dickens’ well-known portrait of the convict-cum-

³⁶ This finding is contrary to the statement in *Convict Workers* that the ‘jobs convicts were assigned to in the colony often corresponded with the trades they practised in Britain’. In order to arrive at this conclusion, the authors linked the occupations shown in the 1828 muster with those from Britain, that is, those listed on the indents when the convicts arrived in the colony. The accuracy of the indent information is unknown; it is known that the occupational data in the 1828 muster is unreliable. See: Stephen Nicholas (Ed.), *Convict Workers. Reinterpreting Australia's Past*, Cambridge University Press, Cambridge, 1988.p. 82.

wealthy pastoralist, Magwitch. There were no Magwitchs among our sample.³⁷ It is clear that there was no dramatic rise in social standing – with the possible exception of McNally who went from a policeman in Ireland to a ‘vet’ and Stephenson who had a succession of apparently successful businesses.

Moreover, the simple titles in a table often obscure the complexity of real life. Among those who ostensibly bettered themselves were some signal failures: Randall became insolvent; Broadhead’s lease on his inn was not renewed and Hyde’s liking for alcohol possibly thwarted his success as a bushman. Unfortunately, too, Stephenson’s changed occupation from a stockinger and bargeman to publican most likely led to be his eventual downfall.³⁸ Not all failed of course: as we shall see, there were those who succeeded well in their changed occupations.

³⁷ One of Barbara Herring’s brothers, however, was a pastoralist and went on to become the richest man in Auustralia. See Biography of Diogenes Herring

³⁸ Although a success as an inn keeper and in other enterprises, he was charged later in his life for having contributed to the death of one of his young children.

Table 11 Marriages in the Colony

Name	County/City of Birth	County/City of Birth of Spouse	Status of Spouse
Bray, Thomas	London	Co. Clare, Ireland	Came Free
Broadhead, Samuel	Yorkshire	London	Convict
Collins, Edward	Stafford	First wife Co. Cork, Ireland Second wife from England	First wife Convict Second wife Came Free
Collins, John	Stafford	Co. Meath, Ireland	Convict
Goodman, Thomas	Stafford	Donegal, Ireland	Came Free
Herring, Diogenes	London	Born in New South Wales	Born in colony
Hoyle, Patrick	Louth, Ireland	Aberdeen, Scotland	Convict
Hyde, James	Shropshire	Born in Australia	Indigenous Australian
Mulholland, Edward	Dublin, Ireland	Carlow, Ireland	Convict
Randall, Charles	London	Gloucestershire	Came Free
Stephenson, James	Derbyshire	First wife Scotland Second wife England	Both Came Free

* Source: SRNSW, *Bound Manuscript Indents*; other data from various sources cited in individual Biographies.

Fourteen of our 15 emancipists married, with 11 meeting and marrying their wives in the Colony.³⁹ Of the other four Earp, who did not marry, died at the age of 31, both Hampton's and James Goodman's wives remained in England, and McNally's wife joined her husband four years after he was transported. The first of the 11 emancipists to marry in the colony was Patrick Hoyle who married in 1836. In that year there were 22,252 females in the total population of New South Wales and 56,677 males, or a ratio of 1:2.5.⁴⁰ The last to marry was Thomas Goodman, in 1851, by which time there were 84,110 females to 113,155 males, a much higher ratio of women to

³⁹ This result is contrary to the claim of Thomas Jordan that 'few [women in the colony] married and raised families. Thomas E. Jordan, 'Transported to Van Diemen's Land: The Boys of the "Francis Charlotte" (1832) and "Lord Goderich" (1841), *Child Development*, Vol. 56, No. 4, August 1985, p. 1093.

⁴⁰ Statistics taken from Australian Bureau of Statistics (ABS), 2004, *Labour force, Australia*, 'Table 01. Labour force status by sex - trend', time series spread sheet, cat. no. 6202.0.55.001, 2004: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3105.0.65.0012006?OpenDocument>. 1831 was the last year in which men in the colony outnumbered women by more than three to one. Geoffrey Blainey, *The Tyranny of Distance*, Sun Books, Melbourne, 1966, p. 170.

men, 1:1.4.⁴¹ But even though there had been a steady increase in the number of females in the colony during these years, it still seems somewhat remarkable that the 11 emancipists were actually *able* to find wives. They were certainly much more successful than many other men in New South Wales as, in 1851 when Goodman married, only 30,002 men were married from a male population of 106,229 or a ratio of 1:2.5.⁴² Perhaps surprising, too, only five of the women they married were also convicts. Four of the other six were free immigrants, one an Indigenous Australian and the other born in the colony.⁴³ That four of the 11 married free immigrants underlines Babette Smith's statement that 'we have failed to recognise that the convicts and their children intermarried with the immigrants in significant numbers'.⁴⁴

Exactly how the emancipists met their future wives is largely a mystery, especially since the majority remained in the Hunter region where the imbalance of the sexes was particularly noted.⁴⁵ Two exceptions were Stephenson's first marriage and Herring's. Stephenson had been issued his ticket of leave in 1833 for the district of Port Stephens and almost certainly remained working for the AACo for the next seven years when he gained his pardon and bought land from the company in nearby Dungog. In the same year he and Isabella McLaren were married on the company's estate. Isabella had come as a free immigrant from Scotland with her parents and

⁴¹ ABS, 2004, *Labour Force, Australia*. The difference in these numbers was more marked in the adult than in the child population. Geoffrey Blainey, *The Tyranny of Distance*, p. 170.

⁴² ABS, 2004, *Labour Force, Australia*.

⁴³ While Robson states that the marriage of convicts can be 'quantitatively estimated', his estimates go only to 1828. L.L. Robson, *The Convict Settlers of Australia*, p. 125.

⁴⁴ Babette Smith, 'Out of Sight, the civic heritage of convict transportation', Speech to the Independent Scholars of Australia Association, published in *The Australian* on 24 January 2009 under the title 'Safe Harbour'. See web site:

http://www.babettesmith.com/index.php?option=com_content&view=article&id=8&Itemid=10.

⁴⁵ Kristine McCabe, 'Discipline and punishment: Female convicts on the Hunter River, 1830-1840: "What can we do with her?"', *Journal of Australian Colonial History*, Vol. 1, no. 1, April 1999, p. 58.

eight siblings, all of whom were working at the company, the girls as milkmaids. In Herring's case, he met and married one of the Tysons' daughters when working on their Appin land south of Sydney.

Although one of the couples, James Hyde and Charlotte Walcotte Preston, has been included amongst those married, their application for marriage had actually been refused by a minister of religion in Newcastle for 'ecclesiastical' reasons, presumably because of Charlotte's Indigenous heritage. Charlotte's mother was an Indigenous woman, Walcotte, and her father a convict, John Wright Preston. In the case of another of the couples, Maria Davis⁴⁶ and Samuel Broadhead, it may be that Maria committed bigamy when she married Broadhead in Maitland, as it was recorded that she had left two sons and a daughter in England when she was transported.⁴⁷ Two in our sample, Broadhead and Mulholland, married within their own faith while the Collins brothers, both Protestant, married Roman Catholic women. While also marrying a convict, Hoyle's religion was not recorded on the indent.

As we have seen, the transportation of convicts can be said to have brought people together from different areas across England and Ireland who would possibly not

⁴⁶ Maria was from London and managed to marry Broadhead despite Robson's comment that female convicts, 'especially those from London, were not the sort of women to attract men into marriage.' *The Convict Settlers of Australia*, p. 142.

⁴⁷ This was recorded on the ship's indent. A convict relative who might also have committed bigamy was Andrew Glannon, the convict Hannah Garden married after her husband Patrick Hoyle died. Glannon's indent stated that he was married with one son when he was transported from Ireland. According to Sir Roger Therry, 'Forgeries and ingenious frauds were often resorted to in order to induce unsuspecting ministers of religion to marry parties whose wives or husbands were still living at home.' Sir Roger Therry, *Reminiscences of thirty years' residence of New South Wales and Victoria; with a supplementary chapter on transportation and the ticket-of-leave system*, Sampson Low, London, 1863, p. 220. According to Kent and Townsend, however, convicts who had left wives in Britain could remarry in New South Wales after they had been in the colony for seven years. David Kent and Norma Townsend, 'Some Aspects of Colonial Marriage: A Case Study of the Swing Protesters', *Labour History*, No. 74, May 1998, p. 42.

otherwise have had contact. One way in which to explore this question in more detail as it pertained to our Port Stephens group is to consider to the basic act of speech, both words and their sound. Convicts from a lower on social background invariably spoke with regional (and sometimes highly localized) accents,⁴⁸ and, as William Ramson found, their speech was relatively ‘uninfluenced by external standards ... and some may have had specialist vocabularies peculiar to their trade’.⁴⁹ It is possible, at least in the first instance, that the cacophony of substantially different dialects and accents affected communication and sociability among the convict population. Having said this, it is notable, despite the fact that they no doubt needed to de-code a lot of speech grounded in regional idioms, this did not prevent marriages from occurring across a surprisingly diverse range of points of origin.⁵⁰ Ten of the 11 convicts married women a long way from their place of birth as is evident in Table 11 above.

Admittedly, many would have been exposed to different lexicons and accents as a result of high levels of mobile within Britain noted earlier. As Inga Clendinnen, speaking for historians, has written ‘we can’t do conversations’ but we do have some idea of the range of words they comprised. Examples of considerable variation are easy to come by even within our small sample.⁵¹ Randall, a Cockney, would have said

⁴⁸ Arthur Hughes, *English accents and dialects*, p 6. It is clear from the biographies that all the emancipists in the study were from the working classes.

⁴⁹ William Stanley Ramson, *Australian English: an historical study of the vocabulary, 1788-1898*, Australian National University Press, Canberra, 1966, p. 48. Further, their way of speech may also have been ‘a way of ensuring that what you were saying was not understood by outsiders’. Susan Butler, *The Dinkum Dictionary. The Origins of Australian Words*, The Text Publishing company, Melbourne, 2001, p. x.

⁵⁰ This is unlike North America where migration occurred earlier and from communities that were more homogenous. In that case migration acted like a time capsule.

⁵¹ Inga Clendinnen, ‘The History Question. Who Owns the Past?’, *Quarterly Essay*, Black Inc., Melbourne, Issue 23, 2006, p. 27.

‘cag-mag’⁵² when talking about inferior meat; his wife, Ester, from Horsley, Forest of Dean, in Gloucestershire, on the other hand, may have used the word ‘tat’⁵³ for old sheep. Stephenson, from Derbyshire in the English Midlands, would have described an overturned cart ‘a-turned arsy-varsy.’⁵⁴ To describe the lengthening of the days with the advent of spring, in the accent of her native county, his wife Isabella McLaren would have likely said: ‘Ye see da day is a gude cock’s stride longer.’⁵⁵ Someone like Maria Davis, a convict from Surrey near London who married Broadhead, would have described a man with a good appetite as a ‘good trencherman’.⁵⁶

Three of the emancipists married free women who were from Gaelic-speaking parts of Ireland. For Londoner Bray, the word for rag was ‘tat’,⁵⁷ whereas for Johanna O’Rourke, from County Clare, the Gaelic word was ‘giobal’⁵⁸. Bray might well have called a sparrow a ‘jowler’,⁵⁹ whereas for Joanna a sparrow was a ‘gealbhan.’ Edward Collins and Thomas Goodman, using their Staffordshire dialect, would have called a poker for the fire a ‘raker’,⁶⁰ whereas the Gaelic word from Margaret’s and Ann’s home counties was ‘priocaire’ (obviously closer to poker).⁶¹

⁵² Joseph Wright, (Ed.), *The English dialect dictionary, being the complete vocabulary of all dialect words still in use, or known to have been in use during the last two hundred years; founded on the publications of the English dialect society and on a large amount of material never before printed*, Vol. I, Henry Frowde, Oxford, 1905, p. 485.

⁵³ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. 1, p. 485.

⁵⁴ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. 1, p. 76.

⁵⁵ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. VI, p. 70.

⁵⁶ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. VI, p. 232.

⁵⁷ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. VI, p. 38.

⁵⁸ All Gaelic words taken from the Irish Dictionary Online: <http://www.irishdictionary.ie/home>

⁵⁹ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. VI, p. 139.

⁶⁰ Joseph Wright, (Ed.), *The English dialect dictionary*, Vol. VI, p. 163.

⁶¹ As we know three of the emancipists came from London. Randall was born in Shoreditch in London’s East End – a true Cockney as his birthplace was well within the sound of Bow Bells. Bray and Herring, the other two from London, possibly also used the distinctive sounds intrinsic to the speech of Cockneys. According to English Language Professor Lynda Mugglestone, ‘The label of the “Cockney rhyme” [was]

Couples obviously, however, soon became used to one another's accents, to the many distinctive words and phrases from their dialects, and also to the various forms of language spoken in their communities. Indeed, the development of a common tongue may have contributed to the development of a sense of community more generally. When, for example, philologist Sidney Baker asked the question: 'What is the process whereby neologisms are converted into standard terms?' he considered the following statement of Danish philologist, Otto Jespersen, to go a long way towards the answer:⁶²

We are perhaps getting to the heart of the question when we observe that there is something which speaker and hearer have in common, and that this common element really makes many things easy for both of them. This is the linguistic norm which they have both accepted from without, from the community, from society, from the nation ... They talk and understand one another in virtue of belonging to the same linguistic community.

According to linguists Peter Collins and David Blair, this language came to be known as Standard Australian English or 'the dialect spoken by (non-Aboriginal) native-born children'⁶³ which, in lexicographer William Ramson's opinion, 'had become distinctively different from any model which British English could supply' by the end of

first applied by Lockhart in 1818.' See Matteo Santipolo, 'On the Opposite Sides of the Continuum: Standard British English and Cockney. A Historical Outline of the Parallel Developments of the Two Varieties', *Studi Linguistici e Filologici Online*, Vol 1, 2003, p. 415; Lynda Mugglestone, 'The Fallacy of the Cockney Rhyme: From Keats and Earlier to Auden', *RES New Series*, Vol. XLII, No. 165, 1991 p. 64 ; Julian Franklyn, *A Dictionary of Rhyming Slang*, Routledge and Kegan Paul, London, 1960, p. 4; Kay Walsh and Joy Hooton, *Australian Autobiographical Narratives, An Annotated Bibliography*, Volume I: To 1850, Australian Scholarly Editions Centre, Canberra, 1993, p. 148.

⁶² Quoted in Sidney J. Baker, *The Australian Language*, The Currawong Press, Milson's Point, 1978, p. 387.

⁶³ Peter Collins and David Blair (Eds.) *Australian English: the language of a new society*, University of Queensland Press, 1989, p. 172. Susan Butler agrees, stating that the Australian 'accent was forged by the children of the first convicts. Their parents may have arrived in the colony with every conceivable British dialect, but the children, with their desire to conform to each other, blended these dialectal features into one shared sound pattern.' Susan Butler, *The Dinkum Dictionary*, p.vi.

the 19th century.⁶⁴ Ramson claims Australian English not to be a new language but a reshuffling of an existing English pattern in which various nuclei – the slang and dialect vocabularies of London and the industrial Midlands, the slang of seamen and whalers, the slang of convicts, and the more conservative English of the administrators and the military – are set off in a new relationship one against the other.⁶⁵

Linguist Brian Taylor, however, places more emphasis on the influence of English spoken in London: 'It is pretty universally agreed that London English, especially in the form of non-standard Cockney English, played a most important role in the early development of AusE [Australian English], if only because so many convicts derived from London and usually from the lower echelons of its society.'⁶⁶ Although Randall, Herring and Bray from our sample come into this category, the influence of the Irish on Australian English cannot be dismissed given the numbers in which they came to the colony. According to Ransom, approximately 30 per cent of the convicts, 48 per cent of assisted immigrants and 33 per cent of unassisted immigrants that arrived in Australia before 1851 were Irish,⁶⁷ Apart from the three Irish convicts in our sample –

⁶⁴ William Stanley Ramson, *Australian English*, p.2. He also says, however, that 'The greater part of the Australian's vocabulary is still Standard English', p. 6.

⁶⁵ William Stanley Ramson, *Australian English*, pp. 49-50. Sir Roger Therry wrote in 1829 that he was aware that he was no longer in England when he entered shops. 'In one, the English accent came trippingly off the tongue; in another, you needed no assurance that the proprietor had spent his early days amongst the "banks and braes of bonnie Doon;" and the next told plainly that the infancy of the owner had been cradled in Moore's "first flower of the earth and first gem of the sea" ... Indeed from the variety of strange sounds and diverse tongues that met the ear, Sydney at the time might be not untruly described as a City of Babel on a small scale.' Sir Roger Therry, *Reminiscences of thirty years' residence of New South Wales and Victoria*, p. 40. Sidney Baker claims that convicts 'were proficient in the use of prison cant and vulgarism, the former because it was the lingua franca of their type, the latter because it was the natural concomitant of raw living and brutal discipline'. Sidney J. Baker, *The Australian Language*, p. 23.

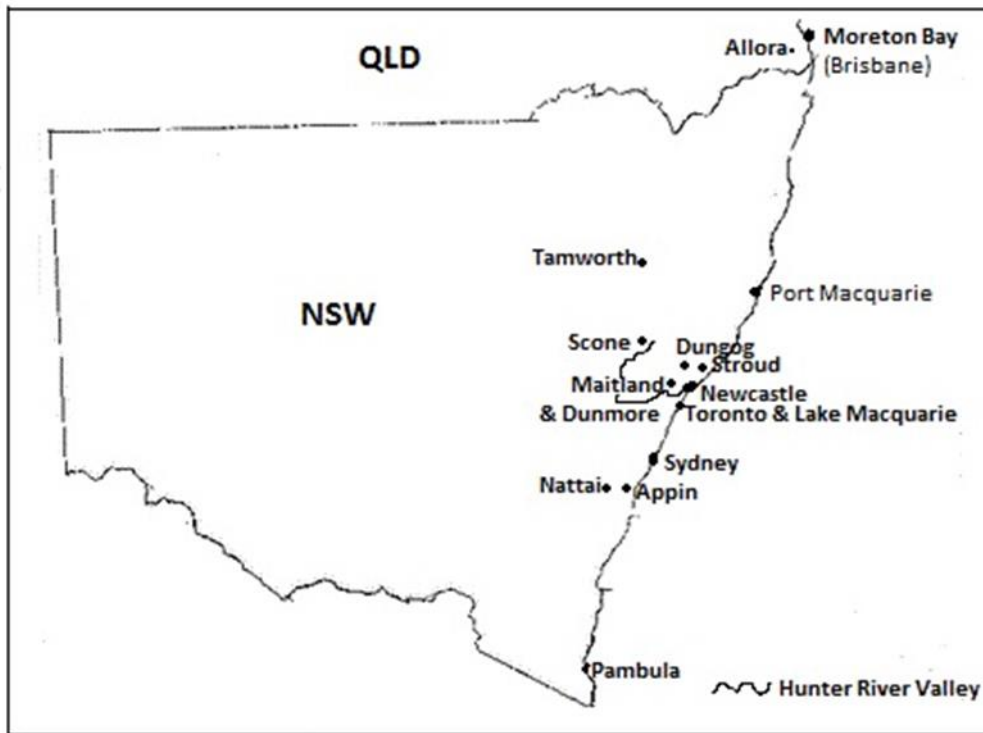
⁶⁶ Brian Taylor, 'Englises in Sydney around 1850', *Australian Journal of Linguistics*, Vol. 23, No. 2, 2003, p. 173. The features listed by Taylor include, 'loss of initial unstressed vowel in 'pon for upon, nuff for enough; [v] for [w] in vos for was; away for away; ven for when; h-drop in ere for here; and h-hypercorrection in hup for up'.

⁶⁷ William Stanley Ramson, *Australian English*, p. 50.

Hoyle, Mulholland and McNally – there are the Irish relatives: Edward Collins' first wife who was a convict, Bray's wife, who was an immigrant, and Thomas Goodman's wife, also an immigrant.

Although the convicts *cum* emancipists in our sample would have been easy to recognise by their accents, and while they would have quickly come to understand each other, they probably did not ever lose those accents. As W.K. Hancock observed, it was among their children that accents began to change. He claimed that by now although the accent was 'thin and narrow in its range of tone', it was nonetheless 'expressive and pleasant to the ear'.⁶⁸ As the locus for the assault of many different language sounds in the community, the ears of the children assimilated these sounds and the distinctive Australian accent grew. Several of the children of our convicts, including Daniel Bray, Elizabeth Herring, Amelia Hyde, Thomas McNally and Emma Rose Mulholland were surely starting to speak with this distinctive Australian sound.

⁶⁸ W.K. Hancock, *Australia*, Ernest Benn, London, 1930, p.41 in Joy Damousi, *Colonial Voices. A Cultural History of English in Australia 1840-1940*, Cambridge University Press, 2010, p.215.



Map 1. Locations settled after Emancipation

Table 12 Locations Settled after Emancipation

Name	Location –(All settled in NSW except for Edward Collins & James Goodman)
Bray, Thomas	Pambula, Far South Coast
Broadhead, Samuel	Dunmore & Maitland, close by in Lower Hunter Valley
Collins, Edward	Warwick & Allora, close by in Darling Downs, Qld.
Collins, John	N/A**
Earp, William	AACo Newcastle. Died before emancipation
Goodman, James	Various in Hunter Valley and just north, eventually Birmingham, England
Goodman, Thomas	Upper Hunter Valley and Tamworth to the north
Hampton, William	Vicinity of Maitland, Lower Hunter Valley
Herring, Diogenes	Appin, south of Sydney and close by Nattai
Hoyle, Patrick	Sydney
Hyde, James	Newcastle
McNally, Francis	AACo, Stroud, Port Stephens
Mulholland, James	Newcastle
Randall, Charles	West Maitland, Lower Hunter Valley
Stephenson, James	Dungog, to the north of the Lower Hunter Valley and to the west of Stroud

*Source: Various as cited in individual Biographies.

**Not available

Ten of the Port Stephens convicts and their families lived in towns in rural areas as shown in Table 12 and Map 1, an incidence that is in agreement with historian Lynette

Finch's contention that by 1861 61 per cent of the colony's population lived in the rural sector.⁶⁹ It is also shown that two-thirds settled reasonably close to the AACo, either in the Hunter Valley or in Newcastle. While McNally stayed on at Port Stephens and Earp was sent to the company at Newcastle, both Hyde and Mulholland settled in Newcastle itself.⁷⁰ Randall, Hampton, Broadhead and the Goodwins travelled west into the Hunter Valley while Stephenson went to Dungog, a town north of the Lower Hunter and to the west of Stroud. The relatively close pattern of settlement was in contrast to the growing labour mobility in Britain. There are numerous possible explanations for this. It might have reflected the rudimentary means of transport and the poor roads; equally, it might have arisen from fear of areas as yet not colonized. Given that the most important drivers of labour migration in Britain were unemployment and poverty, the fact that the majority stayed where they first settled may have reflected the fact that the area was prosperous by British standards.

With the possible exception of Edward Collins, it is not known why the remainder of the emancipists ventured further afield. As we shall see, Collins travelled to what was to become Queensland; he had been a prisoner at Moreton Bay and would have been familiar with the potential of the fertile Darling Downs. Just what tempted Bray to venture down to Pamula on the far south coast of New South Wales is a mystery as is the reason why Herring went to the south of Sydney to Appin and then later to Nattai, in the forest west of Camden. Hoyle may have gone south to Sydney since he had

⁶⁹ Lynette Finch, 'Caring for Colonial Infants: Parenting on the Frontiers.' *Australian Historical Studies*, 110, 1998, pp. 118-119. Geoffrey Blainey also contended in his book *The Tyranny of Distance* that 'About four of every ten Australians lived in the six main ports of Sydney, Melbourne, Geelong, Adelaide, Hobart and Launceston.', p. 136.

⁷⁰ Mulholland went up to Tamworth later in his life.

become familiar with the city and its surrounding settlements – Cabramatta, Emu

Plains and Bringelly – when bonded.⁷¹

Table 13 Children Born in Colony & Number of Deaths

Name	Year Married	No. of children	Died before Adulthood	Age at Death	Cause of Death
Bray, Thomas	1850	9 + 2 adoptees	2 girls	9 days/ 15 mths	Convulsions/ Diarrhoea
Broadhead, Samuel	1846	1	0		
Collins, Edward	1837	12	2 possibly 3	10 mths/ 1 twin at birth	
Goodman, Thomas	1851	3	N/A		
Herring, Diogenes	1838	8 girls	4	1 week/ 1 month/12 years/13 years	
Hoyle, Patrick	1836	4	1	N/A	
Hyde, James	1847	10	4	1 month/ 2 months/8 years/15 years	2 month old babe accidentally smothered
McNally, Francis**	1817	4 + 3 born in Ireland	0		
Mulholland, Edward	1847	3	0		
Randall, Charles	1839	13	8 (all of whom were 4 yrs old or less)	1 yr or less x 2 /2 yrs/3 yrs /bet 0 -4 yrs/age of 3 unknown	In addition, a son was killed accidentally when he was 25
Stephenson, James	1840	6	2 but possibly 3	1 yr x 2/?	1 yr old toddler died of neglect

*Source: NSWG *Births, Deaths and Marriages*; various as cited in individual Biographies

As shown in Table 13 above, although the number of births in the families ranged from one to 13, both the average and the mean were seven.⁷² While one third of these

⁷¹ The availability of medical assistance may have influenced some of the men in their choice of a habitat. It was reported in the mid-1800s, for example, that there were 'upwards of 200 qualified medical practitioners' practicing in Sydney where had Hoyle resided. Samuel Mossman and Thomas Banister, *Australia Visited and Revisited. A Narrative of Recent Travels and Old Experiences in Victoria and New South Wales*, Addey and Co., London, 1853, p. 210.

⁷² According to historian Jan Kociumbas, the average number of children per family was seven in the 1870s. Given that families were becoming smaller as the century progressed, our average of seven from around the mid-century is a little low. Jan Kociumbas, *Australian Children. A History*, Allen & Unwin, St Leonards, Sydney, 1997, p. 148.

children died before reaching adulthood, this was a little less than the New South Wales death rate for children in 1857 when 39 per cent of all deaths were recorded for children under the age of five.⁷³ Seven of these 11 emancipist families with children born in the colony were affected by the deaths, and particularly so the Randall family in West Maitland. Although evidence points to three or four of the Randall's babies being still-born, the cause of death is known for only four of the other children born to the families in our sample.⁷⁴

Just how our emancipist families reacted to the death of a child in their family is unknown, although, in the view of historian Dawn Peel, generally infants and children were deeply mourned.⁷⁵ Since Randall appears to have been a deeply religious man the deaths of his children would surely have been, in the words of historian Pat Jalland, 'interpreted by Christian ministers as a message from God in the form of a spiritual trial to purify the parents' souls and teach survivors the lesson of submission to God's will'.⁷⁶ Randall's faith would point to the fact that many parents at this time 'believed that a benevolent God had removed their children prematurely from a world of pain, sin, and temptation to a happier world of God'.⁷⁷ A similar view at the time was that

⁷³ Bryan Gandevia, *Tears Often Shed*, Pergamon Press, Sydney, 1978, p. 79. Gandevia is an author and medical specialist.

⁷⁴ Hoyle's wife, Hannah, after giving birth to four children in four years, found herself a widow in 1840, a year after the youngest was born. Within a few years, she had applied for them all to go into an orphanage. With presumably very little money to go around – Hoyle's last occupation was that of a basket-maker – it is unlikely they could avail themselves of medical practitioners. It is unknown if any of our sample were in friendly societies. It was common for these societies to pay a medical practitioner an amount per member per annum to provide such treatment. See John Hirst, *Sense & Nonsense in Australian History*, pp. 142-143.

⁷⁵ Dawn Peel, 'Death and community in a colonial settlement', *Journal of the Royal Australian Historical Society*, Vol. 88, No.2, Dec 2002, p. 140.

⁷⁶ Pat Jalland, *Australian Ways of Death, A Social and Cultural History, 1840-1918*, Oxford University Press, Melbourne, 2002, p 70.

⁷⁷ Pat Jalland, *Australian Ways of Death*, p. 71.

God had taken children to a 'better place' and spared them from the 'evils to come'.⁷⁸

Randall may also have needed to repress his grief in order to 'meet [the] cultural expectations of masculinity' of the time.⁷⁹

As well as difficulties with access to medical practitioners and the money to pay for them,⁸⁰ the heat of the unfamiliar climate presented many challenges to these young families. Babies and children with a fever needed to be kept cool as well as shielded from the sun to prevent burning or sun stroke; food needed to be kept fresh and away from contamination from blow flies and vermin such as mice and rats. It was due to a combination of factors such as these, as well as 'insanitary domestic environments as well as substandard housing'⁸¹ that diarrhoea, the biggest single cause of infant death, was most likely to occur.⁸² As noted in Table 13, the death of one of the Bray's children

⁷⁸ Grace Karskens, 'Death was in his Face: Dying, Burial and Remembrance in Early Sydney', *Labour History*, Vol. 74, May 1998, p. 33.

⁷⁹ Pat Jalland, *Australian Ways of Death*, pp. 13, 119. Although the funerals for the children in our sample meant another expense, a still-born baby could legally be buried in the family garden. If others in the family had been buried in a cemetery, however, it was usual for the grave to be opened to admit a still-born or young baby in order to reduce costs. When such a cemetery burial was required, the undertakers' costs could be reduced to as little as 8s. as the baby was carried in a tiny coffin made of inexpensive wood 'dispensing with the need for a hearse or horse'.

⁸⁰ Finch claims that living away from the urban regions at that time would not have enticed medical practitioners to set up practice in other than the more major country centres such as West Maitland where, for example, the Randall family lived. She goes on to speculate, however, that '... a range of oils and opiates (usually patent medicines) was probably the first response to illness by most parents throughout the nineteenth century'. She claims that 'Substances such as chlorodyne (opium and alcohol) and soothing syrups (based on opium) were a normal ingredient of the home medicine cabinet in the nineteenth and early twentieth centuries, even in remote isolated farming settlements and they were administered by many parents as soon as children seemed restless or "cross" in the night.' She also claims that poor families used brandy and gin in attempts to stem diarrhoea. It is possible that the reason for the use of patent medicines was not only for convenience. As Finch notes '... an average medical fee would have taken between a week and ten days salary from the average labourer's wage'. Lynette Finch, *Caring for Colonial Infants*, p. 115. pp. 113-114.

⁸¹ Milton Lewis and Roy MacLeod, 'A Workingman's Paradise? Reflections on Urban Mortality in Colonial Australia 1860-1900', *Medical History*, Vol. 31, 1987, p. 399. Lewis and MacLeod also claimed that rickets, principally caused by a lack of vitamin D, was also occurring but remained undiagnosed until the 1890s.

⁸² Lynette Finch, 'Caring for Colonial Infants', p. 112. Pat Jalland claims that, for the period 1850s to the 1880s, 'atrophy and debility in infants and infant diarrhoea had been high on the lists of the top seven causes of all deaths at all ages'. Pat Jalland, *Australian Ways of Death*, p. 69. Apart from babies that

when 15 months old was due to diarrhoea although the underlying cause is unknown.

On the other hand, as stated by Finch:⁸³

... the period when a child was teething was regarded as critical. A very high percentage did not make it through the high fevers and diarrhoea that accompanied the process, and others fell victim to the common medical intervention of cutting the gums to remedy what they considered to be the disease of dentition. For example, in the 1880s, in 30 per cent of cases ... teething was listed as the cause of death.

According to Bryan Gandevia, 'If a child survived the teething period, then his greatest hazard as he became mobile was an accident of some kind.'⁸⁴ Such accidents presumably resulted from unsupervised access to uncovered wells, dams, rivers, busy roads, open fires and medicines and, according to Finch, 'poisons like strychnine [used] for baiting native animals'.⁸⁵ Comparisons between general statistics and individual experience have obviously little statistical value but they at least meet Stone's injunction to preserve individual experience in a prosopographical analysis. For Randall, a Londoner, to take the extreme example, his personal tragedy compares unfavourably with the child mortality rate had he remained in London (ranging from 23 per 1000 in Essex to 29.1 per 1000 in Middlesex between 1801 and 1830).⁸⁶ Rates for child morbidity in the whole of England and in Wales, however, were much higher, the more so among the labouring poor. As F.B. Smith has shown, in 1839-40 approximately one quarter of deaths recorded were for infants under one year; nearly half of children

were stillborn, other diseases that caused deaths in infants and children included whooping cough, measles, diphtheria, scarlet fever and tuberculosis. Bryan Gandevia, *Tears Often Shed*, pp. 82-89.

⁸³ Lynette Finch, *Caring for Colonial Infants*, p. 120.

⁸⁴ Bryan Gandevia, *Tears Often Shed*, p. 37.

⁸⁵ Lynette Finch, *Caring for Colonial Infants*, p.110.

⁸⁶ See Phyllis Deane and W.A. Cole, *British Economic Growth, 1688-1959*, Cambridge University Press, Cambridge, 1962, p. 131.

under five. The actual rate, he argues, was even higher.⁸⁷ While it is impossible to compare this rate with that in the colony where infant mortality rates were not recorded until 1901, if 1901 is indeed used for comparison, 140 infants per 1,000 live births died before their first birthday in England and Wales as against only 103.7 in the colony.⁸⁸

⁸⁷ F.B. Smith, *The People's Health 1830-1910*, Croom Helm, London, 1979, pp. 65-9.

⁸⁸ For England and Wales see <http://www.ons.gov.uk/ons/rel/hsg/health-statistics-quarterly/no--18--summer-2003/twentieth-century-mortality-trends-in-england-and-wales.pdf> and for the Colony see the Australian Bureau of Statistics: 3105.0.65.001 Australian Historical Population Statistics, 2008. On the other hand, infant mortality rates are available from 1891-1895 for Sydney and Extra-metropolitan N.S.W., Brisbane and the Darling Downs, and from 1881 for London. The only comparable rates are for the years 1891-5 for Sydney and Extra-metropolitan N.S.W., 138/1,000 and 96/1,000 respectively, and for London, a much higher rate of 160/1,000. From these figures it is evident that the majority of families in our sample

Table 14 Comparison of Heights

(a) Heights for ages 22 or below**								
Name	Age on Arrival	Year of Arrival	Height on Arrival Ft/Inch.	Height on Arrival Cms.	Year of Next Measurement***	Feet & Inches	Cms.	Total increase in height (Cms.)
Bray, Thomas	21	1837	5'7"	170.18	1841	5'8"	172.72	2.54
Collins, Edward	18	1830	5'3"	161.29	1841	5'8 ½"	173.99	12.70
Goodman, Thomas	16	1831	5'4"	162.56	1837	5'7 ½"	171.45	8.89
Herring, Diogenes	17	1829	4'11 ½"	151.13	1831	5'7"	170.18	19.05
Hyde, James	19	1837	5'2 ¼"	158.12	1861	5'3 ¾"	161.93	3.81
Randall, Charles	19	1828	5'3 ¼"	160.66	1836	5'4 ¾"	164.47	3.81
Stephenson, James****	22	1826	5'6 ½"	168.91	1840	5'7 ½"	171.45	****

*Sources: SRNSW, Bound Manuscript Indents;

**It has been suggested by Gandevia that the measurements were taken without shoes.⁸⁹

***Measurement taken when ticket of leave and/or certificate of freedom issued.

****An error in recording has occurred here. According to the records Stephenson was taller in 1833 (5'10") when his ticket of leave was issued than he was in 1840 when he gained his certificate of freedom

(b) Heights for ages 23 or above								
Broadhead, Samuel	26	1824	5'4"	162.56	1831	5'5 ½"	166.37	3.81
Collins, John*	23	1830	5'6"	167.64	1835	5'5"	165.1	
Goodman, James**	61	1831	5'3"	160.02	1838	5'2 ¼"	158.16	-1.86
McNally, Francis	35	1826	5'7 ½"	171.45	1840	5'7 ½"	171.45	0

*An error in recording has occurred here. John Collins was taller in 1830 than he was 5 years later.

**Decrease almost certainly due to aging/gravity rather than to error.

(c) Heights for those with only one value available								
Earp, William	24	1824	5'9 ½"	176.53	1831 Died			
Hampton, William	46	1837	5'3 ¾"	161.93	N/A			
Hoyle, Patrick	22	1822	N/A*		1830		171.45	171.45
Mulholland, Edward	18	1829	5'7"	170.18	N/A			

*Not available.

⁸⁹ Bryan Gandevia, 'A Comparison of the Heights of Boys Transported to Australia from England, Scotland and Ireland, c. 1840, with Later British and Australian Developments', *Australian Paediatrics Journal*, 1977, Vol. 13, pp. 91-97.

In *Convict Workers* it is stated that because all transported convicts were measured 'to the nearest quarter-inch', these measurements provide a 'reliable indicator' of the convicts' 'nutritional history and health' and thus their ability to provide reasonable labour.⁹⁰ Looking at the 22 measurements listed in Table 14 (a) and (b) above it is clear that since two from our sample – those of Stephenson and John Collins – are unreliable, it throws into doubt the accuracy of the heights of the other men in our sample and, more importantly, of the vast amount of data in *Convict Workers* upon which their findings about heights are based.

Although the men in our sample, before they gained their ticket of leave,⁹¹ received rations high in nutrients, higher in nutrients than those available to free workers in England at the time,⁹² it is not clear from the limited information whether or not the increase in the height of those in Table 14(a) above is due to this change in diet or to natural 'growth spurts'.⁹³ In addition, there is nothing in the histories of the individual men to show that they had any diseases that might affect their growth, such as scurvy. The only inference that can be made speaks for itself: the younger the convict, the greater the increase in height. With regard to the height of their children, Gandevia maintains that they may well have looked down upon the older generation by the age of 15 or 16 years, a view endorsed by Walker and Roberts who contend that 'those born in the colony tend to be three to five centimetres taller than those born in

⁹⁰ Stephen Nicholas (Ed.), *Convict workers*, p. 78.

⁹¹ Food was no longer supplied by the Government after tickets of leave were approved.

⁹² See J.B. Hirst, *Convict Society and its Enemies*, Allen & Unwin, North Sydney, 1983, pp. 183-4.

⁹³ Gandevia suggests that, at about the age of 18, growth starts to slow and that 'maximum height [is] not attained until the age of 25-29 years'. Bryan Gandevia, 'A Comparison of the Heights of Boys Transported to Australia', p. 92.

England or Ireland'.⁹⁴ Returning to the parents, the tables above show that when our men were last official measured, the average height was 168 cm, 3 cm more than Gandevia's average.⁹⁵

One of the benefits of transportation was that the families had the opportunity to enjoy a reasonable diet, one that was far superior to the diet that existed in Great Britain well into the 19th century.⁹⁶ Apart from which, they could afford to buy foodstuffs, including fruit and vegetables rarely. According to Alan Beever, given that the cost of provisions such as fruit and vegetables was low, those in the colony were able. In general, the cost of living was very low.⁹⁷ Although diets were initially based on habits from their homeland, because of greater availability, they were able to consume more meat, sugar and tea.⁹⁸ Even working-class families in the colony could eat meat three times a day – it became a 'way of life'.⁹⁹ There were also 'vegetable

⁹⁴ R.B. Walker & D.C.K. Roberts, 'Colonial Food Habits 1788-1900', in A. Stewart Truswell & Mark L. Wahlqvist (Eds.), *Food Habits in Australia*, René Gordon, Victoria, 1988, p. 56.

⁹⁵ Bryan Gandevia, 'A Comparison of the Heights of Boys Transported to Australia', p. 94.

⁹⁶ According to Frederick Clements, the diet in Great Britain comprised cereal gruels and soups. 'The latter were based on such vegetables as were available, peas, roots and green leaves, both of those grown in the garden and collected from the forest. From time to time pieces of bacon or salted pork would be added to the soup. Bread, which was usually baked hard to increase the keeping qualities, was dunked into the soup or gruel. Supplementary foods eaten sporadically included milk, cheese, eggs and, on rare occasions, a piece of game flesh.' Frederick W Clements, *A History of Human Nutrition in Australia*, Longman Cheshire, Melbourne, 1986, p. 23. Burnett, the other hand, makes no generalizations about the diet of the British labourer, stating that it 'depended upon his general standard of living, and that [this] standard depended, in turn, on the state of the agricultural economy of which he was a part.' John Burnett, *Want and Plenty*, p.14.

⁹⁷ According to Lewis and MacLeod, up until the depression of the 1890s, wages of working men in the Colony were excellent. They contend that 'in Australia ... 111 days of labour per year [were required] for a working man to earn the cost of his food as against 127 in Britain' Milton Lewis and Roy MacLeod, 'A Workingman's Paradise?', p. 388 and 392.

⁹⁸ Walker & Roberts, 'Colonial Food Habits', p. 56. By 1890 lamb and beef consumption in Australia was twice that in Britain. Blake Singley, "'Hardly anything fit for Man to eat". Food and colonialism in Australia', *History Australia*, Vol. 9, No. 3, December 2012, p. 41.

⁹⁹ See Geoffrey Blainey, *Black Kettle and Full Moon. Daily Life in a Vanished Australia*, Viking, Victoria, 2003, pp. 197 ff. According to Lewis and MacLeod, '... from the 1870s onwards, the average working man's consumption of meat in Australia was almost legendary.' Milton Lewis and Roy MacLeod, 'A Workingman's Paradise?', p. 392.

gardens in the suburbs of cities and in country towns'.¹⁰⁰ Among those who may have grown their own vegetables were the families of Bray at Pambula on the South Coast and Stephenson at Dungog north of the lower Hunter Valley. They possibly had fowls as well, which saved them having to pay, in 1845/1846 at least, 3d for a dozen eggs and 1s for a fowl.¹⁰¹ Other prices at this time included 1s 6d for a pair of ducks, 1s per peck of peas, 1d per lb of potatoes, 1s per lb of butter and 2d per lb for beef from the butcher.¹⁰²

Although food regulation in relation to bread commenced in 1838,¹⁰³ food adulteration was widespread throughout the 19th century particularly with milk where there was also the high risk of contamination.¹⁰⁴ As Binns has noted, 'Many hazardous substances were used for colouring and flavouring food. Children could suffer from lead poisoning from lead chromate used as yellow colouring in confectionary. Flour, bread, butter and beverages were also commonly adulterated.'¹⁰⁵ Food cooked in iron pots in combination with water from galvanised iron roofs and gutters as well as water tanks added to the amount of zinc and iron ingested.¹⁰⁶ Factors such as these may have contributed to the deaths of some of the children in our sample. On the other hand, as the century went on, historians have pointed to a 'new analytical approach to

¹⁰⁰ Frederick W Clements, *A History of Human Nutrition in Australia*, p. 40.

¹⁰¹ *MM*, 20 December 1845.

¹⁰² *MM*, 20 December 1845.

¹⁰³ The regulation was called the Adulteration of Bread Act. See Ian H Lester, *Australia's Food & Nutrition*, Australian Government Publishing Services, Canberra, 1994, p. 18.

¹⁰⁴ Colin Binns, 'The history of food and nutrition in Australia', in Paul J. Nestel (Ed.), *Diet, Health and Disease in Australia*, Harper & Row, Sydney, 1987, p. 27. Well before Pasteur's first experiments in pasteurization in 1862, recommendations were available about the advantages of heating milk before it was fed to infants. See

<http://www.foodstandards.gov.au/code/proposals/documents/Scientific%20Evaluation.pdf>

¹⁰⁵ Colin Binns, 'The history of food and nutrition in Australia', p. 27.

¹⁰⁶ Frederick W Clements, *A History of Human Nutrition in Australia*, p. 55.

nutrition' whereby the energy needs of man were defined, and dietary surveys were undertaken.¹⁰⁷

Contamination of meat was another issue. In 1845 a committee of the Legislative Council in Sydney met to hear evidence from a variety of citizens who registered their concern about the 'health hazard caused by the vast bulk of the 78 butchers who operated in the city'.¹⁰⁸ It appears that many slaughtered livestock on their premises, presumably in an enclosure at the back of the shop. Although it was recommended that a law be passed to close them down, a slaughterhouse on Glebe Island did not operate until after a causeway to the island had been built in 1860.¹⁰⁹ Moreover, livestock for public consumption was still being slaughtered on grazing properties possibly for the remainder of the 19th century and beyond. There was an abattoir at Pikedale in Queensland in 1861 not far from where the emancipist Collins and his family lived.¹¹⁰ Apart from contamination and adulteration, food shortage would also have been a problem during droughts,¹¹¹ particularly for those of our emancipist families who lived some distance from the major centres and relied heavily on transportation for many of their supplies. The family most affected by food shortage was probably that of Thomas Bray on the far south coast of New South Wales, although perhaps most of their protein came from fish they either caught themselves

¹⁰⁷ G.D. Calvert, R. English and M.L. Wahlqvist, 'Changing eating patterns in Australia', in M.L. Wahlqvist, R.W.F. King, J.J. McNeil, R. Sewell (Eds.), *Food and Health. Issues and Directions*, John Libbey, London and Paris, 1987, p.1.

¹⁰⁸ Kerry Mills, 'Lawmakers, Select Committees and the Birth of Democracy in New South Wales, 1843-1855', *Journal of Australian Colonial History*, Vol. 14, January 2012, pp. 150-152.

¹⁰⁹ See the Australian Society for History of Engineering and Technology's website: <http://asheet.org.au/images/All-islands.pdf>

¹¹⁰ See the biography of the owner of this abattoir, Robert Cran, at the Australian Dictionary of Biography web site: <http://adb.anu.edu.au/biography/cran-robert-5808>

¹¹¹ Major droughts that may have affected the emancipists occurred in 1864-1866, 1880-1886, 1888 and 1895-(1903). ABS website: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/1301.0Feature%20Article151988>.

or bought from fish mongers. Whether any of the families suffered from food deprivation to the extent they needed to seek poor relief is unknown.

Apart from the changes in diet described above, the gold rush that continued in various degrees of intensity between the 1850s and the 1880s, brought waves of Chinese migrants and, with them, differences in foodstuffs and cultivation methods. These included 'grain (rice), legumes (soy)', different green vegetables, 'certain stone, citrus and tropical fruits ... and a range of herbs and spices'.¹¹² Possibly the first emancipist family to have experienced these foodstuffs was that of William Hampton's son, James, who lived in Tuena in the mountains north of Goulburn where gold was found. As we shall see, James' daughter, Lavinia, married a Chinese man as did all of their four daughters. Consequently their meals surely far more exotic than most others in the country at that time.

Clothing was another expense for the emancipists, although not beyond the means of many. According to Jane Elliott, 'Very early in the history of Sydney, convicts began to assert themselves socially by spending money on clothing.'¹¹³ Dickens' well-known portrait of Magwitch, echoed recently by Peter Carey, was typical of the trope that colonial life, even for hardened criminals, offered a path to prosperity with one indication of the capacity for upwards social mobility often reflected in personal attire. The majority of emancipists in our sample possibly wore fustian¹¹⁴ jackets and

¹¹² Mark L. Wahlqvist, 'Asian migration to Australia: food and health consequences', *Asia Pacific Journal of Clinical Nutrition*, Vol. 11 (Suppl), 2002, p. S562.

¹¹³ Jane Elliott, 'Was There a Convict Dandy? Convict Consumer Interests in Sydney, 1788-1815', *Australian Historical Studies*, Vol. 26, Issue 104, April, 1995, p.373.

¹¹⁴ A coarse cloth of cotton and linen.

trousers, serge shirts, a kerchief and straw hat, and boots.¹¹⁵ According to a contemporary guide for emigrants coming to the colony as steerage passengers clothes such as this would cost between £40 and £50 for a sufficient supply. If this did not meet the expectations of the readers of *Great Expectations*, it would have been of superior quality to the typical raiment of those living in Britain's industrial cities where meagre clothing was often pawned from necessity.¹¹⁶

Stephenson's family is likely to have been able to afford to purchase more stylish clothing. Stephenson, who built and opened the Dungog Inn in 1840, prospered and went on to buy a mill which he converted to steam, as well as sale yards and more land in the town. With his first wife Isabella, they went on to make the Inn 'an important focus of social life in the district'.¹¹⁷ Stephenson himself may have worn a 'coat, waistcoat and trousers, not necessarily matching, and a white shirt'.¹¹⁸ The material for the coat, trousers and waistcoat was probably wool and 'the shirt, which had above all to be washable, was always of linen or cotton'. Auctions of consignments of clothing at his inn, advertised in the local newspaper in 1845 and 1850, give a clear indication of the range on offer: from '1 One case Toilnette and Valentia Waistcoats, 31 Thirty-one

¹¹⁵ Shirley Andrews states that, 'men wore 'fustian coats, blue and red, ... serge shirts ... and fustian trousers', and women, 'dowdy common gowns, shawls, bonnets, and walking shoes'. Shirley Andrews, 'When Australian Folk Danced so Expertly and Energetically', *Australian Folklore*, 12, 1997, p. 183; Alexander Harris gives different types of men's basic clothing: 'short blue cotton smock-frock and trousers, the short woollen frock and trousers, [and] fustian jacket and trousers ... [sometimes] neck – handkerchiefs ... [and sometimes] straw hats ... beavers ... caps of untanned kangaroo-skin'. Alexander Harris, *Settlers and Convicts of Recollections of Sixteen Years' Labour in the Australian Backwoods*, Melbourne University Press, Melbourne, 1977, p. 5; Marion Fletcher asserts male clothing to have been: 'fustian jackets, fustian trousers, duck trousers, round frocks, cotton shirts, worsted stockings, Scotch caps, boots [and] shoes'. Marion Fletcher, *Costume in Australia 1788-1901*, Oxford University Press, Melbourne, 1984, pp. 63-64.

¹¹⁶ See Pickering, *Chartism and the Chartists*, p.p. 26-8.

¹¹⁷ The plaque that gives the 19th century history of the building has been placed outside the building. These words form part of the narrative.

¹¹⁸ Christina Walkley and Vanda Foster, *Crinolines and Crimping Irons. Victorian clothes: how they were cleaned and cared for*, Peter Owen, London, 1978, p. 127.

pairs Buckskin, Doeskin, Russell Cord, and Kerseymere Pantaloons, and 6 Six superfine and elegantly executed Frock Coats' to 'Tweed Coats and Trousers, moleskin and cord Trousers, Vests, Hats and Caps, striped, regatta, Scotch-twilled, and white Shirts, Under Vests and Pantaloons.' ¹¹⁹ Perhaps he bid himself. The colours for the 1840s and 1850s for men were predominantly 'black and dark blue, with occasional ventures into brown and green'. ¹²⁰

For his wife, Isabella, the choice was also extensive in the 1840s. Women wore outfits comprising 'a close-fitting bonnet', a dress with a bodice that was 'brought to a sharp point in the front ... [with] a loose panel of material pleated to the shoulders and gathered at the centre front waist, so forming a shape like a half-open fan'. ¹²¹ The skirt which fell from a low waistline measured 'four or five yards around the hem'. ¹²²

Isabella may also have worn a shawl of silk or wool with the dress.

¹¹⁹ *MM*, 22 March 1845; 10 July 1850.

¹²⁰ Christina Walkley and Vanda Foster, *Crinolines and Crimping Irons*, p. 127.

¹²¹ Christina Walkley and Vanda Foster, *Crinolines and Crimping Irons*, p. 17.

¹²² 'To fill out this wider skirt, linen or cotton petticoats were worn, many of them stiffened with cording, and additional support was supplied by a horsehair petticoat or "crinoline"'. Christina Walkley and Vanda Foster, *Crinolines and Crimping Irons*, p. 17.

Table 15 Death of Emancipists

Name	Age at Death/Year	Location Settled	Location of Death	Cause of Death
Bray, Thomas	78/1894	Pambula, NSW	Pambula	Morbid Cardis
Broadhead, Samuel	65/1863	Dunmore/Maitland, NSW	Maitland	N/K
Collins, Edward	86/1898	Allora, Qld	Allora	N/K
Earp, William	31/1832	AACo, Newcastle	AACo	Angina Pectoris
Goodman, James	91/1860	Hunter valley, NSW	Birmingham, England	N/K
Goodman, Thomas	41/1856	Tamworth, NSW	Tamworth	Apoplexy
Hampton, William	68/1859	Maitland vicinity, NSW	Maitland	Asthma
Herring, Diogenes	62/1874	Appin & Nattai near Camden, NSW	Nattai	Bronchitis
Hoyle, Patrick	40/1840	Sydney, NSW	Sydney	N/K
Hyde, James	90/1899	Newcastle, NSW	Toronto, near Newcastle(Found Drowned
McNally, Francis	78/1868	AACo, Stroud, NSW	AACo, Stroud	Senile Decay
Mulholland, Edward	Unknown			
Randall, Charles	66/1875	West Maitland, NSW	West Maitland	Dropsy
Stephenson, James	60/1865	Dungog, NSW	Dungog	Natural causes accelerated by drink

*Source: Various sources cited in individual Biographies; Death registers.

Reference to Table 15 above shows that the average age of death was 65.8, with a range from 31 to 91.¹²³ The two youngest to die, Earp at 31 and Hoyle at 40, were among the three convicts – the other was Hyde – who received the most punishment.

¹²³ A thorough investigation of possible sources reveal that there are no statistics available for the average age of death in the Colonial period. Lewis and MacLeod give rates for deaths from phthisis (tuberculosis) and gastro-intestinal infections for three major cities in New South Wales and England for certain years between 1860 and 1900. They warn, however, that they are 'crude rates only, so comparisons can be no more than suggestive.' They also stress the importance of the relationship 'between disease, mortality, and colonial living conditions', a relationship that unfortunately cannot be explored for this thesis due to incomplete information. Milton Lewis and Roy MacLeod, 'A Workingman's Paradise?', pp. 390-391, 396.

The known physical punishments included flogging, time on the treadmill and the wearing of irons (Hoyle was also sent to gaol and places of secondary punishment). However, Hyde was also heavily punished and he lived until he was 90, suggesting, at least from this small sample, that there was no correlation between the amount of punishment inflicted and the age of death.

Nearly all our emancipists died where they had settled many years before. The exceptions were James Goodman who had returned to England and Earp who had not been long at the AACo in Newcastle before he died aged 31. A record of death for Mulholland could not be found. As has been noted, there are many possible explanations for the apparent lack of mobility among ex-convicts; in the absence of general statistical information on this subject it is not known whether it was usual for other emancipists to stay, and end their days, in the location in which they originally settled.

Although all the men lived in areas where both religious and funeral services were available by the time they died, Jalland's research shows that typically there was an 'absence of rituals and a silence about death' for those who died in the colony including 'former convicts or the children of convicts'.¹²⁴ On the other hand, Mary Gilmore claimed that, in addition to newspaper notices, funeral details were often nailed to trees in country areas.¹²⁵ From the general tenor of biographies of the men in our sample, however, it would be surprising if the rituals associated with their religion were not performed.

¹²⁴ Pat Jalland, *Australian Ways of Death*, p. 3.

¹²⁵ Mary Gilmore, *Old Days, Old Ways*, Sydney, 1934, p. 67.

Thus far I have pointed to a range of experiences and trends among the small sample and, where possible, offered comparison between them and the general and convict population in New South Wales as well as those they left behind. By way of conclusion, it is important to compose a portrait of the typical convict in our sample. This will serve as a base line from which we can better understand the complexities of the individual lives under consideration and from which we can draw out issues that are suggestive of broader themes in colonial history.¹²⁶

Our typical convict is English, male and was aged 22½ years when he committed his crime in his home country. This was his first conviction and (in contrast to the conclusion offered by several previous historians) it was for theft of a minor nature. He was transported for life (by contrast with the generally accepted norm of seven years). His height was 5'4" (162.56 cm),¹²⁷ he had brown hair, hazel/grey eyes and a ruddy complexion, at least one scar on his body and, significantly in light of considerable discussion among historians, no tattoos. He had travelled within Britain and committed his crime in a county other than that of his birth. He was of the Protestant faith.

Following his conviction he endured two months in his local county gaol and two and a half months imprisoned on a hulk. He probably had no idea when boarding the transportation vessel that he would be confined to the ship for 20.5 days before she departed. He was not sick on the trip and the conditions on board were reasonable. The voyage itself had lasted 125 days. Having arrived in the colony he had to wait for

¹²⁶ The mean, the median and the mode have all been used in this portrait in order to give the best representation of a particular category.

¹²⁷ n = 14. Hoyle's height could not be found.

eight or nine days in Port Jackson harbour before being disembarked. He was therefore imprisoned on the transport for a total of 154 days. In keeping with the familiar trope that – at least until the 1840s and 50s – depicted New South Wales as a place of ‘horrible destitution’, our typical convict no doubt thought he was doomed to suffer a miserable life on the other side of the world without his friends and family.¹²⁸ Little did he know that within 11 years he would be a free man in the colony. With an improved diet, climate and conditions of life his health was good and his height since arrival had increased by an average of 7.8 cm.¹²⁹

After arrival in the Colony he committed a minor crime, that of absconding. For this he was sent neither to a place of secondary punishment nor subjected to forceful bodily abuse. Despite his misdemeanour he was emancipated in accordance with the number of years he was required to serve and did not commit any crimes as a free man. His relatives in the colony were law-abiding. He was 33 when he married a free settler who came from either England or Ireland and, in either case, a place other than his place of birth.¹³⁰ Since the couple were from different points of origin they spoke with different dialects with strong accents and needed to become accustomed to their verbal differences. (With these different dialects and accents, they all contributed to Standard Australian English.) Following emancipation they settled in the Hunter Valley not far from the AACo at Port Stephens, where he had been assigned as a convict. Although they had seven children, two died before their fifth birthday. The clothes

¹²⁸ See: A. Beever, ‘From a Place of “Horrible Destitution” to a Paradise of the Working Class. The Transformation of British Working Class Attitudes to Australia, 1841-1851’, *Labour History*, No. 40, May 1981, pp. 1-15.

¹²⁹ The height of seven men from the sample is used here – Bray, Collins E., Goodman T., Herring, Hyde, Randall and Broadhead. See Table 14 (a) and (b).

¹³⁰ No aggregate figure regarding those who married outside their faith could be calculated due to lack of data of spousal religions.

they wore were plain, and he probably wore a fustian coat and trousers, a serge shirt, a kerchief and straw hat, and boots. He was able to read but not write on arrival in New South Wales and initially he took up a semi-skilled occupation that was not so different to that which he had before transportation; later, however, he may have gone into business; if so, he was not bankrupted. His standard of living improved as did his wages. Given his occupations in Britain and the colony and his level of literacy, he was from the working classes. He died in the colony at the mean age of 65.8 years in the area where he settled as an emancipist.

Implicit in this data is probably the most important commonality of all, one that cannot be adequately represented in a table or graph: all our convicts tried to better themselves after emancipation. Although some succeeded more than others, their actions showed that they tried. They found work, a place to live, married and gave their children a healthy place in which to grow up and which also presented opportunities for work and social mobility.¹³¹

¹³¹ Through the lens of biography we also glimpse something of the lives of relatives of the 15 men in our sample.

Table 16 Convict Relatives

Name	Place of Birth	Place of Conviction	Age when Trans-ported	Crime	Sentence	Crime in Colony (Y/N)
Allen, Joseph (McNally)	Hertfordshire	Hertfordshire	20	Highway robbery	Life	N
Brazel, Michael (Hampton)	Manchester	Liverpool	16	House breaking	7	N
Clements, Thomas (Herring)	Devon	Devon	14	N/A	14	Y
Davis, Maria (Broadhead)	London	Surrey	28	Stealing shoes	7	Y
Gardener, Hannah (Hoyle)	Aberdeen, Scot	Aberdeen	20	Stealing clothes	7	N
Glannon, Andrew (Hoyle)	Dublin, Ire.	Dublin	21	Stealing sheep	7	N
Lane, Margaret (Collins E.)	Cork, Ire.	Cork	32	Stealing money	7	N/K
Mottram, Peter (Mulholland)	Cheshire	Cheshire	24	Robbery	14	N
Moyles, Mary (Mulholland)	Carlow, Ire.	Carlow	22	Pick pocketing	7	Y
Preston, John (Hyde)	Sussex	Sussex	22	Unknown Felony	Life	Y
Royle, John (Hampton)	Lancashire	Lancashire	18	Break/entering	Life	Y
Spencer, Bridget (Hampton)	Dublin, Ire.	Dublin	9	Stealing clothes	7	Y
Tyson, Isobelle (Herring)	Durham	Yorkshire	16	Stealing misc.	7	N

*Source: SRNSW, *Bound Manuscript Indents*; other data from various sources cited in individual Biographies.

Although this too is a small sample, it is interesting that the preponderance of convict relatives committed their crimes in the place of their birth and appear to have been less mobile in their home country than the men in our sample. The ages when transported were more uniform, ranging from 16 to 32 with a mean of 20 which was younger than the men in the sample. The crimes they committed were not unlike those in the sample although the mean sentence was 7 years, or the same as Robson's, rather than Life. Half committed crimes in the colony as did the convicts in our sample although the extent of their punishment is unknown.

CHAPTER 3 THE BIOGRAPHY OF CHARLES RANDALL

Nineteen-year-old Charles Randall raced down the London street with a wig tucked under his hat. Concealed under his clothes were tortoise-shell hair combs and money. The publican chasing him was close behind. He had been asked to watch out for Randall and took hold of him when he came into his inn for an ale. But he had lost his grip. Randall dashed out and kept going. Luck was not with him, however: perhaps the publican was more adept at weaving in and out of the crowd; perhaps Randall was hampered by the remaining proceeds of his crime; either way he was apprehended after a chase of 300 yards.¹

In the Old Bailey hearing on 19 May 1829, Solomon Josephs testified that he was a hairdresser and dealer in musical instruments; that Randall had been in his service and was a weekly boarder in his house.² The articles had been stolen while he was away from his premises for half an hour.³ From this evidence it can be seen that this was an opportunistic crime. Randall knew that he would be alone in the premises for half an hour when he collected the items together and took them to a pawnshop. In the pawnshop for 15 minutes, he managed to sell the more valuable items – violins and bows – before going into the local hotel and ordering the ale. In the meantime his employer had discovered the theft, had hastened to the hotel and asked the publican

¹ These details were included in Randall's trial at the Old Bailey in London on 19 May 1829. See web site: <http://www.oldbaileyonline.org/browse.jsp?id=t18270531-47-defend385&div=t18270531-47#highlight>

² Josephs' address was Dean St., Tower Hill, London. It is noteworthy that Randall's father was a hairdresser and his sister a wig maker. Also Randall's brother, Robert, was a musician. These details were provided by a family member in England and sent to Jo Wendens, the descendant with whom I have had considerable personal communication.

³ The items stolen were a violin case valued at 3s., three violins and bows valued at £4.10s., two flutes valued at 10s., two music books valued at 3s., two tortoise shell hair combs valued at 25s. and a wig valued at 20s.

to be on the lookout. After his failed attempt to avoid pursuit, Randall was searched and the concealed objects were found. It seems that some of the items – two flutes and two music books – were not recovered. He was sentenced to death in the Old Bailey but due to his age, and because this was his first offence, he was treated with mercy and the sentence was commuted to transportation for life.⁴

Randall was kept in the wretched conditions of London's Newgate Prison for two months before being transferred to the hulk *Ganymede* that was moored at Chatham.⁵ Lucky enough to spend only a little over two weeks on the hulk (where his conduct was noted to have been orderly), he was boarded onto the transport *Florentia* on 9 August 1827, which left London nine days later.⁶ Instead of leaving immediately on her long voyage, however, the *Florentia* was compelled to put into Cork for fresh water and did not set sail from Britain for another month, arriving in Port Jackson early in the following year.⁷ According to the Surgeon's Journal the voyage was uneventful and Randall was not among those that sought the surgeon's services.⁸ Eleven days after dropping anchor in Sydney, he and the other convicts were landed in a 'very clean and healthy state', although ten were 'immediately forwarded to Penal Settlements, pursuant to directions received from home they being troublesome or bad characters.'⁹ Randall, after spending 148 days on board the *Florentia*, was assigned directly to the AACo.

⁴ Randall's death sentence was also reported in *The Observer* on 2 July 1827 and again on 11 July 1827.

⁵ SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, HO9, Piece 1.

⁶ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 27, Reel 3195.

⁷ *TM*, 19 January 1828.

⁸ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 27, Reel 3195.

⁹ *TM*, 19 January 1828.

Unfortunately no records are available about Randall's time at the company.¹⁰ His occupation was recorded as labourer in the 1828 census. This does not come as a surprise since a disproportionate number of persons were classified as labourers at this time. At his trial his occupation was listed as the servant of a hairdresser and dealer in musical instruments and on the ship's indent as hairdresser/barber, and so this possibly gave him the opportunity to work as a barber for the hundreds of men working at the company.¹¹ Although he may have worked as a sawyer, an occupation he pursued later, by 1844 he had opened a hairdressing salon in Maitland.¹² Whatever his occupation, he remained at the company for ten years until, in 1837, when he was granted his ticket of leave for the Port Stephens district.¹³ This was altered to Dungog in 1838, to Newcastle in 1840 and then to Maitland in the same year.¹⁴

It was during this period that he met his future bride, Esther Skelton. Esther was also English and was born in Horsley, Forest of Dean, in Gloucestershire in the south-west Midlands.¹⁵ She had only just arrived in the colony on the *Bussorah Merchant* in 1839 as a free settler and was about nine years younger than Randall. They were married in Maitland, where they settled, on 17 August that year and a son, Robert, was born to Esther one week later.¹⁶ Esther was destined to a life of bearing and caring for

¹⁰ In the AACo records relatively few convicts are individually named.

¹¹ The many inaccuracies in the census have been acknowledged in an interim paracensus that was published in 1998. James H. Donohue, *Paracensus of Australia 1788-1828 (Interim)*, J.S. Shaw, North Publishing, Sydney, 1998. Apart from speculating that Randall worked as a barber, he may have worked as a sawyer at the company as he worked in this capacity later in his life.

¹² *MM*, 8 June 1844; 23 September 1846.

¹³ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item 4/4111, Reel 927.

¹⁴ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item 4/4122, Reel 930. In the following year, 1841, Randall was one of 98 convicts in West Maitland on their tickets of leave. ADA, Historical Census and Colonial Data Archive, NSW 1841 Census, see web site: www.hccda.ada.edu.au.

¹⁵ Personal communication with Jo Wendens in 2009.

¹⁶ Ref.no. V1840 660 24B/1840 found in parish records; NSWG, Australia Marriage Index, 1788-1950 .

children; in addition to this baby boy, she went on to have a further 12 children.¹⁷ But it was not the large family that it would seem; tragically eight of the children did not live past the age of five. Even at a time when the infant mortality rate was high, Charles and Esther had more than their fair share of grieving.

Esther had given birth to their third child by the time Randall received his conditional pardon in 1845.¹⁸ When still on his ticket of leave, however, he had begun to pursue respectability by joining the St John's Total Abstinence Society in 1843.¹⁹ That he had strong views about alcohol consumption will become evident; what influenced him in this regard is unknown. In London, 16 years prior to this, before being captured for the theft he had certainly been partial to a glass of ale.

At a meeting of the society in July 1843, it was contended that the 'drunkard had no prospects in this world, and no hopes for the next...he was...lost ... to society, and lost to himself' but this was not the prevailing mood. In the colony the temperance movement was initiated in the 1830s and 1840s, but it did not attract many followers before the 1870s and 1880s. As Marcus Clarke noted in his essay of 1869, 'The Curse of the Country': 'No man can hope to succeed in business, profession, or society, unless he is prepared to take his chance of death in an asylum for inebriates.'²⁰ The society

¹⁷ Details of family tree provided in personal communication with Jo Wendens, in 2009. Another was killed accidentally at the age of 25 after he had left home. A report in *The Nepean Times (NT)* on 15 September 1883 stated that he was killed by a blow from a pick handle at Glenbrook, near Penrith, while playing a form of cricket.

¹⁸ SRNSW, No. 45/199, Item No. 4/4446, Reel No. 781, page 397. Their second child, Louisa Ellen, died the following year aged three.

¹⁹ *MM*, 8 July 1843.

²⁰ Keith C. Powell, *Drinking and Alcohol in Colonial Australia 1788-1901 for the Eastern Colonies*, National Campaign Against Drug Abuse, Monograph Series No. 3, Australian Government Publishing Service, Canberra, 1988, p. 45. A.E. Dingle, *Drink and Drinking in Nineteenth Century Australia: A Statistical Commentary*, Monash Papers in Economic History, No. 6, Melbourne, 1978, p. 239. Ross

met quarterly and all those 'favourable to the cause of temperance and morality' were welcomed.²¹ Some members travelled from as far away as Jerry's Plains to attend, a distance of 80 miles from Maitland. The St John's Total Abstinence Society in Maitland (as well as The Band of Hope of which Randall's son, Charles, Jnr was a member) was among the first to take up the challenge.

Another of Randall's predilections becomes evident for the first time when he joined St John's: his love of the performing arts. At the Society's Tea Party in 1843, it was reported that he and four others had sung 'several excellent songs' accompanied by a band.²² He also sang at several of the fund-raising soirees held by the town's School of Arts.

Randall was often in the local news as a witness to crime or a victim of misadventure. In 1844, he had been called before the Police Bench to testify in the case of a 'most diabolical murder' where the victim was found to have 'his throat cut so dreadfully that the head was nearly severed from the body'²³; In 1847 he reported a 'suspicious act' in his house – as his family was about to proceed to chapel in the evening, a man was found crouching behind the counter;²⁴ in 1848, 'a quantity of clothing ... was stolen from off a clothes-line in the yard of Mr C. Randall, hair-dresser';²⁵ in 1849 it

Fitzgerald and Trevor L. Jordan, *Under the Influence. A history of alcohol in Australia*, Harper Collins Publishers, Sydney, 2009, p. 6.

²¹ At the meeting on 3 July 1843 it was reported that there were approximately 450 members present.

²² According to the report in the *MM* on 8 July 1843, the room was 'most elegantly fitted up with flowers, evergreens, and appropriate devices, under the management of Mr. John Connor, painter. A raised platform under a canopy was erected at either end of the room for the president and vice-president, and four tables were arranged the whole length of the room ... [and the band] played many appropriate airs'. The newspaper also reported that there were several non-teetotalers in attendance.

²³ *MM*, 8 June 1844.

²⁴ *MM*, July 7 1847.

²⁵ *MM*, September 23 1848.

was reported that Randall had been ‘proceeding down High Street, sitting in his cart, [when] a little dog ran between the horse’s legs ... and bit or snapped at the horse. This frightened the horse, and he turned short round, and started off homewards, and the sudden turn caused Mr Randall to fall over the front rail of the cart... .’

‘Fortunately’, the report continued, ‘Mr Randall has escaped with a cut over the eye [and] the horse was stopped without doing any damage’;²⁶ in 1850, he gave a description in the local paper of a man who had lodged with his family shortly before the man had hanged himself.²⁷

By 1848 Randall was doing well enough to move his ‘Private Hairdressing Room’ ‘to more commodious premises in High Street, West Maitland.’²⁸ The announcement in the local press also mentioned that in addition to conducting his hairdressing business, Randall had been granted a hawker’s licence in 1849 and acted as an agent when a Mr A. Holden needed a cheese dairyman and two ploughmen in early 1853.²⁹ In the same year he placed a ‘For Sale’ advertisement in the paper on behalf of the Sydney Bible Depot for a large collection of bibles and books priced from 1s.3d. each.³⁰ He also sold household equipment from his residence.³¹ The income from his hairdressing business needed supplementing despite the move to ‘more commodious premises’. During this period Randall established a lodging-house and, when his wife became ill, ceased to cut hair. In 1852, however, he announced that he was re-commencing his hairdressing business. Randall had advertised for a ‘MAN and his WIFE, for a respectable situation

²⁶ *MM*, April 28 1849.

²⁷ *MM*, July 31 1850.

²⁸ *MM* 15 November 1848.

²⁹ *MM*, 17 January 1853.

³⁰ *MM*, 17 September 1853.

³¹ *MM*, 3 December 1853.

in town, to whom liberal wages will be given'.³² Presumably the intention was that a married couple be installed to run the lodging-house.³³

This is the first time we learn that Esther was ill (we subsequently learn that she suffered from epilepsy). The Randalls had now been married for 12 years and, as we have noted, during this time, had given birth to eight children. And now Esther was expecting her ninth baby. It is little wonder that she had had to stop helping to run the family business.

Randall was keen to advertise the fact that the lodging house was dry. 'No drunkenness, or any intoxicating liquors or spirits allowed on the premises' ran a notice in the newspaper.³⁴ This edict was not surprising, given his membership of the St John's Total Abstinence Society for the past 10 years. It was not heeded, however, in at least one instance in the same year when it was reported that a couple had been brought before the bench for being drunk on Randall's premises and for 'taking possession of his wife's bedroom'. The accused were discharged after promising 'not to repeat such conduct'.³⁵

Shortly afterwards, Randall advertised that he had moved his business to 'commodious premises' opposite D. & J. Dickson's Stores.³⁶ He was clearly determined to prosper in this location; he called for:³⁷

³² *MM*, 4 October 1851.

³³ *MM*, July 24 1852.

³⁴ *MM*, 13, 16 and 20 August 1852.

³⁵ *MM*, 8 September 1852.

³⁶ *MM*, 13 October 1852.

³⁷ Part of an advertisement in the *MM* on 19 January 1853.

the attention of the Traveller and Weary Digger, who after months of toil may be seeking a rest and quiet home, to his Establishment. Those that really want a quiet home will find the Best of Attendance, Good Living, Moderate Charges, and perfect Safety for Property at his Establishment.

Unfortunately, by the middle of the following year, he returned to the premises opposite Capper's.³⁸ It was a fateful move. One year later, in 1855, West Maitland suffered from one of its periodic floods, which, on this occasion, peaked at 40 feet and four inches (12.29 m).³⁹ Randall's premises, as well as the others along the main street, must have been flooded, a disaster that might well have hastened his subsequent misfortune.⁴⁰

Randall was very active in community affairs. Apart from his membership of the St John's Total Abstinence Society, he joined the Maitland Loyal Good Design Lodge of Odd Fellows, the Maitland Hospital General Committee and the Maitland School of Arts.⁴¹ In 1851, shortly after New South Wales's gold rush had been sparked by Edward Hargraves, Randall's name was on a list of residents pledging a total of £269.19.6d in an advertisement headed 'Gold Finding Reward'. Randall had contributed £1.0s.0d. to the fund. The advertisement went on to state that:⁴²

³⁸ *MM*, 2 July 1853. Cappers, established in *circa* 1842 in Maitland's High Street, although originally only a hardware store, quickly became the main general store in Maitland selling articles from fine china to coffins. See 'Our city's history: People flocked to Cappers', in *MM* 16 December 2012.

³⁹ *MM*, 23 September 2013.

⁴⁰ *MM*, 9 May 1855,

⁴¹ *MM*, 8 July 1843, 27 October 1855 and 26 October 1853 respectively. In the *MM* notice on 27 October 1855 it was stated that the Maitland Loyal Good Design Lodge of Odd Fellows, 'besides affording relief in sickness, had formed an orphan and widows' fund, amounting at present to about £50.'

⁴² *MM*, 4 June 1851. It had been reported two weeks earlier that gold had been found in the Bathurst district and, according to the newspaper, 'A complete mental madness appears to have seized almost every member of the community, and as a natural consequence there has been a universal rush to the diggings.' *MM*, 24 May 1851. Another newspaper report likened the gold rush to 'yellow fever', claiming that 'from the grey-headed man to the beardless juvenile, nothing is talked about but "Gold"'. The *Geelong Advertiser*, 4 October 1851.

We the undersigned do hereby promise to give the sums attached to our names respectively as a REWARD to any person or persons who shall find a remunerative GOLD FIELD in any locality beneficial to the town of Maitland, and on such conditions as may be determined by a majority of the subscribers.

A deadline was given and the conditions included that the discovery must be made in the Hunter River district; at the time the closest findings of any significance were at Ophir to the south-west of the Hunter Valley near Orange.⁴³ As it turned out, Randall and the other hopeful inhabitants could have saved their money as Ophir, together with Hill End and Sofala in the same area, remained the areas of closest gold discoveries at that time.⁴⁴

Randall showed an interest in local elections when, in 1849, he went to great pains to ensure that his name was on the voting list.⁴⁵ At this time the liberal movement in the colony was gaining momentum not only in Sydney but in country areas such as Maitland where there was a great deal of 'resentment against the pastoral interest'.⁴⁶ In 1851 it was reported that he had campaigned for the radical reformer George Robert Nichols⁴⁷ to represent the Northumberland Borough in the Legislative Council.⁴⁸ Nichols had won the seat in 1848 retaining it until responsible government was successfully introduced into the colony in 1856.⁴⁹ There were two seats allocated to the Borough at this time with Elias Carpenter Weekes, after fraud was discovered on

⁴³ See the *eGold* website: [http://www.egold.net.au/browse .htm](http://www.egold.net.au/browse.htm)

⁴⁴ For a listing of locations at which gold was found in the colony at that time see the *eGold* website.

⁴⁵ *MM*, 25 April 1848 and 2 May 1849.

⁴⁶ P. Loveday and A.W. Martin, *Parliament Factions and Parties. The First Thirty Years of Responsible Government in New South Wales, 1856-1889*, Melbourne University Press, London, 1966, p. 18.

⁴⁷ See <http://adb.anu.edu.au/biography/nichols-george-robert-bob-4296>

⁴⁸ *MM*, 25 April and 2 May 1849, 16 August 1851.

⁴⁹ *SMH*, 24 and 31 March 1856.

the part of another candidate, the second to be elected.⁵⁰ Weekes, a supporter of Parkes, was a democratic reformer and ‘an opponent of the colonial squirearchy’⁵¹ and, 1859, Randall showed his support by signing a petition to persuade him to stand for re-election.⁵² Weekes went on to represent Northumberland until 10 November 1864⁵³ and, the end of that year, Randall seconded a motion of support for Dr Andrew Liddell to represent the electorate.⁵⁴ Liddell had been a member of the West Maitland Municipal Council and had tried unsuccessfully on three occasion, including this instance, to win the seat of West Maitland. In 1874, the year before his death, he voted for L.W. Levy who was standing for re-election for West Maitland in the Legislative Assembly.⁵⁵ Levy, a free-trade politician, was re-elected on this occasion. He, like Weekes, was a staunch supporter of Parkes. As will be shown below, Randall was clearly a moral radical or a moral liberal.

Possibly the most interesting episode found about Randall’s involvement in politics occurred in December, 1860 when a meeting was held of working men in West Maitland. *The Maitland Mercury* reported that 200 residents, ‘mostly handicraftsmen’, met to vindicate themselves from the ‘imputation of having nominated or supported the candidature of a Mr Cheater for the representation of West Maitland’.⁵⁶ There had

⁵⁰ *MM*, 2 January, 24 July and 7 August 1856. For a graphic description of the festivities in Maitland on polling day for the Borough, see *SMH* 31 March 1856.

⁵¹ *Empire*, 23 April 1856.

⁵² *MM*, 17 May 1859. See <http://adb.anu.edu.au/biography/weekes-elias-carpenter-4826> and <http://www.sydnevaldermen.com.au/alderman/elias-weekes/>

⁵³ Weekes did not re-contest the seat; Nichols had died in 1857. See <http://adb.anu.edu.au/biography/weekes-elias-carpenter-4826> and <http://adb.anu.edu.au/biography/nichols-george-robert-bob-4296>

⁵⁴ *MM*, 29 November 1864 and 18 December 1877,

⁵⁵ *MM*, 30 July 1874 and 1 August 1874. Also see <http://adb.anu.edu.au/biography/levy-lewis-wolfe-4017>

⁵⁶ *MM*, 25 December 1860.

been a meeting held in the previous month to select a local candidate to replace the sitting member for West Maitland, Elias Weekes⁵⁷, with whom many were dissatisfied.⁵⁸ Cheater spoke principally about land issues⁵⁹ and claimed that land should be free for the first six years and that, after selection, the new owner should get a surveyor to give him the boundaries since they should not just 'sit down [on it] like a lot of blackfellows'. Although he was not against the squatters, unlike the 'Chinamen' whom he would 'do away with', he wanted to see 'fair play' – the 'little squatters' were to be given 100 acres and the 'big ones' 1,000 acres at £1 per acre. And so he went on. Although there were some dissenters – one cried out 'What about the Goat Act?'⁶⁰ – it was decided at the meeting that 'Mr Cheater was a fit and proper person to represent the constituency in Parliament.'⁶¹

Given the large attendance at the meeting that was held in order to dissociate themselves from Cheater's candidature, it was presumably well-publicised that the member of the Legislative Assembly for the nearby town of Morpeth, David Buchanan,

⁵⁷ Weekes represented Maitland from 1859 to 1864 (see above).

⁵⁸ *MM*, 3 December 1860.

⁵⁹ Land issues were being debated in the Parliament at the time. There was concern about the monopoly held over land by squatters-pastoralists and the lack of opportunity for those with less money to access land. Early in the following year two acts were passed, *The Crown Lands Alienation Act 1861 (NSW)* and *the Crown Lands Occupation Act 1861 (NSW)*, the former permitting 'any person to select up to 320 acres, on the condition of paying a deposit of one-quarter of the purchase price after survey, and of living on the land for three years' and the latter dealt with leasing and 'opened up these squatter held lands for selection by anyone in the colony'. See web site: <http://foundingdocs.gov.au/item-sdid-80.html> and http://www.lpi.nsw.gov.au/land_titles/land_ownership/crown_land.

⁶⁰ The Dog and Goat Act was passed through parliament six years later in 1866. It prohibited the use of dogs or goats from drawing any 'cart carriage truck or barrow'. See http://www.austlii.edu.au/au/legis/nsw/num_act/dagao1866n4145.pdf Mr Weekes, the former member for Northumberland, was responsible for carrying this Act through the parliament. See <http://adb.anu.edu.au/biography/weekes-elias-carpenter-4826>

⁶¹ Mr Cheater seems to have been a 'local identity'. At one time he had a butcher's shop on the corner of High and Elgin Streets, the rent of which was paid by his friends when he was in debt. When the landlord required the shop for himself, Cheater proved hard to remove. See *MM* 24 August 1861. After addressing a crowd on the subject, a collection went around for Cheater's benefit. There are numerous mentions of Mr Cheater in the *MM* around this time.

would be attending.⁶² Buchanan had been elected as a working-class representative and had been involved in Chartist activities in Glasgow before migrating. Randall had been asked to move the first resolution: That the nomination of Mr Cheater for the representation of West Maitland has not and never had the sympathy or support of the working classes.⁶³ In the rousing speech that ensued it was clear that Randall was speaking on behalf of all working men; he stated that while any man was free to nominate a candidate, to have a candidate such as Mr Cheater put forward as a representative of the working man was an insult; he denied the rumour that they were enslaved to Mr Weekes, and should Mr Weekes not discharge the duties 'entrusted to him', to 'watch over and protect their liberties', he would soon find himself ousted – they would find a 'Buchanan' to replace him. He concluded by stating his confidence in the capacity of working men of the colony to go forth and surmount adversity.

Cheers followed Randall's speech after which the resolution was seconded and carried unanimously. The tenor of the meeting was made clear when a following resolution was then put to the meeting by Buchanan:

That this meeting is decidedly of opinion that Mr. Cheater's nomination originated with, and was supported by, a few squatters and their connections, who thereby designed to cast a stigma on the working classes, and to bring the re- presentation of West Maitland into contempt.

Buchanan went on to make his views known on the 'paltry, mongrel, contemptible aristocracy that had for so many years endeavoured to lord it over the colony',

⁶² See *MM*, 25 December 1860 for a report of the meeting.

⁶³ It was at this meeting, by chance, that we are able to glean that Randall's hairdressing and boarding house business were no longer in operation, and that he was now working as a sawyer. He stated that the meeting could easily have found a more appropriate person than he, 'old Randall, the sawyer', to speak to this resolution. *MM*, 26 December 1860.

contending that Australia was setting an example for the rest of the world and that the colony was 'now exercising the privileges for which the much abused Chartists had so long contended'.⁶⁴

In addition to politics, Randall was also involved in humanitarian causes. In 1847 he subscribed £1 towards the erection of the Free Presbyterian Church in West Maitland and a school house in East Maitland,⁶⁵ and in 1852 he gave 2s.6d. to a relief fund when the Murrumbidgee River burst its banks and flooded the town of Gundagai in the south of the colony.⁶⁶ The following year, at the quarterly meeting of the general committee of the Maitland Hospital, he donated £1.⁶⁷ Although Randall came from London, in 1862 both he and one of his sons contributed to the Lancashire Relief Fund. This fund helped cotton textile workers no longer able to work because of the blockade on cotton during the civil war in North America.⁶⁸ And then, in 1874 the year before his death, he contributed 50s. to the Maitland Benevolent Society.⁶⁹

Notwithstanding his rise in business, politics and community affairs, Randall could not keep away from court. His first brush with the law was relatively minor. In 1858, he was charged with keeping an unregistered dog and was fined 10s plus 4s.6d. costs.⁷⁰ A more serious charge followed in January 1860 when he intervened in a dispute over wages involving one of his two sons, 13-year-old Charles Jnr, who was an apprentice

⁶⁴ See Paul A. Pickering, "A Wider Field in a New Country: Chartism in Colonial Australia", M. Sawyer (ed.), *Elections, Full, Free & Fair*, Federation Press, Sydney, 2001, pp. 28-44; Australian Dictionary of Biography web site: <http://adb.anu.edu.au/biography/buchanan-david-3099>

⁶⁵ *MM*, 25 August 1847.

⁶⁶ *MM*, 21 July 1852.

⁶⁷ *MM*, 26 October 1853.

⁶⁸ *MM*, 21 August 1862.

⁶⁹ *MM*, 18 April 1874.

⁷⁰ *MM*, 12 January 1858.

cabinet maker working for a local tradesman, Oliver Maxwell.⁷¹ Randall had gone into Maxwell's shop and demanded that his son be paid for wages due to him. Maxwell claimed he had paid the wages, and that when he went to turn Randall out of the shop, Randall began to use violent language, became very excited, and had struck him on the face three times. Randall's eldest son, Robert, testified that Maxwell had seized his father by the breast and tried to push him backwards out of the shop, provoking the retaliation; the case was eventually dismissed. Nevertheless, Randall's veneer of respectability was easily punctured. Here was a man brought up the hard way; clearly he had been further toughened by the brutality of convictism which remained not far below the surface.⁷²

Between the years 1861 and 1866 Randall participated in the meetings of the West Maitland School of Arts⁷³ and in both 1867 and 1874 he sang at soirees held in order to raise funds for the school. The first meeting of the school had been held on 29 July 1854 in the school room adjacent to the Free Presbyterian Church.⁷⁴ At a subsequent meeting in August, it was decided that £1,000 would cover the cost of building a hall dedicated for their own use and that a library and reading room would be added later.⁷⁵ Subscriptions were collected and, in February the following year, notification was received that the government would contribute an amount equal to that of the

⁷¹ *MM*, 14 January 1860.

⁷² *MM*, 22 October 1863. It seems that notwithstanding the dispute Randall's son went on to become a cabinet maker.

⁷³ Mechanics institutes, often called Schools of Arts in New South Wales and Queensland, were established in Australia in the 1830s. These became community centres and were commonly used for meetings and lectures as well as providing a venue for dances and various forms of entertainment. They usually incorporated a library. It was claimed that the aim of mechanics institutes in Australia 'was to help their members to self-improvement in a moral and cultural sense and to better their economic circumstances.' See John Hirst, *Sense & Nonsense in Australian History*, Black Inc. Agenda, Melbourne, 2006, pp. 138-141, 147.

⁷⁴ *MM*, 29 July 1854.

⁷⁵ *MM*, 16 August 1854.

private subscriptions.⁷⁶ A month later the Governor of New South Wales, Sir William Denison, laid the foundation stone of the school.⁷⁷

When Randall became a member in 1861, meetings were held weekly between 7.30 pm and 9.30-10 pm and on some occasions were attended by more than 100 people. An Exhibition Hall had now been built and the first exhibition was opened in July 1861.⁷⁸ The purpose of holding exhibitions was 'to develop the resources of the district and to improve the taste of the youth of [the] community.'⁷⁹ A library had now been established and contained 1,635 volumes; one-third of members' subscriptions were dedicated to the purchase of new books. There was also an arrangement in place whereby the school would receive second-hand reviews, newspapers and magazines from the Sydney School of Arts presumably to save costs. Nevertheless, finances were flourishing at this time and were derived from subscriptions, classes, rental of the exhibition hall and entry fees to exhibitions.⁸⁰ Although attendance at previous meetings had been free, in addition to subscriptions, members were now charged 1d. entry fee and non-members 3d. New members were actively recruited and, according to the local press, in the first six months of Randall's membership, he 'proposed a larger number than ... any other member had ever proposed'.⁸¹ He was also an enthusiastic attendee: in the first half year of 1862 he attended all 17

⁷⁶ *MM*, 21 February 1855. This was subsequent to a favourable vote by the Legislative Council.

⁷⁷ *MM*, 24 March 1855. The Governor became the Patron of the School and subscribed £5 to the building fund. He also indicated that he would make an annual subscription. *MM*, 28 March 1855.

⁷⁸ *MM*, 12 October 1861.

⁷⁹ *MM*, 12 October 1861.

⁸⁰ A variety of classes were held including architectural drawing, chess, arithmetic and writing although it seemed that the class attendances waxed and waned with elocution, Latin and drawing classes discontinued at one stage.

⁸¹ *MM*, 12 October 1861. On another occasion, Randall's capacity to recruit new members was praised to the cheers of all present. *MM*, 10 October 1863. This was a month after he had been declared bankrupt.

meetings, a record equalled only by the president.⁸² Throughout the period of his active membership he served on the committee on many occasions.

The West Maitland School of Arts not only held classes but also hosted lectures given by outside speakers; and members were also encouraged to present essays on a regular basis.⁸³ We know from the reports in *The Maitland Mercury* that Randall presented several essays and he also participated in the debates of those read by other members. Unlike the other convicts studied in this thesis, the reports of these events provide enough material to allow us to gain an idea of the man himself and how he felt about issues current at the time.

In 1861, the earliest of Randall's essays was entitled 'Has ignorance any advantages?'⁸⁴ Here he emphasized that he was not referring to ignorance of knowledge in the sense of 'wisdom' but to ignorance of knowledge that 'profited not'. He contended that ignorance of the future, for example, was much better than any prior knowledge, notably instancing the case where parents were better off not knowing what the future might hold for their children.

Two months later, his essay was on the subject 'Have Riches or Poverty the Greatest Consolations?'⁸⁵ He defined poverty as 'not only absolute destitution, but the want of the comforts and conveniences of life'. His argument followed a basic Christian tenet

⁸² *MM*, 25 October 1862.

⁸³ The subjects of lectures given in 1864 included 'Phrenology', 'Colonial Education', 'The Life, Adventures, and Writings of Oliver Goldsmith' and 'Plant Development and Geographical Distribution'. In Schools of Arts 'essays' were sometimes called lectures or debates and, according to John Hirst, they were conducted by 'model parliament' societies. See John Hirst, *Sense & Nonsense in Australian History*, p. 139

⁸⁴ *MM*, 1 June 1861.

⁸⁵ *MM*, 17 August 1861.

drawn from Mark 10:25 ('It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God'.) Although Randall placed a great deal of emphasis on 'contentment', without which it was of no consequence whether one was rich or poor, he also argued that contentment was more likely to be found amongst those who were poor.

As we have seen, Randall was an active member of the St John's Total Abstinence Society and thus it is not surprising that he selected 'Ought the traffic in intoxicating liquors to be suppressed?' as the subject of an essay delivered in October, 1862.⁸⁶ He spoke vehemently in the affirmative, pointing to the contradiction between officially countenancing public houses by licensing them while at the same time 'we railed against drunkenness.' Speaking before the local audience of approximately 100, he claimed that in the 37 public houses in West Maitland, which were 'rendezvous of the idle and lewd', over £1,000 per week was spent on drink. Continuing to argue his position at length and quoting numerous statistics, he concluded by demanding that the government 'could and ought to suppress a system that destroyed £200,000 annually, and which was worse than slavery, for it destroyed the souls as well as the bodies of men'. After some discussion, the debate was adjourned until the following week when the majority voted in agreement with Randall's argument.⁸⁷ Randall was clearly a zealous teetotaler. In addition to his October 1862 essay, he delivered two others on alcohol: one entitled 'Female Influence in connection with Total

⁸⁶ *MM*, 4 October 1862 and 1 November 1862.

⁸⁷ *MM*, 4 October 1862; 1 November 1862. This essay was to be delivered at a meeting of the Band of Hope.

Abstinence'⁸⁸ and the other 'Ought the sale of spirituous liquors be prohibited by the Government?'⁸⁹ Unfortunately neither was reported by the newspaper.

Randall's next essay, 'Are wars and standing armies a curse to the world?', suggests that his commitment to teetotalism was part of a wider commitment to what Alex Tyrrell has called moral radicalism.⁹⁰ Although it was reported only very briefly Randall was clearly a committed pacifist as he condemned wars and had no time for either those fighting or their commanders. Of course, as the American Civil War was entering its third year at the time, it would not be surprising the subject was topical even in faraway Maitland. It may be a result of the brevity of the report but he apparently did not mention the Civil War or Lincoln's Emancipation Proclamation, issued a few months before. When the essay, 'American Secession, should the Southern States secede from the Union?' was debated, not surprisingly, Randall, like many other radicals in the Anglophone world, was clearly committed to emancipation. He painted a very favourable picture of the southern slaves, contending them not to be savages, and rather well educated and clever. He staunchly supported 'the integrity of the Union'. The majority at the well-attended meeting, however, voted in favour of secession.⁹¹ It is to be noted that, two years later, when the Confederate States of America (CSA) warship the *Shenandoah* visited Melbourne, the crew were greeted enthusiastically and entertained lavishly, despite the CSA being on the verge of collapse at the time.⁹² The popularity of the Confederate cause was not confined to

⁸⁸ *MM*, 16 September 1862.

⁸⁹ 4 October 1862 and 1 November 1862.

⁹⁰ *MM*, 12 May 1863. See Alex Tyrrell, *Joseph Sturge and the Moral Radical Party*, London, 1987.

⁹¹ *MM*, 7 and 28 March 1863.

⁹² See Gerald Horne, *The White Pacific: U.S. Imperialism and Black Slavery in the South Seas after the Civil War*, University of Hawaii Press, 2007, p. 26.

Melbourne; there was support for the many CSA veterans who had settled throughout the Colony of New South Wales.

A year later Randall returned to the theme of war by posing the rhetorical question, 'Is war calculated to benefit mankind?'⁹³ The debate was conducted over two evenings when it was reported that Randall had argued in the negative. Only 25 attended the first meeting, four of whom spoke (apart from Randall) with two in favour of the motion and two against. Little was reported on the second meeting apart from the result of the vote which was in favour of the motion.⁹⁴

In June and July 1863, Randall turned his attention to social issues presenting an essay entitled 'Are early marriages desirable?'⁹⁵ By declaring they were *not* desirable he was not advocating a radical cause opposing the institution. He argued that both sexes should wait until they were in their 20s (he set down different ages ranges for males and females – men should marry between 24 and 27 years of age and women between 20 to 23 years of age) but he did so on moral grounds. He maintained that early marriages resulted in immorality as some young men were unable to keep their wives from straying whereas some men stayed out playing billiards or going to the theatre instead of remaining at home with their families. Whether or not Randall's view was in keeping with contemporary views could not be verified. His attitude to women's equality was much clearer and liberal by the standards of the day.

⁹³ *MM*, 26 March 1864 and 30 April 1864.

⁹⁴ Although it is likely that the discussion included opinions about the war against slavery that was raging in America at the time, as indicated, no details were given.

⁹⁵ *MM*, 20 June 1863, 27 June 1863 and 4 July 1863.

Although not the principal speaker, Randall participated in a controversial debate held over four evenings on the subject, 'The Intellectual capacity of the sexes compared'. The first discussion attracted a large audience with the essayist arguing that women were intellectually inferior to men.⁹⁶ An advertisement for the next meeting had invited women to attend and those who came 'listened with exemplary patience to what their detractors and admirers had to say'.⁹⁷ However, the opinions were divided and the meeting adjourned. Randall opened the third meeting; although it was reported that he was in opposition to the essayist, unfortunately none of his arguments were given.⁹⁸ With opinions again divided the meeting was adjourned. The fourth meeting saw a large audience, 50 per cent of which were women, and the conclusion of the debate.⁹⁹ The decision by a large majority that women were intellectually inferior to men was 'received with great applause'. That the large number of women in the audience were apparently satisfied with this outcome is surprising given that now there was starting to be serious and widespread discussion of the rights of women; women were beginning to recognise that 'biological and emotional fulfilment was not, even when it was attainable, enough'.¹⁰⁰

Compared to subjects such as temperance and war the last of Randall's essays was trivial, although it provides further insight into his worldview. It was entitled, 'Has

⁹⁶ *MM*, 14 July 1866. The essayist used phrenology to support his argument, claiming that the conformation of the female cranium indicated intellectual interiority. Phrenology is discussed in the Biography of James Mulholland below.

⁹⁷ *MM*, 21 July 1866.

⁹⁸ *MM*, 8 August 1866.

⁹⁹ *MM*, 8 August 1866.

¹⁰⁰ Hazel Mews, *Frail Vessels. Women's Role in Women's Novels from Fanny Burney to George Eliot*, Bloomsbury Academic, London, 1969, p. 5. It would take another 15 to 20 years in the colony, however, before an organized feminist movement developed; over this time there was a growing concern that women did not have the right to vote even on matters that principally concerned them, for example, those that related to the family. See Ann Curthoys, *For and Against Feminism. A personal journal into feminist theory and history*, Allen & Unwin, Sydney, 1988, pp. 27-28.

novel reading a demoralizing tendency?’¹⁰¹ Again, the report in the press was very brief but it is clear that Randall was strongly against novel reading. Had those at the meeting been present four years earlier at the reading of another essay by Randall, ‘Novel reading – is it injurious?’ they would have anticipated that he would have taken this stand.¹⁰² Novel reading had been enjoying a rise in popularity since the 18th century and had become particularly popular by the time of Randall’s essays. Although novels were predominantly seen as ‘an instrument for changing opinion and moulding behaviour’ of women, the brief reportage gave no indication of whether women were mentioned in the debate.¹⁰³ When Randall presented this essay in 1862, he had constructed a kind of syllogism to prove that novel reading was harmful, arguing that the definition of the word novel was a lie, that since novel meant fiction and fiction was a lie, therefore novel reading must be injurious.¹⁰⁴

Another question related to literature that had attracted Randall’s attention was ‘Is the Poet, Warrior, or Statesman most beneficial to mankind?’¹⁰⁵ In keeping with his opposition to the novel Randall agreed with the essayist’s opinion that it was statesmen. A myriad of other questions attracted his involvement in debate, which, taken together, show him to be a man broadly interested in current affairs, philosophical questions and moral causes. When the question ‘Which exerts the greatest influence for good, the Press or the Pulpit?’¹⁰⁶ was discussed Randall argued

¹⁰¹ *MM*, 9, 11, and 25 August 1866.

¹⁰² *MM*, 29 November 1862.

¹⁰³ Hazel Mews, *Frail Vessels*, p. 7.

¹⁰⁴ Randall would have no doubt agreed with the Rev J.T. Cane who stated later in the decade that ‘novel-reading has become one of the great vices of our age’ and that the multitudes cared for ‘nothing but light reading’. J.T. Crane, *Popular Amusements*, Walden & Stowe, Cincinnati, 1869, p. 122.

¹⁰⁵ *MM*, 3 October 1863.

¹⁰⁶ *MM*, 10 September 1864 and 8 October 1864.

in favour of the Pulpit. He argued in the negative after the following essays had been read: 'Is the Newspaper Tax prejudicial to the best interests of the colony?' and 'Ought education be compulsory? or Ought Parents be compelled to educate their children?'. On the other hand he agreed with the following: 'Would Ireland be benefitted by a native Parliament?' and 'Do the present financial difficulties of the colony justify the Government in withdrawing support from the Volunteer Corps?'

What do these essays tell us about Randall? For the student of politics in colonial Australia he is easily recognisable as a moral radical or a moral liberal; by the 1860s all those involved in politics were typically liberal.¹⁰⁷ He could be extremely rigid in his moral values and also a little naïve. As might have been expected, he had very rigid views about the evils of alcohol, he was an opponent of war and slavery and thus, like many liberals, he was conflicted by the American Civil War. Like many liberals, too, he opposed government intervention – in granting liquor licences and in funding a Volunteer Corps (although he would have also objected to this as an opponent of war). In arguing that men and women should wait until they were in their 20s to get married he took the moral high ground equating immaturity with immorality.

In September 1863, during his participation in the School of Arts activities, Randall was forced to declare himself insolvent. According to the official record, he attributed this to 'long continued afflictions and sickness in his family the members of whom have been buried within the last few years – the majority within the last seven years'. As we have seen, when he lost his business, he worked as a sawyer. The news of Randall's

¹⁰⁷ Greg Melleuish and Imre Salusinszky, 'A Broad but Not Infinite Church', *Policy*, Vol. 20, No. 2, Winter 2004, p. 40. The authors claim that by this time 'people who had formerly been radicals or conservatives sought to stand under the same umbrella as those who had always called themselves liberal'.

insolvency was first made known to the inhabitants of Maitland in their local newspaper on 17 September and then again on 19 September 1863 when, among other details, Randall's net debts were listed as £38.11s.8d. The statement of his insolvent affairs at a meeting at Maitland on 29 September 1863 was comprehensive:¹⁰⁸

¹⁰⁸ SRNSW, *Insolvency Records*, No. 6293, box 2/9088.

Assignee: Robert Hamilton Sempill

On 14/9/1863 Charles Randall of West Maitland, a Sawyer dutifully swore insolvency

Part A:	Property owned	Nil
Part B:	Mortgage	Nil
Part C:	Personal Property - furniture and wearing apparel	£8.0.0
Part D:	Insolvents Creditors and Claimants	£. s. d.
Peter Logan West Maitland	1858 good supplied	2.13.8
Dr Spink ditto	1863 medical attendance	5. 3. 0
Dr Douglass	1859	4.16. 0
Dr Scott	1858	2. 5. 6
James Wolstenholme	1863 goods supplied	6. 0. 0
Armstrong and M.Loudy	1860 subscription to paper	1. 4. 0
W. Nicholson	1862 goods	1. 3. 6
E. Spark	1862	5. 0. 0
F. ?oud	1863 promissory note	5. 5. 0
Mr Arnott	1863 goods	1. 5. 0
Mr ? McPhillamy	1863 goods	1.18.0
W. Hughes	1863 goods	5. 3. 0
E. P. Capper	1863 goods	0.10.0
James Wolstenholme	1863 rent	4. 5. 0
		<hr/> 46.11.8
Debts and Claims		£46.11.8
Assets		£ 8. 0. 0
Amount of Deficiency		<hr/> £38.11.8 <hr/>



**Image 1. Charles Randall c. 1875.
Photograph provided by Jo Wendens in
2009.**

It was noted that a meeting of creditors would take place in Maitland on 29 September and this was duly reported in *The Maitland Mercury*. The meeting was held before District Commissioner Day'.¹⁰⁹ Randall again defended himself saying that he had buried ten of his children within the past seven years.¹¹⁰ No creditors were present.

How did Randall feel when the news of his insolvency was announced in the local paper? He had not only been a business man in West Maitland with his agency,

¹⁰⁹ *MM*, 1 October 1863.

¹¹⁰ Searches of the NSW Death records and personal communication from Jo Wendens reveal that Randall and his wife Esther had lost eight of their thirteen children rather than ten as stated by Randall.

hairdressing shop and boarding house, but a prominent figure in the town, one who gave generously of his time to local affairs. That the town was a breeding ground of gossip is evident from at least one notice in the newspaper relating to his wife Esther.¹¹¹ It is clear that his wife was suffering from a chronic and debilitating illness. By November 1867, however, he was publically lauding a cure in which he provided details of the extent to which his wife had suffered: ¹¹²

To Drs. Gordon and Moore, Gentlemen –

It is now about twelve months since I advertised your successful treatment of my wife, who had suffered for ten years with severe attacks of epilepsy. She often had as many as thirty fits in one day, and was never more than three weeks without a fit, and was treated unsuccessfully by a legion of doctors. When the cure was publicly advertised twelve months back, rumours became rife that the fits were only checked, and would soon return; but I am happy to now bear testimony that fifteen months have elapsed, and no return of the fits, and her health still continues good. I therefore again tender my thanks for your very successful treatment.

The whole district knew not only of Randall's insolvency but also of his wife's epileptic fits although neither appears to have affected his status as a citizen. He certainly continued his participation in the St John's Society of Total Abstinence until at least 1866, three years after his financial situation had been so publicly exposed, as well as maintaining links with the School of Arts until his death in 1875.¹¹³

¹¹¹ *MM*, 16 November 1867. Kirsten McKenzie claims that scandal and gossip 'act as a means of social control by prescribing behaviour and commenting on transgression.' See Kirsten McKenzie, *Scandal in the Colonies. Sydney and Cape Town, 1820-1850*, Melbourne University Press, 2004, p. 8.

¹¹² *MM*, 16 November 1867.

¹¹³ Randall attended a meeting of the St John's Society of Total Abstinence in 1866. *MM*, 7 June 1866. In 1865 he was elected to the Committee of the School of Arts and in the following year he was in attendance as he seconded a nomination. *MM*, 22 April 1865 and *MM*, 12 April 1866. In 1874, only two months before his death, he sang at a school fund-raising function. *MM*, 14 April 1874.

In 1865, however, Randall gave every indication that he had reverted to a life he had left behind many years before. In March he was arrested in the *Red Lion* public house, taken to the local lock-up and charged with the theft a telescope.¹¹⁴ He was granted bail of £10 and 'one surety in a like amount' until the trial took place a week later. He testified at the hearing that he had purchased articles from Mr Sadlear's Sale Rooms and had found a telescope among them when he returned home. He had not concealed the telescope and his son, Charles, Jnr, had carried it 'about at the races' and around the town. Charles, Jnr had then taken the telescope to the Red Lion where he had offered it up for raffle on his father's behalf. Although there were several witnesses at the trial who testified about Randall's good character 'for honesty and conscientiousness', he was found guilty of stealing the telescope. On the other hand, 'in consideration of his previous good character' a moderate penalty of £1 or one month's imprisonment was awarded. It seems that he paid the fine. No mention was made in the newspaper of Randall's previous convict status. Had this been known in the town, it is likely to have been revealed at the time. Nor was there any comment that the zealous local teetotaler was apprehended in a pub.

In the 1867 Post Office Directory, Randall was listed as a 'dealer' in Bulwer St., West Maitland, a location close to the main street.¹¹⁵ In addition to his return to the ranks of small businessmen, he continued to serve on the committee of the School of Art, delivering essays and participating in the discussion of essays given by other members; he was also involved in at least some of the musical soirées as mentioned above. At a musical and literary entertainment evening in 1867 held in order to raise funds for the

¹¹⁴ This incident was reported in the *MM*, on 11, 14 and 18 March, 1865.

¹¹⁵ Personal communication from Jo Wenden in 2009. Information obtained from the Sands Directory.

school, the musical pieces were so successful that a repeat performance was given a week later.¹¹⁶ Randall sang on both occasions, choosing the vocal 'The Charming Young Widow I Met on the Train' on the second. Whether he participated after this is not known but in April 1874 he sang during another fund raising soir  e for the school, this time choosing to sing 'Little Footsteps' as well as a duet 'O Maritana' with a Miss Melene.¹¹⁷ Miss Randall, presumably his daughter, Jane Anne, who would have been 18 at the time, sang 'Hail to Thee, Sweet Summer Bird' on the same occasion, and also a duet, 'Yesterday', with Master Randall, no doubt her brother, William Henry, who was 16. The occasion was reported to have been a 'gem of an evening' and the 'pretty singing of Miss Randall' was especially commented upon. This appears to have been the last occasion on which Randall sang, although the two children participated in events later that year.¹¹⁸

Randall's second son, Charles Jnr, had earlier moved from West Maitland with his new wife, Ellen Rebecca ne   Broadhurst and purchased or leased land in the New England area, which he named Bogomilda Station.¹¹⁹ Tragedy struck in 1867, however, when Ellen Rebecca and one of their two children died. Ellen was only 20 years old.¹²⁰

Although Charles, Jnr moved back to Maitland for a time, he had removed to Penrith to the west of Sydney when his father had a serious accident near the town in October 1874. *The Maitland Mercury* reported that Randall Senior had been involved in a horse accident suffering a severe rupture leaving him in a 'critical state'. The injury was

¹¹⁶ *MM*, 30 March 1867 and 6 April 1867.

¹¹⁷ *MM*, 14 April 1874.

¹¹⁸ *MM*, 11 May 1874, 15 August 1874 and 19 September 1874.

¹¹⁹ This information is assumed from the information in Ellen's death notice in 1867. *MM*, 26 September 1867.

¹²⁰ *MM*, 26 September 1867.

particularly dangerous, continued the report, given that he was an 'old man'.¹²¹ Worse was to come.

Randall had apparently recovered sufficiently by the following year to visit a sawmill in Maitland when disaster struck. According to the newspaper report, Randall had gone to cut some small pieces of wood for his son when he all but severed his hand from his arm: he 'cut completely through the bone at the wrist, the hand only hanging by a portion of the skin and flesh.'¹²² Soon, the report continued, a great deal of blood had been lost and Randall had fainted in the cart. His hand was successfully amputated after his admission to the hospital. When the accident happened Randall was keeping a small fruit shop and augmented his income by collecting bottles.¹²³ Needless to say, the shock of this calamity coming as it did on top of the earlier accident proved too much for Randall: he passed away six months later at the age of 63. In the six months before his death his photograph was taken in which the site of his amputation can be seen (see above). *The Maitland Mercury*, in his obituary, reported that he had been a highly respected citizen and a resident of Maitland for 50 years.¹²⁴ He was buried on 20 August 1875 in the Wesleyan Section of Maitland's Oakhampton Cemetery. Dropsy was said to be the cause of his death.¹²⁵

Of Robert, Randall's first child, little is known. Like Charles Jnr he trained to be a cabinet-maker. He married in Sydney in 1863 when 22 years old, and moved to

¹²¹ *MM*, 31 October 1874.

¹²² *MM*, 16 February 1875.

¹²³ *MM*, 16 February 1875.

¹²⁴ *MM*, 21 August 1875. He had actually resided in the town for 36 years not 50, an understandable exaggeration on the part of the journalist.

¹²⁵ Personal communication with Jo Wendens in 2009.

Newcastle with his wife and family at some time in the following eight years. During this time it was reported in the *Newcastle Chronicle* that he had given 'gratuitous services at concerts and amusements in aid of various charities'.¹²⁶ Charles, Jnr, as mentioned above, married in 1865 and suffered the heartbreak of losing both his wife and first child. He remarried in 1868 and at some stage during the following 17 years, moved to Penrith with his family.¹²⁷ Here he was the choir leader in the Wesleyan Church in at least 1882 and 1884¹²⁸ and sang at one or more of the church meetings.¹²⁹ In 1896 he sang at the Masonic Lodge when his son, Percy, was inducted. He also showed his dramatic skills when appearing in a Good Templars' Concert.¹³⁰ The industrial accident that effectively ended Randall's life was replicated in accidents that befell his sons Robert and Charles Jnr, a reminder that the levels of health and safety in the workplace taken for granted today are of relatively recent implementation.

Notwithstanding a rich, varied and complex life in two hemispheres, Randall's most obvious legacy was music; all his children inherited his talent for music. As noted, both William and Jane sang at the fund raising evenings for the School of Art. After Jane had married John Furness,¹³¹ she moved to Sydney where she held at least one musical soiree.¹³² On this occasion, her son's 21st birthday, her brother Frederick's flute solo was the main attraction. Frederick, the youngest of Randall's children, went on to make a name for himself playing the piccolo for J.C. Williamson in Sydney and teaching

¹²⁶ *NC*, 18 September 1873.

¹²⁷ Charles, Jnr was part of the group playing cricket when his brother, William, met with his fatal accident. *NT* 15 September, 1883.

¹²⁸ *NT*, 17 March 1882 and 3 May 1884.

¹²⁹ *NT*, 17 March 1882, 7 April 1883 and 3 May 1884.

¹³⁰ *NT*, 3 November 1887. The Good Templar was a temperance organization.

¹³¹ *NMH&MA*, 25 April 1877.

¹³² *Evening News*, 19 May 1899; *Sunday Times*, 21 May 1899.

John Amadio, the world-famous flautist.¹³³ Frederick's daughter, Alice, born in 1883, was not a professional musician but played the fiddle while her sisters played the piano – they were all musical.¹³⁴ Alice's son, Herbert, born in 1925, was a professional musician from the age of 20, playing the saxophone, clarinet and flute. He played in various venues including the Tivoli in Sydney and the Glaciarium. In March 1965 he played at a dance at the Waterloo Town Hall, when a notorious stand-over man, 'Jackie' Hodder, was stabbed to death in the middle of the dance floor right in front of the band. The following day the *Sydney Morning Herald* headline read 'and the band played on...'. The members of the band were interrogated by the police and ended up in the cells for the night.¹³⁵ This is as close to Charles's distant past that subsequent generations have come. Herbert's son, John, born in 1953, is presently a drummer who has worked with bands since he was a young man and his son, Samuel, born in 1990, is also a drummer.¹³⁶ Thus, in this branch of the family, there are five generations of musicians – to date.¹³⁷

Charles Randall, convict, was a remarkable man. After emancipation he worked hard to provide an income for his family from the businesses he set up – initially the hairdressing salon and the boarding house – at the same time coping with the tragedy

¹³³ The National Film and Sound Archives holds a black Edison cylinder recording of a song played by Frederick, the data base entry stating 'Randall, Fred. Piccolo player. 'Silver Birds', recorded on Australia Record No.38. Information obtained from the National Film and Sound Archives 15 April, 2009.

¹³⁴ There was one exception, Horace, who was a talented artist. He drew portraits of people on the street and painted the backdrops for theatres, including the renowned Tivoli in Sydney. Personal communication from Jo Wendens in 2009.

¹³⁵ Reeves, Hodder's killer, went to gaol for 3 years. After his release he was set up. He was locked in his car which was torched and he burned to death. According to Sydney identify, George Freeman, Hodder was a deadly street fighter and feared standover man. Such was his reputation in the underworld that his funeral was the biggest Darlinghurst had seen for many years. Personal communication from Jo Wendens in 2009.

¹³⁶ Personal communication from Jo Wendens in 2009.

¹³⁷ It should be mentioned also that Charles Randall's brother, Robert, in London, was also a musician. Personal communication from Jo Wendens in 2009.

of losing eight of his 13 children before they reached the age of five. He also supported his wife through long years of chronic illness. When his businesses failed he worked as a sawyer and, towards the end of his life, ran a small fruit shop and augmented his income by collecting bottles. Notwithstanding the vicissitudes of business and employment he was an active member of his community and, as we have seen, upheld liberal and moral views. Although there is some evidence that he never quite left the convict behind him, he undoubtedly benefited materially and socially from the harsh punishment he received early in his life. He never returned to Britain. Moreover, he left a close-knit family with a talent for music. He would surely have been proud that his children went on to become respectable contributors to his adopted home.



Image 2. Frederick, son of Charles Randall, in front row with his flute when touring New Zealand with the Madam Melba Opera Company. The date is uncertain but may have been either 1902 or 1909. Photograph provided by Jo Wendens in 2009..

SECTION 2 WRITING CONVICT LIVES

The following biographies are presented in alphabetical order.

CHAPTER 4 BIOGRAPHIES

THE BIOGRAPHY OF THOMAS BRAY

Why did Thomas Bray have an alias? Although stealing a silver watch in 1836 was his first conviction, was it his first crime? Using the alias of Leo Hartley had he managed to avoid capture for others? While it is highly unlikely that any more about this will be discovered, it is known that Bray had gone up to Lincolnshire in 1836, presumably from London where he lived, to stay with his Uncle Charles who had a shoe shop in Market Rasen near a jeweller, Charles Dexter. The close proximity of the jeweller's was clearly too much of a temptation for Bray and an acquaintance, John Watson, as they were caught stealing a silver watch worth £3.¹ While awaiting trial they were sent to gaol in the old Castle of Lincoln, which had been built many centuries earlier during the reign of William the Conqueror. It was almost certainly not a pleasant experience for the pair. Worse was to come, however. When the case was heard at the Lincoln Assizes they were sentenced to be hung for this crime. A month later, however, their sentence was commuted to life.²

After spending two additional months in gaol, the pair was transferred to the notorious hulk *Ganymede* moored at Woolwich in the Thames. They spent what must have a torturous five months on the hulk, when, on 8 October 1836, they were taken

¹ It was also Watson's first conviction. See SRNSW, *Annotated Printed Indents*, NRS 12189, Item [X640], Microfiche 727.

² See Trial record at http://www.lincolnshire.gov.uk/ConvictsDetails.aspx?convict_id=3324. At the time it was not uncommon for the death sentence to be given for a crime of this nature. See also SRNSW, *Criminal Registers, 1791-1892*, Class HO 27, Piece 51, Page 599.

aboard the *Norfolk* which set sail from Plymouth three weeks later.³ The surgeon wrote in his journal that the trip was uneventful, the convicts orderly and that all on board arrived in Port Jackson on 12 February 1837 in good health.⁴ Although the voyage had taken the relatively short time of 108 days, the convicts were on board the ship for a total of 140 days – in addition to the extra three weeks on board before the vessel set sail, their disembarkation was delayed for ten days.⁵

Within two weeks of their arrival, 21-year-old Bray was locked up again, this time without Watson for company.⁶ Although nothing is known further about Watson's fate or the reason for Bray's incarceration in Sydney, the 1837 muster revealed that he was sent to the AACo that year. Even though listed as a labourer, there was always a shortfall of shepherds on the company's vast estate and Bray could have been used in this capacity. This would certainly have made it easier for him to abscond, which he did within 12 months of his arrival.⁷ After being captured, he absconded again on 6 May 1838 in the company of four other convicts.⁸

On the road to New England during Bray's second escape attempt the group was 'met on the "Mountain Track" by a gentleman on his way down from the Peel⁹ and [were] reported by him, at Stroud'. The letter went on to state that:¹⁰

³ SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO9, Piece 3.

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 57.

⁵ SG, 21 February 1831.

⁶ SRNSW, *Description Books [Sydney Gaol]*, NRS 2517, Item 4/6300, Roll 856. Bray was in Sydney Gaol from 3 March 1837 until 23 March 1837 when he was sent to Newcastle to the AACo.

⁷ GG, 7 March 1838.

⁸ GG, 16 May 1838.

⁹ The Peel River near Tamworth.

¹⁰ SRNSW, Item Nos. 4/2418.1, 38/5551.

The escape of such people gives the greatest encouragement to others to follow the same route – it being well known to the convicts in general that, if they can but get beyond Maitland thereby diverging from the usual path, can easily afterwards elude the vigilance of the Police, and on reaching the Peel find ready employment.

A small force of mounted police was requested to ensure their capture. It was also suggested that a severe fine be imposed by their employers to ‘deter others from taking the same course’. The letter was intercepted by the governor who wrote in the margin that men could not be spared for this purpose although recommending that the constable of the mounted police be informed of the situation.

Bray was captured nonetheless and returned to the AACo only to abscond again in both 1840 and 1841.¹¹ At this time he was working at the company’s Peel River estate. Although escape for Bray seemed easy, survival at large proved impossible. Back at the company again, Bray presumably accepted his fate and settled down for the next six years before obtaining his ticket of leave for the district of Broulee on the south coast of New South Wales.¹² Just why he decided to travel all the way from the Central Coast in New South Wales down to the South Coast is unknown. While in Broulee, he managed to obtain work with a William McNiven a little further south at the larger town of Eden and obtained a ticket of leave passport for that area the following year.¹³

Things went well for Bray as he was granted his provisional pardon at the end of 1850, 13 years after his arrival in the colony.¹⁴ Two weeks after obtaining his freedom, he married an Irish girl, Johanna O’Rourke, who had arrived in Australia as a free settler

¹¹ GG, 8 August 1838; 14 and 21 October 1840 and 1 October 1841.

¹² SRNSW, *Ticket of Leave Butts*, 4/4214, Reel 961 for District of Broulee.

¹³ SRNSW, *Butts of Ticket of Leave Passports*, 4/4271; Reel 978.

¹⁴ MM, 24 April 1852.

only four months earlier.¹⁵ In the following year, 1851, their first of nine children, Daniel, was born and at that time they were also able to purchase a two-acre lot in the town for £7.10.0.¹⁶ A house they subsequently erected on the land remained the family home until 1949, nearly 100 years later.¹⁷ A photograph of the house has survived as well as a sketch and diagram of the interior. Family history has it that Bray was good at working with stone and that he completed the stone work for the chimney and fire place. The house was in Bullara Street, Pambula, near the intersection of Quondola Street.¹⁸

Bray is recorded as being a farmer in Pambula¹⁹ and records show that he went on to purchase more land in the town.²⁰ He also purchased four blocks of land at Rocky Hall, near Bega, giving one to each of his sons. He apparently had an interest in breeding Clydesdale horses.²¹ Apart from looking after his wife and family he was publically spirited. It seems the local post office was poorly sited in the middle of a paddock in Pambula and he wrote a letter requesting it be moved to the main part of the town for the convenience of the residents.

Not only did Bray lead a blameless life after moving to the south coast, but according to family folklore, he made history by becoming the first emancipated convict to

¹⁵ They were married in the Church of England, Pambula. NSWG Marriage Records, V1850811, 36B/1850. Johanna was 22 years old and had arrived on the *Lord Stanley*. SRNSW, Reel 2136, 4/4790, Page 12, Reel 2461, 4/4918.

¹⁶ SRNSW, Colonial Secretary's Letters relating to Land, NRS 709, Item 2/7809, Reel 1101.

¹⁷ In approximately 1960 it was demolished to make way for a motel. Personal communication from Pam Stewart in 2009.

¹⁸ It is believed that the first Europeans settled in Pambula in the 1830s. Although the town was laid out in 1843, not long before Bray arrived, it was not until 1885 that it was proclaimed a town. See web site: <http://thebegavalley.org.au/2731.html>.

¹⁹ On his children's death certificates, it is noted that their father, Thomas Bray, was a farmer.

²⁰ One of these was purchased in May, 1857 – 2 acres and 2 roods for £3.

²¹ Personal communication from Pam Stewart in 2009.

become a Justice of the Peace.²² Apocryphal or not, the fact that he became a magistrate is a revealing example, which shows that the trajectory of convict lives could involve a significant rise in status – from transportation and subsequent clashes with the law in his enforced home to an administrator of that same law. He died in Pambula in 1894.²³

The Brays had lost two of their nine children, both girls.²⁴ One, Mary, died in 1862 from convulsions when she was nine days old. The other little girl, Mary Emma, died in 1869 at the age of 18 months after a seven day illness. The cause of death was said to have been diarrhoea although no underlying cause was given. Mary Emma was their last child; she bore the same name as the sister who died in 1862. After their seven surviving children had left home, they formally adopted a boy and a girl.²⁵ While one of their four sons moved to Sydney and became a labourer, the other three remained in the district.²⁶ One became a farmer at Rocky Hall, inland from Pambula and another was a dairy farmer near Pambula itself.²⁷ The occupation of the third is unknown. All three daughters married locally. Catherine married James Underhill, who was born in Bega. They moved to a farm called 'Blairlands' between Rocky Hall and Bega. The farm still exists today although under a different name. When Catherine died, her eulogy indicated that three of their sons were still running the property.

²² Personal communication with Pam Stewart in 2009.

²³ NSWG, Australia Death Index, 1787-1985. Registration No. 4960/1894. Bray's wife, Johanna, died in 1912.

²⁴ NSWG, Death registration no. for Mary 3552/1862 and for Emma 3482/1870.

²⁵ Personal communication with Pam Stewart in 2009.

²⁶ The Pambula area was starting to develop a large trade in the export of bacon, beef, hides and wool. By 1888 there were 300 inhabitants in the township itself. See W. Fredreic Morrison, *The Aldine Centennial History of New South Wales*, The Aldine Publishing Company, Sydney, Australia, Vol 2, 1888, p. 143.

²⁷ Personal communication about the family with Pam Stewart in 2009.

Not only did at least four of Bray's children remain in the district after his death, the eldest, Daniel, carried on the public spirited duties begun by his father. He, too, was a local magistrate, a member of the progress association, and 'the first to put his name as guarantor for the [district] telephone'.²⁸ The Bray family had come a long way since Thomas had arrived in the colony as a convict back in 1837. Although officialdom in the district knew of his convict status between 1848 and 1850 when he was granted his tickets of leave and pardon, this was undoubtedly soon forgotten. Indeed, such was the emphasis on respectability in the family that clearly any taint of convictism had completely disappeared well before Bray died.

Some evidence of this was found in words included in the eulogies for two of his children. The glowing eulogy for Daniel, who died of typhoid in 1904, only ten years after his father, noted: 'Seldom indeed have we met with one so universally respected in his life and mourned in his death.'²⁹ When Bray's second daughter, Catherine, died in 1925, she was considered to have been 'one of the good old sort, a typical pioneer'.³⁰ The extended Bray family has continued to live on the south coast of New South Wales. Many still live in the Pambula district, some in the towns and others in the surrounding countryside where they own large areas of land.³¹ Thomas Bray, former convict, would indeed have been proud.

²⁸ Personal communication about the family from Pam Stewart in 2009.

²⁹ The article, obtained from 'our Rocky Hill correspondent' had begun: 'On Monday evening last the salutation on the lips of every person you meet was, "So poor old Dan Bray is no more."' NSWG, Death Registration: 1897, 4585/1897.

³⁰ These words came from the Death Notice provided by Pam Stewart. The source is unknown. Catherine died from cardiac degeneration and strangulated umbilical hernia. NSWG, Death Registration: 1925, 2305/1925.

³¹ These details were given to me in 2012 by a resident of Pambula.



Image 3. The house of Thomas Bray and family. Photograph provided by Pam Stewart in 2009.

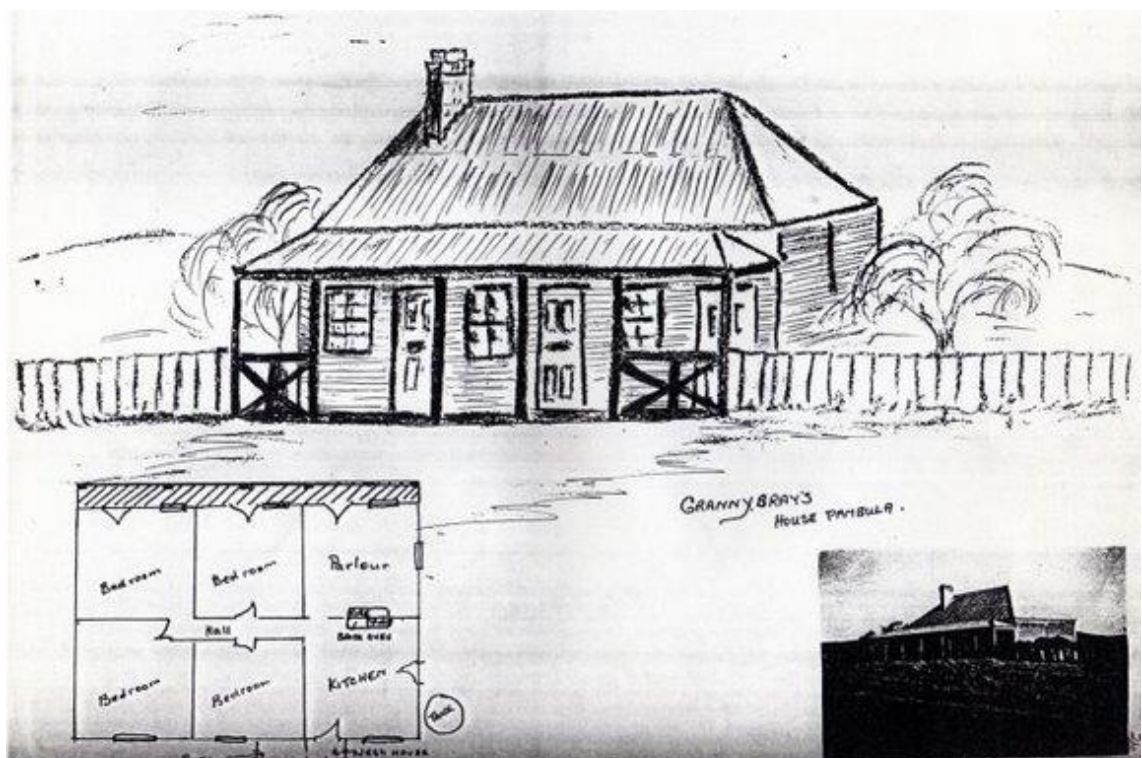


Image 4. Sketch of 'Granny Bray's House Pambula'. Sketch provided by Pam Stewart in 2009.

THE BIOGRAPHY OF SAMUEL BROADHEAD¹

It is possible that flowers such as foxgloves and anemones created a cheerful atmosphere outside the Nottingham Court House in England in the early spring of 1824. Inside the courthouse, however, the outlook was decidedly bleak for the prisoner Samuel Broadhead. He was in the dock in March, 1824 charged with committing highway robbery. Even though records show him as a soldier and a labourer when convicted in England, he may well have been unemployed at the time of the crime. The fact that he was born in Leeds in Yorkshire and the robbery was further south in the vicinity of Nottingham makes him typical of the increasingly mobility of labourers 'on the tramp' in the aftermath of the Napoleonic wars.

After trial at the Nottingham Assizes in England and sentenced transportation for life, Broadhead was incarcerated in Nottingham Gaol for two months before being held on the notorious *Ganymede* hulk for another two.² He was transferred to the transport *Minerva* I on 2 July 1824, which left London 12 days later.³ The voyage was treacherous for Broadhead in more than one respect: initially the rough and stormy seas caused the vessel to leak; the ventilation was poor; there were cases of malnutrition and the appearance of scurvy meant a stop at the Cape of Good Hope for provisions; there was an unexpected delay of three weeks at the Cape when there was not only an outbreak of diarrhea on board but the appearance of typhoid symptoms.

¹ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 1218, Item 4/4009A, Microfiche 654.

² SRNSW (PRO), *Hulks – Miscellaneous Convict Prison Registers*, Class HO9, Piece 1.

³ SRNSW (PRO), *Journals of the Surgeon Superintendents en route for the Australasian Colonies* (Admiralty Dept.), Piece 54, Reel 3205.

From the surgeon's log, however, it appears that Broadhead was lucky enough to escape all of these health problems.⁴

The 170 convicts on the *Minerva* were finally taken on shore six days after she dropped anchor and furled her sails in Sydney harbor in 1824.⁵ Broadhead was assigned to John Cobb, a settler who owned a property 'Rushelone' at Luskintyre, to the north-west of Maitland in the Hunter Valley and was listed as working there as a labourer in the 1828 census.⁶

Three years later, in 1831, Broadhead petitioned Governor Darling for a ticket of leave.⁷ Although details of his literacy were not included in his indent, the petition appears to have been written by Broadhead himself. In it he refers to a proclamation made by the governor offering indulgences to prisoners who help in the apprehension of wrongdoers. Broadhead claims to have succeeded in apprehending 'four most notorious characters', whom he named. One was a 'runaway from No. 28 Iron Gang when brought before the Bench at Maitland' and the other three were charged with 'robbing a Constable ... and putting him in bodily fear'. Why he had taken it upon himself to pursue 'wrongdoers' is unclear, although it is possible that he did so precisely to take advantage of the governor's offer. Either way, his petition was successful and Broadhead's ticket of leave was prepared on 14 February 1831 and

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 54, Reel 3205.

⁵ *The Australian*, 25 November 1824.

⁶ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 12188, Item 4/4009A, Microfiche 654.

⁷ SRNSW, Petition to Governor Darling, 31/1692, 4/2545.5.

transmitted to Paterson's Plains Bench a week later.⁸ It was also noted that he had been recommended to the magistrates for his good conduct.

Shortly after obtaining his ticket of leave, however, he was convicted for taking part in a robbery at Nelson's Plains.⁹ The motive for the robbery is unlikely to have been unemployment as paid jobs for labourers were plentiful in the Hunter.¹⁰ When apprehended he was described as a clothier and, after being sent from Newcastle to Sydney Gaol for processing on 31 December 1831, 'properly ironed', he was boarded onto the *Governor Phillip* awaiting shipment to the far north coastal penal settlement at Moreton Bay for two years.¹¹ Shortly thereafter he petitioned the governor for clemency. The response was not favourable as indicated in a letter from the Sheriff to Colonial Secretary in January 1832.¹² He was discharged from Moreton Bay in August 1833 and shipped aboard the *Isobella* to Sydney for housing in the Hyde Park Barracks.¹³

It is likely that Broadhead then worked for the government on the roads until he was assigned to the AACo at some time between 1833 and 1837.¹⁴ At the end of the 1838 he was issued with his second ticket of leave.¹⁵ He was now able to earn wages again

⁸SRNSW, *Ticket of Leave Butts*, 4/4077, Reel 914, district, Paterson's Plains.

⁹ SH, 15 August 1831.

¹⁰ With the closure of the secondary punishment prison in Newcastle in 1823, the Hunter Valley was opened to free settlers with numerous taking the opportunity to take up land in the Valley. In 1831 Broadhead, with his ticket of leave, was able to gain employment and earn money for his own use. He apparently decided, however, that there was more money to be had by robbing than by labouring.

¹¹ SRNSW, Gaol Description and Entrance Books, 1818-1930, Series 2519, Item 4/644, Roll 854; SRNSW, Index to NSW Colonial Secretaries Office – Letters sent to Sheriff, 5.7.1828- 31.12.1850, 31/1881, 4/3897, Reel 1062/199 and 31/277, 4/3897, Reel 1062/291.

¹² SRNSW, Letter 32/6, 4/3898, Reel 1062/291.7.

¹³ SRNSW, Letter 33/190, 4/3898, Reel 1063/401.

¹⁴ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company*, p. 30.

¹⁵ SRNSW, *Ticket of Leave Butts*, 4/4124, Reel 931. District Port Stephens.

and, given that this ticket was for Port Stephens, he presumably stayed on and worked at the company. Seemingly restless, he changed his ticket in the following year to Maitland where he stayed for five years until 1844.¹⁶

Broadhead worked for at least part of this time as an overseer on a property called 'Tremayne' at Wollombi in the lower Hunter Valley that was owned by a Mr R.A. Rodd.¹⁷ While at this property in January 1841, another convict working for Rodd, Joseph Drew, petitioned the Governor, George Gipps, about his alleged ill-treatment. The issue concerned his refusal to move a dray. Drew also made a statement that was sworn before a Justice of the Peace. Both of these documents were extremely long and detailed.¹⁸ In his petition to the governor, Drew alleged that Rodd had threatened to flog the 'bloody guts' out of him if he disobeyed an order to move a dray. Rodd had then allegedly grabbed Drew by the collar and, after punching his face, called him a 'bloody thief' and threatened to strangle him. The confrontation prompted Drew to write to the governor to testify against Rodd.¹⁹

Broadhead, as overseer, was called upon to give evidence on 26 January 1841.

Although considering that Drew had acted in an unsatisfactory manner, he thought it unwise of Rodd to have struck him. On the other hand, he said that Rodd treated his assigned servants 'very well including giving them a large ration and plenty of

¹⁶ SRNSW, *Ticket of Leave Butts*, 4/4124, Reel 931. Ticket changed to District Maitland.

¹⁷ SRNSW, Items 31/1692, 4/2100. The information about the case that follows was taken from a number of documents found under this reference.

¹⁸ Drew had arrived in the colony on the *Lord Lyndoch* three years earlier after being convicted in Somerset, England at the age of 23 for stealing a carpet bag. He was transported for seven years. SRNSW, *Annotated Printed Indents*, Series NRS 12189, Item X641, Microfiche 733.

¹⁹ On the indent it was claimed that Drew could both read and write.

vegetables besides'. Broadhead also stated that he was about to leave Rodd's employ but only because he preferred living in Maitland. Drew was kept in government employment for six months.

Broadhead was clearly unsettled and restless. Although he had stated a preference for living in the town of Maitland rather than on the land, in 1844 he applied for a ticket of leave for Port Stephens.²⁰ But in 1845 his ticket was altered back to Maitland.²¹ In the same year he was given a conditional pardon recommended by Charles Hall, the company's Superintendent of Sheep, and company employees J.E. Smith and John Cook, J.P. and then, in the next year, 1846, he was issued with another conditional pardon, again recommended by the same employees of the company.²² The reason for Broadhead's restlessness is unknown as, ironically, he was now free to settle down.

Shortly after receiving his pardon, Broadhead married an emancipated convict, Maria Davis, in East Maitland on 4 March 1846.²³ Maria's records state that she was married with three children when transported.²⁴ Maria, who was from London, had been convicted in Surrey in 1833 for stealing shoes for which she was sentenced to transportation for seven years. After arriving on the *George Hibbert* on 1 December 1834 she was assigned to William Wyatt in Sydney but within three weeks she was

²⁰ SRNSW, *Ticket of Leave Butts*, 4/4124, Reel 931. Ticket changed to District Port Stephens.

²¹ SRNSW, *Ticket of Leave Butts*, 4/4124, Reel 931. Ticket changed to District Maitland.

²² Dial and Fraser, *Convicts of the Australian Agricultural Company*, p. 30.

²³ SRNSW, *Registers of Convicts' Applications to Marry, 1826-1851*, Series 12212, Item 4/4514, Page 117.

²⁴ Maria was aged 28. According to the ship's indent she could read and write, she was Protestant, married with 2 boys and 1 girl, London, occupation 'all work', she stole shoes, Surrey Quarter Sessions trial 26 May 1834. Sentenced to 7 years transportation, no prior convictions, 5'1", pale complexion, brown hair, grey eyes. Stated that husband, James Davis or Morgan, has a previous wife living. SRNSW, *Annotated printed indents*, Series NRS 12189, Item X636, Microfiche 711.

confined in Sydney Gaol and sent to the Female Factory three days later.²⁵ Six months after this she was again in gaol and then back to the factory.²⁶ She must have then travelled north to Newcastle in the following year, 1836, as she was returned to Sydney to spend Christmas Day in gaol. It was then back to the factory.²⁷

Finally, in November 1839, Maria was given a ticket of leave allowing her to stay and work in Maitland.²⁸ But again she soon fell foul of the law. Her ticket was cancelled for having been 'illegally at large with a man called Cook'.²⁹ Her punishment was two months in the third-class section in the factory where she would have been put to hard labour and possibly had all her hair cut off.³⁰ Her story for the next six years, before her marriage to Broadhead in 1846, is unknown. They may have met in Maitland or, alternatively, Broadhead may have gone to the factory to select a bride, a common practice.³¹ At the time of their marriage, Maria was 40 years old and Broadhead 48; in the following year, their only child, Ellen Rebecca, was born.³² In the meantime Maria had received her Certificate of Freedom.³³

²⁵ SRNSW, *Gaol Description and Entrance Books*, Series 2514, Item 4/6435, Roll 852. The Female Factory to which Maria was sent was in Parramatta and built in 1821. During her time at the factory there were three divisions: one for new arrivals and others from whom males could choose a marriage partner, another for those returned by masters or mistresses as unsatisfactory, with the third for those who had a crime in the colony, the section in which Maria was subsequently confined (see below). Bruce Kercher, *An Unruly Child. A History of Law in Australia*, Allen & Unwin, 1995, p 22.

²⁶ SRNSW, *Gaol Description and Entrance Books*, Series: 2514.

²⁷ SRNSW, *Gaol Description and Entrance Books*, Series: 2514.

²⁸ SRNSW, *Ticket of Leave Butts*, 4/4128, Reel 932. District: Maitland;

²⁹ This statement was written on her ticket 39/618 above: 'torn up and cancelled the holder having been sentenced to two months in 3rd class of the Factory for being illegally at large with a man called Cook – March, 1839'.

³⁰ SRNSW, *Gaol Description and Entrance Books*, Series 2514; and Series 2514, Item 4/6436.

³¹ Maria may have been kept in the factory for the six years before her marriage to Broadhead and become eligible for selection as a wife.

³² NSWG, Births, V1847 82 161/1847.

³³ SRNSW (PRO), Convict Pardons and Tickets of Leave, HO 10, Piece 52.

Within four years, Broadhead was employed as an agent in Tamworth and in 1850 he had purchased two roods (1/2 acre) in the town for which he paid £9.15s.³⁴ The following year he became the victim of a crime. In *The Maitland Mercury* in March 1851 he offered a reward for the return of a bay mare with foal at foot.³⁵ Broadhead obviously continued to prosper; in the year following he bought another two roods of land in Tamworth.³⁶ One measure of his success was his land purchases; the other was the fact that he was operating a carrying business with a dray and team of ten bullocks. But not all went well. In 1852 he placed a notice in the paper cautioning the public about a certain Joseph Clark who had absconded with the dray and team.³⁷ This must have been a blow for Broadhead as a team of five pairs of working bullocks may have cost him in the vicinity of £150 to £200 but the remuneration for transporting goods was high at this time.³⁸ Not long afterwards Broadhead, however, was again carting goods; whether the bullocks and dray had been returned or he had purchased new ones is not known.

The next dispute involving Broadhead was for money owed to him.. In February 1853 *The Maitland Mercury* reported that he had sued Samuel Teas under the Masters and Servants Act claiming he had carted goods for Teas for an agreed salary. Teas, in the previous year, had finished constructing a 14-hors-power steam mill in West Maitland and had presumably given Broadhead some of his cartage business.³⁹ The report went

³⁴ SRNSW, Returns of the Colony ('Blue Books'), 1822-1857, Series 1286, Publication Year 1850.

³⁵ *MM*, 2 April 1851.

³⁶ *MM*, 11 February 1852.

³⁷ *MM*, 3 April 1852.

³⁸ See Geoffrey Blainey, *The Tyranny of Distance*, Sun Books, Melbourne, 1966, pp. 123-124.

³⁹ *MM*, 3 March 1852.

on to state that 'The bench, having gone into the particulars, gave judgment to Broadhead of £4 16s.3d. plus costs'.⁴⁰

Obviously Broadhead felt that his business affairs were going well enough to be able to enter into a lease for a hotel in the district. Approved by the petty sessions bench at the publicans' quarterly licensing meeting, the licence for the Settler's Arms, Dunmore, which was across the Patterson River from West Maitland, was transferred from John Peters to Broadhead in September, 1854.⁴¹

Broadhead's lease on the Settler's Arms was short lived, however. In May 1855, only nine months after he was granted the licence, his application for renewal, brought before the bench of Petty Sessions, was opposed.⁴² The following reasons were given: 'the house was not eligible, and out of repair; there were only five rooms in the house, the kitchen was in bad order, the stable out of repair, the yard badly fenced, and the house altogether in a very filthy state'. The person appearing for Broadhead, Mr Mullen, promised that the inn would be renovated if the licence was renewed but the plea was to no avail. This must have been a blow to Broadhead and his wife; and it might provide us with a pointer to the limit and perhaps even the precariousness of his financial standing. Presumably he would have kept the premises in good order if he

⁴⁰ MM, 2 February 1853.

⁴¹ MM, 6 September 1854. Dunmore was originally 1,000 acres granted to George Lang, brother of John Dunmore Lang, and named after a 'revered relative'. Taken up in 1824, it employed a number of families as a dairying and agricultural enterprise. Initially the 'servants' were set to work in an area of 150 acres, employed in 'felling and burning off trees for the clearing of the land for cultivation, or in grubbing up the roots of those that had already been felled'. John Dunmore Lang, *An Historical and Statistical Account of New South Wales and as a Penal Settlement and as a British Colony*, Cocrane & McCrone, London, 1834, pp. 117 & 120.

⁴² MM, 5 May 1855.

had been able to retain the lease.⁴³ After the loss of his hotel Broadhead started a carrying business again. Before long he was back in court. This time the issue was a dispute with William McCrae who was charged with the unlawful possession of a chestnut filly that Broadhead owned.⁴⁴ After much toing and froing McCrae was ordered to return the filly to Broadhead and to pay 6s.8d. court costs.⁴⁵ These incidents are a reminder of the litigious nature the convicts in our sample; they had been transported by the law which they subsequently did not hesitate to resort to.

In 1865 the Broadhead's only child, Ellen, married Charles Randall⁴⁶ at the Randall home in Bulwer Street, Maitland.⁴⁷ Charles was the son of Charles Randall, the emancipated convict whose biography is among our sample. It is likely that the families knew one another: although Broadhead was around 10 years older than Randall, Snr, they had both worked at the AACo. Ellen and Charles had both been born in Maitland; when they married, Charles was 18 years of age and Ellen 16.⁴⁸ Their first child, Samuel Charles, was still-born in Maitland,⁴⁹ after which they removed to the far north to Warialda where a daughter was born at a property known as 'Trigamon', on the McIntyre River.⁵⁰ Sadly, in the same year, Ellen died.⁵¹ She was only 20. Charles, Jnr remarried during the following year.

⁴³ It was not unusual for inquests to be held in regional hotels. An inquest on the body of Catherine McGavey had been held at the Settler's Arms in July 1854, one month before the licence was transferred to the Broadheads. See *MM*, 5 July 1854.

⁴⁴ *MM*, 23 May 1855

⁴⁵ *MM*, 10 April 1856. . Some months later, the same horse was again missing. Broadhead offered a reward of one pound for her return. It is not known whether or not the horse was returned.

⁴⁶ NSWG, Marriages, 2465/1865.

⁴⁷ Personal communication from Ms Jo Wendens on 21 April 2009.

⁴⁸ NSWG, Births, Charles V1845419 155/1845, Ellen V1847682 161/1847.

⁴⁹ NSWG, Births, 10213/1866.

⁵⁰ NSWG, Births, 17186/1867.

Broadhead died in 1863 at the age of 65, two years before his daughter's marriage in Maitland. The funeral notice in the paper was addressed to his friends who were 'respectfully invited' to attend and to join the procession that would 'move from his late residence in Louth Park Road'.⁵² His wife, Maria, stayed at the same residence in Louth Park Road and died there in 1874 at the age of 77.⁵³ While Broadhead's story is perhaps not one of overwhelming success, it is one that shows a determination to improve his life. He seems also to have been a personable man. He had worked for George Cobb at Luskintyre in the Hunter Valley for eight years and gained an early ticket of leave after petitioning the governor. When working on another property in the Hunter as overseer, his opinion was valued by the owner when problems occurred with one of the convict workers. He was also respected by officials at the AACo, three of whom signed the recommendation for his conditional pardon. Although he committed a felony in the colony, he eventually settled down and saved enough money to start a business soon after he gained his freedom.

⁵¹ *MM*, 26 September 1867. Ellen's location at the time of her death was given as Bogomilda Station, New England.

⁵² *MM*, 9 May, 1863.

⁵³ *MM*, 28 February 1874.

THE BIOGRAPHY OF EDWARD AND JOHN COLLINS¹

Edward and John Collins would conceivably have looked alike with their brown hair, grey eyes and ruddy complexion although John was the taller of the two. They applied themselves to the same agricultural trades: ploughing, reaping, shearing and milking while John shepherded as well. Then they got caught stealing a donkey. From experience they would have known that a donkey was of considerable value: it was a beast of burden to use, rent or sell. But they did not have an opportunity to reap the rewards; they were caught and transported. Edward, a lad of only 18 years and John around seven years his senior, were tried together and convicted in Worcester in the West Midlands of England in 1829. Young Edward was perhaps led astray by his older brother – it was his first crime and John’s third. Either way they would have known the likely consequences.

After their sentence of seven years was pronounced, the brothers spent two weeks imprisoned in Worcester Gaol. They were then taken south to the *Retribution* hulk moored at Sheerness at the mouth of the River Medway.² Forced to suffer the hulk’s intolerable conditions for a hellish 16 months, it was a period far longer than the other convicts in our study (except for young Diogenes Herring who was confined for approximately five years). Despite the perils of the journey ahead they surely felt some relief when they boarded the *Nithsdale* irrevocably bound for the other side of the

¹ SRNSW, *Bound Manuscript Indents*, NRS 12188, 4/4015, 675; AJCP Roll 89, HO11/1, p. 274.I

² SRNSW, (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO9, Piece 7.

world.³ After collecting a further 120 convicts from other hulks in the River Thames at Woolwich and Chatham, the vessel set sail for New South Wales on New Year's Day, 1830.

The brothers were both ill during the voyage. John complained to the surgeon of headaches, an aching back and limbs and a continuous fever. These problems remained so debilitating that he was forced to stay in the ship's hospital for nearly two weeks. Edward, suffering from inflammation of several parts of his body, remained in the hospital for over a week.⁴ On arrival at Port Jackson after a voyage of 131 days, the pair had been on the *Nithsdale* for a total of 145 days including the 13 they spent aboard before she left England. Waiting a further nine days before the disembarkation order they were marched to the Hyde Park Barracks for mustering and assignment to their place of work.⁵ Both were shipped north to Port Stephens to the AACo.⁶ Although the capacity in which they worked at the company is not recorded, their familiarity with farming would have been welcomed. Given there was always a shortage of shepherds, at least John would have been assigned to this lonely job.

Edward became due for his ticket of leave in 1834 and requested endorsement for the district of Windsor on the outskirts of Sydney where he subsequently took up a job as ferryman.⁷ Initially he prospered – he deposited £2.14.10d. of his earnings in the

³ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 56, Reel 3206.

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 56, Reel 3206. Diarrhoea was the condition most commonly suffered aboard the vessel.

⁵ SG, 22 May 1830. It was stated that most of the prisoners were assigned to private service.

⁶ SRNSW, *Bound Manuscript Indents*, NRS 12188, 4/4015, 675; AJCP Roll 89, HO11/1, p. 274.

⁷ SRNSW, *Ticket of Leave Butts*, 4/4096, reel 922, Ticket no. 34/1617.

Savings Bank in the following year⁸ – but his freedom came to an end after being charged with assaulting a child.⁹ Although no details of the crime have come to light it was serious enough to warrant two years' incarceration in Moreton Bay.¹⁰ His punishment began when, together with 19 other males and six females, he was herded into the hold of the *Isobella*, a government vessel that shipped prisoners up and down the New South Wales coast.¹¹ It was a long trip up the coast to the region of the colony later called Queensland.

A month after Edward's ticket of leave was cancelled,¹² his older brother, John, received his Certificate of Freedom.¹³ At age 32, John married 25-year-old Mary Gerety, on New Year's Day 1838.¹⁴ Mary had been a laundress in County Meath when she stole money. This was her second conviction; she was transported for life. She received her ticket of leave in July 1845.¹⁵ Unfortunately John's part in the Collins' biography ends here as he can no longer be identified with any certainty. While still bonded his progress was easy to follow: although there were 47 John Collins who underwent transportation to New South Wales, the convict records included the name of the ship on which they were transported. After freedom was granted, the

⁸ SRNSW, *Letters to the Colonial Secretary*, Reel 1048, 4/3680, p. 388.

⁹ SRNSW, Letter 22 May 1835 Police Office Windsor to Principal Superintendent of Convicts recommending cancellation of ticket of leave and two years transportation. SRNSW, *Colonial Secretary's Office Correspondence, 1832 – 1837*, 35/3929, 4/2276.

¹⁰ SG, 27 May 1835. Collins was described as a waterman in the paper.

¹¹ See SRNSW, *Letter sent to the Sheriff from the Colonial Secretary's Office*, 6 June 1835, Reel 1063/251, 35/103, 4/3899 and Reel 1049, 4/3681.

¹² His ticket of leave was cancelled on 21 July 1835. SG on 25 July 1835.

¹³ SRNSW, *Butts of Certificates of Freedoms*, NRS 12210, 4/4329, roll 995.

¹⁴ SRNSW, *Registers of convicts' applications to marry*, Series 12212, Item 4/4513, p. 23. They married in St James Church of England, Sydney.

¹⁵ SRNSW, *Annotated printed indents*, Series NRS 12189, Item X640, Microfiche 729. SRNSW, *Ticket of Leave Butts*, Series NRS 12202, Item 4/4201, Reel 957, and her pardon between 1846 and 1849, SRNSW, *Convict Pardons and Tickets of Leave, 1834-1859*, Class HO 10, Piece 54.

government no longer had any responsibility for former convicts or to keep any records for them. Because he married a convict we glimpse him again here but then, like many subjects in a social history, he fades from view.¹⁶

Two years later in 1837 and now released from Moreton Bay, Edward received his certificate of freedom.¹⁷ The brothers had presumably kept in touch as they both married women from the convict ship *Margaret* that had docked in Sydney that May.¹⁸ Now aged 25, Edward married Margaret Lane (seven years his senior). She had been found guilty in County Cork Court for stealing money and received a sentence of transportation for seven years.¹⁹ Although marrying within a short time of one another, the churches in which the brothers wed were of different denominations. Whether this was in some way connected to the strength of their individual faith – the brothers Protestant and the women Roman Catholic – is unknown.²⁰

Edward Collins (from now on referred to as Collins) and Margaret moved north from Sydney during the next four years as in 1841 Collins was found in Newcastle gaol.²¹ Although the reason for his incarceration is unknown, he was released the following

¹⁶ Even though John had been free for three years when marrying, since Mary was a convict, he could be identified, as his ship of transportation was included in the registration. A commercial genealogical website links him to the area in Queensland where his brother settled but the evidence provided is tenuous at best and I have been unable to verify it.

¹⁷ SRNSW, *Butts of Certificates of Freedoms*, 4/4339, reel 999, CF No. 37/0589.

¹⁸ *SM*, 31 May 1837.

¹⁹ SRNSW, *Annotated printed indents*, NRS 12189, Item X640, 729; SRNSW, *Registers of convicts' applications to marry*, Series 12212, Item 4/4509, Page 238. They married in St. Mary's Roman Catholic Church, Sydney.

²⁰ Over and above the administrative procedures in the colony that decreed whether or not a couple should wed, when a convict was one of the parties, as in both these cases, the permission of the governor was also required. David Kent and Norma Townsend, 'Some Aspects of Colonial Marriage: A Case Study of the Swing Protesters', *Labour History*, No. 74, May 1998, p. 41. Edward and Margaret were married by the Rev John McEncroe in St Mary's Roman Catholic Church and John and Mary were married by the Rev George Napoleon Woodd (*sic*) in St James Church of England.

²¹ SRNSW, *Gaol Description and Entrance Books*, 1818-1930, Item 2/2016, Roll 759.

year when he and Margaret were found living in Scone in the upper Hunter, the district for which Margaret was given her ticket of leave.²² With no alterations to her ticket recorded, they must have remained in the area until Margaret gained her freedom on 30 January 1847.²³ Collins' own Certificate of Freedom had been renewed on 4 February 1842.²⁴

The couple are next identified a great deal further north in Warwick, a town to the south-west of Ipswich in the Darling Downs, where Collins purchased land on 5 August 1851,²⁵ one year after land was first released in the fledgling town.²⁶ He may have used the £2.10s. he deposited in the bank in May 1830²⁷ but either way he paid £10 to the Queensland Government.²⁸ The land was fairly small, one acre and one rood (one and a quarter acres), but at the same time he was granted a licence to 'cut timber on

²² SRNSW, *Ticket of Leave Butts*, 4/4162, Reel 944, District: Scone.

²³ SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Item 4/4407, Roll 1023.

²⁴ SRNSW, 4/4371, Reel 1010, CF 42/0168 in lieu of CF 37/589.

²⁵ QSA, *Index to Register of Lands Sold 1842-1859*, Purchased 5 Aug 1851, Lot 31, Page 71.4, Warwick Town Purchases - C 101517, QSA Ref. SUR/4, Microfilm Z318; GG 13 May 1854 and MM 10 May 1854. This land was purchased under the Act of the Governor and Legislative Council 13th Victoria, No. 45. GG, 3 February 1852.

²⁶ Surveyed in 1847, the first allotments in Warwick were sold in 1850. The Moreton Bay area had been officially opened to free settlers in 1842. *The Queenslander* (TQ) newspaper dated 5 October 1938 claimed that Warwick City had been planned by 'men of vision' and that the Darling Downs was in 1827 when it was called the 'Garden of Australia'. The Warwick site was chosen in 1847 and surveyed in 1849 and first allotments of land – ½ acre – were bought in 1850 by 17 settlers. The article goes on to say that 'Mr. Thomas Hall provides an interesting sketch of the early town. As soon as the stores had been erected, married employees of the stations brought their wives and families to the little village. Most of the houses, he tells us, were built of round posts and slabs, saplings for rafters, stringy bark for the roofs, and clay and ant-bed made first-class floors. A round hollow log split in two provided the spouting between the chimney and the roof. The slush lamp, at first, provided the only illumination at night, but later candle moulds were introduced, and the tallow candle became a boon and a blessing.' The Darling Downs is a large area 100 km west of Moreton Bay.

²⁷ SRNSW, *Convict Savings Bank Books*, 1824-1886, Roll RHAUS1824_125684, 15 May 1830.

²⁸ SRNSW, *Returns of the Colony* ('BlueBooks'), 1822-185, Series 1286, 1850.

crown lands beyond the settled districts', which provided a great opportunity for advancement.²⁹

Collins had possibly travelled all the way north to the Darling Downs having realized the area's potential when undergoing secondary punishment at Moreton Bay some years earlier. A *Brisbane Courier* article describes how the exploration of the Bremer River by Moreton Bay's commandant, Captain Logan, resulted in the establishment of a government-run limestone kiln near Ipswich, as the area is now known.³⁰ Dispatched from Moreton Bay, convicts operated the kiln to prepare lime for subsequent shipment down the river Bremer to the coast. Cement for building construction was made from the limestone. By 1829 government herds of cattle were grazing the lush grass of these rich soils under the care of convicts 'kept in surveillance by a small detachment of military'.³¹ As Collins was at Moreton Bay only six years later, this was almost certainly still the practice.

According to Collins's family he had formed a partnership in Warwick with another man to run a cartage business operating between Ipswich and Warwick via Spicer's Gap.³² Evidence shows him to have worked as a carrier from at least 1852 until 1863. Like other convicts studied here, Collins was soon embroiled in a court case over property. In 1854 he advertised in the press that a bay mare tied behind his dray had

²⁹ *MM*, 16 August 1851. This licence was granted by the Crown Lands Office, Sydney, on 31 July 1851.

³⁰ *BC*, 27 November 1869.

³¹ *BC*, 27 November 1869.

³² Personal communication from Bradley Collins in 2009. Spicer's Gap, extraordinarily perilous as illustrated below, was the first known pass through the Great Dividing Range that allowed access between Ipswich and Warwick.

been stolen.³³ It was subsequently reported that the person, who had stolen the mare with 'bare-faced impudence', had ridden her to Brisbane.³⁴ During the court case Collins claimed to have known the accused but denied giving him permission to take the horse. The man was judged guilty and sentenced to five years' hard labour on the roads.

At this time Collins bought yet more land: in February he purchased two lots in the Warwick township and in August, two more.³⁵ One of these was sold to Michael Frawley four years later in April, 1858.³⁶ Collins' wife, Margaret, also had land in her name in Warwick.³⁷

In 1855, the rapid diversification of his business interests continued when he registered as a spirit merchant.³⁸ He was still continuing with his cartage business and by now was employing at least one bullock team driver.³⁹

It was around this time we find Collins' personal life was a little complicated. In 1856, if not before, he began a relationship with a free settler named Elizabeth Sarah Ward.

³³ *MM*, 2 December 1854.

³⁴ *Empire*, 13 December 1854.

³⁵ *QSA, Index to Register of Lands Sold 1842-1859*, Purchased 1 February 1854, Lots 18 and 36, pages 87.4 and 185 respectively, located in Warwick, Land Purchases – C 101517 and D 101517 respectively, QSA Reference SUR/4, Microfilm Z318; Purchased 21 August 1854, Lots 12 and 13, page 97.6, located in Warwick, Land Purchases – C 101517, QSA Reference SUR/4, Microfilm Z318. See also *GG*, 13 May 1854 and *MM*, 20 May 1854.

³⁶ Information found in a Supreme Court Case held on 18 April 1861, *Kingsford v. Frawley*. See *BC*, 28 October 1895.

³⁷ *QSA, Index to Register of Lands 1842 – 1859*, Purchased 5 September 1855, Lot 9, Page 203, location Warwick, Land Purchases – D 101517, QSA Ref SUR/4, Microfilm Z318.

³⁸ *MM*, 21 March 1855.

³⁹ *SMH*, 29 November 1854.

Elizabeth had arrived in the colony in 1841 on the *Glenswilly* at the age of two.⁴⁰

Edward and Elizabeth's first child was born in January 1857 and they had three more – all while Collins was married to Margaret. Despite the extra expenses of raising a second family, his financial situation was obviously healthy. After all, in 1860, the *Moreton Bay Courier* reported that a gold watch and chain, as well as two seals, had been stolen from him.⁴¹ The case was heard in the Supreme Court and prosecuted by the Attorney-General. The accused, William John Campbell, alias Tyson, pleaded not guilty. Campbell had been apprehended by a constable in the Warwick police force who had noticed him near a dray wearing two pairs of trousers with the watch chain in the pocket of the inner pair. He was found guilty and sentenced to 12 months' imprisonment with hard labour.

Collins' wife, Margaret, died in an horrific accident three years later in 1863 on a treacherous part the road from Warwick to Ipswich. The accident attracted such local interest that this section of the road became known as 'Mother Collins Pinch'.⁴² Within two months of Margaret's death, Collins married the mother of his four children, Elizabeth Sarah Ward. They went on to produce a further eight children.⁴³

⁴⁰ The *Glenswilly* arrived in Sydney on 11 March 1841. 'Australia, New South Wales, Index to Bounty Immigrants, 1828-1842,' index and images, FamilySearch website: <https://familysearch.org/pal:/MM9.1.1/FL2H-D7M> Information in the remainder of this paragraph obtained during personal communication with Dr Brad Collins.

⁴¹ *MBC*, 18 February 1860.

⁴² See report on QSA web site: COLLINS Margaret 1863 118 JUS/N6 348605 Z2850; *Canberra Times*, 22 April 1937.

⁴³ Personal communication from Bradley Collins 2009.

In 1868 Collins notified his intention to auction his land in Warwick.⁴⁴ The first was a block of one acre in Canning Street and the second in Rosenthal Road, a much larger block just over 8 acres. The first was presumably the land he had bought in 1851, and the second ploy of those purchased in 1854. It is unknown whether he succeeded in selling this land although, given that Edward, Jnr was living in Canning Street in the early 1900s, it is possible that the smaller block remained in the family. The sales do not seem to have signalled a decline in his fortunes; rather they suggest a change in his business interests. Indeed, five years later in 1871 Collins applied for four portions of Crown Land at Allora not far north-west of Warwick. Between 1868 and 1885 Crown Land was set aside for selection and the public were notified prior to the release.⁴⁵ Divided into three classes, agricultural, as well as first- and second-class pastoral, the plots ranged from 40 to 7,680 acres. The type of land determined the rental with 10 yearly instalments payable before issue of a deed of grant. One important condition was that the land was to be occupied by the selector.⁴⁶ An examination of the documentation suggests that Collins was still unable to write.

Collins' first portion, 340 acres, was selected in December 1871 and confirmed the following September.⁴⁷ Situated on the Bremer River at Allora it comprised 120 acres of agricultural land and 200 acres of first-class grazing land.⁴⁸ It is not known whether

⁴⁴ *WET*, 22 February 1868.

⁴⁵ QSA, Series ID 14033, Selection Files. The agency responsible was then the Lands Department, ID 18.

⁴⁶ QSA, Series ID 14033, Selection Files.

⁴⁷ Application to Select a Homestead form signed 28 December 1872. QSA, Item ID 46717, File – Land Selection, Microfilm ID 6709 (Z6709). This source has been used for all the information about this land unless otherwise specified. The land was in the Parish of Forbes, County of Churchill, District of W. Moreton, Land Agent's District of Ipswich. The selection number was 2519.

⁴⁸ Memorandum Land Commissioner's Office, 10 September 1873. The rent for the first years was £9 for the agricultural land and £7.10s. for the pastoral. That year Collins had also to pay £7 for the survey fee. The yearly rental thereafter was £16.10s.

Collins grew wheat on the land but it was reported in 1874 by the proprietor of the mills in Allora that the yield per acre in the district was extremely high.⁴⁹ In 1877, however, Collins was obliged to relinquish six acres for a road to be built that almost divided the land in two.⁵⁰ Ten years later, in 1882, wishing to purchase the land, his application included a Deed fee of £1.10s. and an Assurance fee of 6s.9d. He had paid a total of £161.18s.4d. rent for these 10 years. Having complied with the terms of the Act, the Secretary of Lands recommended that a Deed of Grant be issued.⁵¹ He now owned the 314 acres.

In December 1875 Collins had also selected a further 100 acres at Allora that adjoined the original homestead block; the selection was confirmed in 3 December 1877.⁵² According to a report in *Warwick Examiner and Times* and the *Brisbane Courier* in 1876 Collins had 28 acres under wheat and one under lucerne, and also that he had some good horses.⁵³ After Collins had rented the land for the statutory 10 years, he applied to buy it in the same way as he had for the 314 acres above. On this occasion the Deed Fee was only slightly lower at £1.5s. and the Assurance Fee 1s.7d.⁵⁴ Collins now owned

⁴⁹ *BC*, 3 March 1874.

⁵⁰ Road Case 77.6773. *SG*, 24 August 1877; Memorandum re refund, Department of Public Works, 19 June 1877. The proclamation of this road by Sir Arthur Kennedy, Administrator of the Government of the Colony of Queensland was notified to the general public in the *NSW Government Gazette* dated 24 February 1877 and 7 April 1877. Collins was refunded £1.12s.6d., compensated £3.5s. and his annual rent recalculated at £16.3s.10d.

⁵¹ Deed of Grant Recommendation, 36 Victoria No. 20, 6 July 1882.

⁵² Application to Select, 7 December 1875. QSA, Item ID 65649, File – Land Selection, Microfilm ID 88026 (Z88026). This source has been used for all the information about this land unless otherwise specified. The land was in the Parish of Thorn, County of Churchill and District of West Moreton. The selection number was 3798. The initial payment was £3.15 for the land which was all first class pastoral, plus £4.12 for the survey fee. The first three years rent totalled £8.8s.9d.

⁵³ *BC*, 28 October 1876 and *WET*, 4 November 1876. It can be implied from this article that Collins' land was not far from the town of Allora.

⁵⁴ No announcements in the newspapers could be found.

414 acres of land at Allora. How many of those he had grown up with in England would have enjoyed success on this scale?

In August 1884 he applied for a third parcel of land, this time 80 acres, which was confirmed on 22 September that year. This transaction was not as straightforward as the others: the land was subject to 'obligations imposed for the communal or public good', the underlying concern being for the 'security, defence, economic development and population growth of the colony'.⁵⁵ At the end of the statutory 10 years he applied to buy this land in 1893 and the Conditional Deed of Grant was prepared; in July 1893 he paid £6.10s, which comprised £5 for the balance of the 10 year rental, as well as the usual Deed and Assurance fees.

The decade had been a period of extreme weather conditions. A prolonged drought had commenced in 1880 and was only just starting to ease in 1886 when three months of incessant rain inundated the area; the rains were followed by a flood purported to be the worst for 50 years.⁵⁶ In nearby Warwick in February 1887, it was stated that the water rose '2 feet 6 inches higher than the floor of the Post Office [and] meteorological instruments in the yard submerged, and embedded in mud'.⁵⁷ In a newspaper article at the time entitled 'The Flood at Allora' it was said that many fences were washed away; including those of Collins.⁵⁸ At a special meeting of Allora Council called at the end of January 1887 to 'take into consideration the best steps to take to repair the damage

⁵⁵ S. Christensen, P. O'Connor, W. Duncan and R. Ashcroft, *Early Australian Land Grants and Reservations: Any Lessons for the Sustainability Challenge to Land Ownership*. See Queensland University of Technology Repository web site: <http://eprints.qut.edu.au/>.

⁵⁶ See WA, 12 January 1886, 16 October 1886 and 25 January 1887; WET, 22 January 1886; also web site: http://www.pc.gov.au/_data/assets/pdf_file/0008/86282/06-chapter3.pdf.

⁵⁷ See web site: http://www.bom.gov.au/gld/flood/fld_history/floodsum_1880.shtml

⁵⁸ WET, 25 January 1887.

done by the flood' Collins was given permission to close the road adjoining his farm for a month for the protection of his crops.⁵⁹

Collins had trouble fulfilling the continual occupation requirement of the lease and, in the midst of all his problems with the unfavourable weather, the inspector reported that he had found an 'old unfurnished one roomed hut mostly uncovered in which I found the Selector but I believe he only came to the place when hearing of my presence in the locality ... The Selection is fenced but I did not see any stock.' It seems clear that the weather must have played some role in this situation but Collins was also not the first selector to fail to meet the residency test in fair weather or foul.⁶⁰

Undoubtedly the weather affected his income as in 1886 Collins had attempted to sell his draft stallion.⁶¹ During the next year he also fell behind with his rent and was forced to pay a penalty of £1.4s. Within two years, however, his position had improved to a considerable extent as he was granted a Certificate for 177 acres in the Parish of Thorn, which was in the vicinity of his first two land purchases.⁶²

Collins' situation now continued to improve. In 1890 a report from the Crown Ranger to the Lands Department in Toowoomba stated that Collins had fulfilled the required conditions and that the dwelling had been occupied continuously for some time. There

⁵⁹ *WA*, 29 January 1887.

⁶⁰ Reference to this practice, commonly known as dummies, was included in a newspaper article in 1892 which reported on a court case about this practice that took months to settle. See *WA*, 20 August 1892.

⁶¹ Several advertisements were placed in the *WA* between 17 August 1886 and 14 September 1886. Strong draft horses with shoes rather than bullocks may have been used now by teamsters where the roads had been upgraded.

⁶² *BC*, 2 November 1889 and 4 January 1890; *TQ*, 9 November 1889 and 11 January 1890. Although this was reported in the two newspapers at the time, the Queensland Archives has no record of it.

was timber and iron on the ground to erect a new dwelling. The improvements made comprised:

Slab dwelling, iron roof	£15
Slab stable and horse yard	£ 5
Well sunk 20 feet	£20
30 acres ploughed and cultivated under maize	£10
118 chains of 4 and 5 wire fencing	£59

The improvements were valued at £109. At the same time Collins asked the Minister of Lands to accept the rent for the current year and the two previous years, explaining that he had fallen behind due to ‘bad seasons and severe losses’. He also stated that he had been living on that land and, although he had improved it, he had very little return due to bad seasons. He intended to use the proceeds from a house he had sold in Allora to build a better house on that land for his family.⁶³ With the rent accepted by the Department of Lands, a notice of ‘Reversal of Forfeiture’ for the selection was issued in September 1890.

In 1893 the Registrar of Titles in Brisbane advised that Collins had lodged an application to bring Land Allotment 10, Parish of Warwick, near Warwick under the provision of the Real Property Acts of 1861 and 1877.⁶⁴ A caveat was required to be lodged before March 1893 by any person wishing to oppose the application; there was

⁶³ It is speculated that this land parcel of 80 acres was the best of Collins’ three land purchases and that, in order to improve it, he sold one of the others. No record has been found, however, of any land sale by Collins around this time.

⁶⁴ *BC*, 23 January 1893; *WET*, 23, 25, 28 January 1893; *WA*, 28 January 1893.

no opposition. The two Acts effectively brought the land under the Torrens Title system of land ownership.⁶⁵

In a later report dated 24 March 1893 it was stated that the land Collins had selected nearly 10 years ago, his third selection, had now been 'Occupied by selector's wife and family and appears to have been occupied continuously. Wheat. Pasture. Stocked with cattle and horses property of selector'. The following month Collins applied for a Certificate of Fulfilment of Conditions on this land at the forthcoming Land Court session on 24 May.⁶⁶ Announcements were then made in the local papers stating that 'under the Crown Lands Act of 1884 and Alienation Act of 1876 [Collins] had given the necessary notice of [his] intention to apply for Certificates of Fulfilment of Conditions on [his] selection'.⁶⁷ By this time the value of the improvements had increased to £179.⁶⁸

However, Collins' fortunes continued to fluctuate. Although his transactions for the purchase of this land seemed to be proceeding favourably, he was refused the Deed of Grant. He appealed against the decision only to be disappointed when, at a January, 1895 sitting of the Land Board Court in Ipswich, the Land Commissioner's refusal to grant his appeal was confirmed.⁶⁹ Perhaps caution was the order of the day as the colony was still feeling the effects of the depression that had commenced towards the end of the 1880s and, indeed, it was reported in the one of the local newspapers that

⁶⁵ Reform of the Real Property Acts in Queensland. See web site: <https://ljj.law.qut.edu.au/article/download/257/250>

⁶⁶ *WET*, 29 April 1893.

⁶⁷ *WET*, 3 May 1893 and *WA*, 6 May 1893.

⁶⁸ During Collins' tenancy forms confirming that there had been no alienation of any part of the land had been signed periodically and witnessed by a Justice of the Peace.

⁶⁹ *BC*, 21 February 1895; *TQ*, 21 February 1895 and 23 February 1895.

money in Warwick was still very scarce in 1895.⁷⁰ Despite this, Collins bought additional land in Warwick in the same year that was auctioned by the Queensland National Bank. This was two acres of good land 'on the banks of Dalymple Creek with a cottage' for which he paid £16.⁷¹ He was now 83 and apparently still enjoying the acquisition of property.

Collins had more than his complex land dealings to occupy his attention, however; as noted, from 1854 he was involved in a series of court cases over property. One that must have been particularly distressing was in 1881 and involved his son Edward Ward Collins. For reasons unknown, Collins Jnr had been brought up by his maternal grandfather, Jacob Ward.⁷² It is possible that Ward was the source of the dispute between father and son. The case involving his son was complicated and newspaper reports presented divergent accounts.⁷³ It seems that Collins Jnr was working for his father at the time of the alleged theft but had taken the horse without permission. It was argued that the horse was valued at £30 but that Edward Jnr apparently exchanged it for two horses and £2.10s in cash, boasting later that he was 'going to get £14 for these two horses which I got for the one I took from my father'.⁷⁴ If the figures are correct it does not seem he inherited his father's business acumen. Despite maintaining that his father had given him the horse he was found guilty. Although

⁷⁰ *WET*, 11 May 1895.

⁷¹ *WET*, 11 May 1895. This lot, although specified as 2 acres rather than 2 roods, was on the banks of the Dalymple Creek which ran around the town of Allora. Specified as the property of Jacob Ward this could have been Jacob Ward, Jnr as his father had possibly passed away by this time.

⁷² See *WET*, 24 August 1881.

⁷³ *WET*, 24 August 1881, *WA*, 26 and 27 August 1881 and *BC*, 27 August 1881.

⁷⁴ *WA*, 27 August 1881.

there was a strong recommendation for mercy he was sentenced to 12 months in Brisbane Gaol with the addition of hard labour.⁷⁵ He was 24 years old.

Immediately after his release from gaol, Edward Jnr inexplicably stole another horse from his father. Very few details are known about this incident apart from the simple fact of arrest.⁷⁶ It is tempting to conclude that he had a grudge against his father or that he was none too bright. It is clear that his grandfather (who raised him) was not a good role model. For example, in 1861, when Edward Jnr was only four years old, Ward was twice fined for being drunk.⁷⁷ In 1867 he was tried for threatening to cut a man's throat.⁷⁸ Guilty, he was fined £40 in two sureties of £20 or, if in default, three months' gaol. In the same year, he pleaded 'guilty to a charge of plying for hire in Ipswich without a licence'.⁷⁹ Although he now had a licence he was nonetheless fined 10s plus 3s costs.

Collins died on 24 March 1898 at Allora one year before his wife Elizabeth Sarah. No will has been found. In 1900 four years of rates had become due on his land of 2 roods (½ acre) in Victoria Street, Warwick.⁸⁰ Apparently they had not been paid since 1896. Elizabeth left a will, however, and a notice of probate was published during November 1899 on behalf of one of the executors, her fourth daughter, Stella Blanche Taylor.⁸¹

⁷⁵ *WET*, 24 August 1881.

⁷⁶ *BC*, 24 August 1882.

⁷⁷ *NAIGA*, 20 September 1861; *TC*, 21 September 1861; *NAIGA*, 15 November 1861.

⁷⁸ *WET*, 18 July 1867.

⁷⁹ *WET*, 5 September 1867.

⁸⁰ *WET*, 21 January 1890 and 24 January 1890.

⁸¹ *BC*, 6 November 1899 and 25 November 1899.

Elizabeth was described as a nurse and a widow. Her estate was left to Stella and she and siblings subsequently quarrelled about the estate for nearly quarter of a century.⁸²

The dispute did not help Edward Jnr who was declared insolvent in 1907.⁸³ He had clearly not inherited his father's head for business. In 1891 he had stopped stealing horses and had gone into business as a timber merchant, supplying long wood at 5s. a load and short at 6s. a load.⁸⁴ By 1904 his sons, Mark (also known as Martell) and William (aged 13 and 16 respectively at the time) were also involved in the business. Continuing the tradition of intergenerational conflict, Edward placed a notice in the *Warwick Examiner & Times* advising that, without his written authority, he would not bear any responsibility for debts incurred by either Mark or William.⁸⁵ Mark also followed in his father's footsteps and filed for bankruptcy in February 1938 when his pig business had failed: the pigs had caught a chill and died of pneumonia.⁸⁶ His assets were said to be nil; his liabilities £232. Another of Collins' sons, James Ward Collins, had also become insolvent.⁸⁷ When his petition for insolvency was sanctioned in the Supreme Court of Queensland in 1895, James was described as a labourer. Like his brother, James had no assets to be realized.

Yet another of Collins' sons, his youngest, David Thornton Collins, continued the cycle of crime. Following in his oldest brother's footsteps, David stole horses. Just how many were stolen is uncertain as the accounts in the local newspapers in 1906-1907

⁸² BC, 30 June 1919. Unfortunately, two documents relating to Elizabeth's Will in the Queensland State Archives are illegible.

⁸³ QSA, ID 1062981 (Series ID 15200), *Insolvency Files*.

⁸⁴ WA, 7 February 1891 and 10 February 1891.

⁸⁵ WET, 27 April 1904.

⁸⁶ CM, 8 July 1938.

⁸⁷ BC, 28 October 1895; WET 30 October 1895.

are confusing.⁸⁸ He was tried in Warwick and given a suspended sentence of three years' imprisonment and ordered to refund the £10 he had received from the sale of between one and four horses.⁸⁹ The family equine connection that was started by Collins himself – he was transported for stealing a donkey – appears to have continued. A direct descendant of Collins family who still lives in Warwick today believes that the family has been known in the district as rough riders and rodeo riders.⁹⁰

It is unclear why Collins moved north to Warwick after his release from prison in Moreton Bay, although the region undoubtedly offered opportunities for a fresh start. His early years in the colony had been difficult – including re-offending. Despite this Collins was a very resolute man: his achievements, especially for one who appears to have been almost completely illiterate, were remarkable. He established a successful cartage business and subsequently became a significant property owner. Working as a bullocky, he started by buying and selling blocks of land in town, progressing to renting, improving and finally buying Crown Land. He built dwellings on the land, farmed and ran horses and cattle on it. Nevertheless, it was a battle against the odds. With his cartage business he had regularly faced the perils of Spicer's Gap and he had faced the uncertainty of the seasons when on the land and significant reversals of fortune. Moreover, for some of this time his personal life was complicated – between his wife and mistress – and he fought with his sons, some of whom followed his early life of criminal activity. Nevertheless, it is not hard to conclude that the young English

⁸⁸ *BC*, 29 December 1906; *WET*, 26 January 1907.

⁸⁹ *BC*, 13 March 1907.

⁹⁰ Personal communication from Bradley Collins in 2009.

lad sent to the colony for stealing a donkey had risen to a level of success far beyond those who had struggled through life alongside him in the 'mother country'.

THE BIOGRAPHY OF WILLIAM EARP¹

William Earp's story is not a happy one. In 1824, when aged 23, he had only just completed a prison sentence with three months' hard labour for stealing silk from a tailor in Nottingham² when his father reported him for stealing clothes and goods from the family home. John Earp, Snr, a tailor in the village of Melbourne in Derbyshire, apparently felt he was doing his duty as a member of the local Society for the Prosecution of Felons.³ And so when William, together with two others, stole clothes and other goods to value of £4.16s., Earp, Snr not only reported the crime to the authorities but accompanied the constable who made the arrest.⁴ Earp was sentenced to transportation for life and spent two months in Derby gaol before being sent to the *Ganymede* hulk in the Thames estuary⁵. Although incarcerated on the *Ganymede* for only six weeks, in that time Earp was categorized as a:

bad character for several years at Nottingham. Been convicted before and punished in the Army. Very much disposed to encourage other Prisoners to do wrong, artful in not being detected. Of a bad dissatisfied disposition, he is a confirmed thief.

¹ Spelt Erp, Erpe, Earpe as well as Earp. SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654.

² Nottingham Archives, QSM1/39, HO 27, Piece 27, Page 89.

³ The Earp family had lived in the village since around 1670 and there can be little doubt that Earp, Snr was a respected member of the community. The first known forebear was a captain in the Parliamentary Army in the Civil War in the 17th century. Personal communication from Adrian Earp in 2009.

⁴ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654.

⁵ SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO9, Piece 1.

Earp was transported to the Colony on the *Minerva I* after which his sentence was commuted to life.⁶ Undoubtedly none of the convicts on board the ship appreciated the delay of 12 days before the ship left London or a further delay of three weeks at the Cape of Good Hope.⁷ And while the voyage itself was initially rough and stormy, which presumably caused widespread seasickness, the more serious condition of scurvy appeared later, as well as diarrhoea and typhoid symptoms. Earp did not take kindly to sea travel; a three-week episode of fever and dysentery was exacerbated by 'damaged air scoops' installed in an attempt to ventilate the prisoners' quarters; this bout of illness was accompanied by a loss of appetite, nausea and headaches.⁸ Perhaps surprisingly, he was reported as being well behaved on the ship's indent.⁹ After finally arriving in Sydney harbour after a voyage of 128 days, there was a further six days on board before the 170 prisoners were disembarked.¹⁰ Earp had recovered sufficiently to be assigned to a tailor in George Street.¹¹

As suggested above, Earp Snr may have felt duty bound, as a member of the Society for the Prosecution of Felons, to report his son for his second criminal act. Father and son may also have been engaged in a private dispute. Earp Snr may have hoped also that being reported by his own father it would finally teach his son a lesson. As it

⁶ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 54 Reel 3205.

⁷ The *Minerva* was forced to stay at the Cape for extra time until a convict escapee from New South Wales had been boarded.

⁸ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 54 Reel 3205.

⁹ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654.

¹⁰ *The Australian*, 25 November 1824. Five convicts were retained, presumably in Sydney Gaol, before being shipped in the Government sloop *Sally* to Port Macquarie. *The Australian*, 2 December 1824. The captain of the ship, Bell, was subsequently charged with smuggling 33 puns of W.I. rum into the colony. Enclosure with letter from Governor Darling to Earl Bathurst, 22 February 1826, *HRA*, Series I, Vol. XII, pp. 178-179.

¹¹ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654. Little has been found of Lewis' fate other than he was assigned to C.J. Smith in Appin after arrival. SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654.

turned out, a lesson in the form of transportation to the antipodes for life was not one that Earp Snr had anticipated. Indeed, he strove to have his son's sentence reduced and, in total, he organized four petitions to Sir Robert Peel, Secretary for the Home Department.¹²

The first was from the Churchwardens, Overseers of the Poor and seven of the principal inhabitants of Melbourne. The petition stated that, although Earp had pleaded guilty, when indicted:

a report was made to the Judge that the prisoner when taken and while on the coach between Nottingham and Derby threatened when he obtained his liberty he would take away the lives of his parents. This threat it is thought influenced the Judge to pass a more severe sentence than he otherwise would have done; threat is much exaggerated if not entirely false. We humbly solicit your honour to interpose your kind offices, that the sentence which is now Transportation for Life may be shortened to the term of fourteen years.

The petition¹³ went on to state that Earp Snr's friends, being very respectable, were now plunged into distress due to the situation.

The second was a letter from a Sir George Crewe, Calke Abbey, in Ticknall, Derby that he believed:

¹² Letters of Petition, The National Archives (TNA), HO 17/9/62 Pt 2LK38. All the information and references relating to these petitions were conveyed to me by Adrian Earp in 2009 via email. Adrian Earp, a relative of William Earp who lives in England, discovered these petitions when searching for information about his family history.

¹³ It appears that Earp had fled his father's house in Melbourne in the direction of Nottingham and needed to be escorted back by coach for his trial.

Some exaggeration of the young man's guilt was communicated to the Judge, and that the parents, who apply on the prisoner's behalf are highly respectable, and that much merit is due to the father, who himself came forward to assist with the apprehension of his son from a regard to public duty.

The next was also a letter, this time from Earp's father himself. It was endorsed by a witness living in Covent Gardens, who stated that he had known Earp Snr for many years and could bear testimony to his respectability. The letter 'most earnestly' recommended:

my unfortunate son (who is now a convict on board His Majesty's Ship the Minerva) to the merciful consideration of His Majesty in the sincere hope that in case the duration of his punishment be shortened he will once more return to his Parents as useful member of Society.

The last petition was the deposition of Charles Young made 'in the presence of John Earp senior and given to Francis Orton, Curate'.¹⁴ Young informed Orton that he had been on the coach where the alleged threat had taken place and 'no such declaration as that attributed to him by Baldwin the constable, viz that when he (William Earp) should return from transportation, at the expiration of several years perhaps, he would be the death of his father and his mother'. 'On the contrary', Young 'affirmed':

that in consequence of some good advice given to the prisoner by himself and another traveller (unknown), he appeared very much affected with the situation and was moved to tears, so far from manifesting any hostility to his father for bringing him to justice. And further at Borrowash they drank together and appeared friendly and far from malice, the prisoner paying for what they had there.

¹⁴ Francis Orton was the Curate of Stapleford and Sandiacre in Derbyshire. At the end of Young's deposition, the curate stated that Young was the publican in Sandiacre and a respectable and upright person.

These petitions had been bundled together with a covering summary of the contents dated 12 August 1824. The summary included a statement indicating that the sentence had been commuted to transportation for Life, that Earp was a 'very bad character' and that the petitions had been refused.

When this 'very bad character' arrived in the colony in 1824, the taylor to whom he was assigned was one William Pendray, an emancipist who had been transported for 14 years.¹⁵ Although Earp was listed as a tailor, the task to which he was assigned was apparently not to his taste – he committed a misdemeanour in the following year and was consigned to a clearing party in Bringelly, on the outskirts of Sydney.¹⁶ He now embarked upon a six-year cycle of crime and punishment in the colony. In 1826, having returned to tailoring, it was reported that he was caught 'making away with a coat, which had been entrusted to him to alter, and which the owner valued at 50s'.¹⁷ He was given 50 lashes. Within six months he absconded from the Hyde Park Barracks where he was housed, only to be caught a few days later. The punishment this time was the treadmill for 10 days.¹⁸

When we next meet Earp a year later, he was part of the Iron Gang No 4 at Wiseman's Ferry to the north of Sydney.¹⁹ In April 1829, he was reported as absconding from the

¹⁵ Pendray had received his conditional pardon in 1821 only three years after his arrival and by 1828 he had 19 people working for him. However he had his fair share of trouble with his convict labour. In addition to his problems with Earp, it was reported in the *Sydney Gazette* that four unnamed convicts assigned to him were before the Magistrate for being drunk on their return to the Barracks for the night. *SG*, 12 April 1826.

¹⁶ SRNSW (PRO), Settlers and Convicts, New South Wales and Tasmania, HO 10, Piece 19.

¹⁷ *SG*, 15 February 1826.

¹⁸ *SG*, 29 June 1826; *The Australian*, 29 June 1826.

¹⁹ This gang, comprising 50-60 men, was engaged in clearing and constructing the section of the Great North Road from Wiseman's Ferry to the Hawkesbury River crossing.

No. 25 Road Gang.²⁰ On this occasion he was described as a 'notorious runaway', a statement borne out by the facts. Captured again, he was working for another tailor in Sydney, Moses Brown, when he next absconded.²¹ It was approximately two weeks before he was caught and returned to Brown.²²

Almost immediately afterwards came a sudden change of circumstances for Earp. Moses Brown was attempting to expand his business into the jewellery market and needed fewer tailors on his staff. He struck an agreement with the AACo to swap Earp and another tailor, Thomas Saunders, for Daniel Cohen who was a jeweller by trade.²³ It was, on the face of it, a satisfactory arrangement for both employers as the AACo needed more labour for their Newcastle mines as well as for lime burning and wharf building.

Both Earp and Saunders arrived in Newcastle by ship in May 1831.²⁴ The company was getting two for one. Inexplicably, given his record, Earp became a Convict Constable. This did not last. When his cycle of crime and punishment was at an end so was his life. Less than a year later, in March 1832, he died in Carrington Hospital on the AACo estate after a severe attack of angina pectoris.²⁵ He was 31 years of age. Perhaps he had always been sickly; he was sick on the transport coming to the colony and was described as having a pale complexion in the 'wanted' notices in the *Sydney Gazette*

²⁰ SG, 7 and 14 April, 1829. This gang was also put to work on the Great North Road at Wiseman's Ferry as well as Devines Hill on the north bank of the Hawkesbury River.

²¹ SG, 12 April 1831. Brown had taken over part of Pendray's business in Sydney.

²² SG, 21 April 1831.

²³ *In the Service of the Company. Letters of Sir Edward Parry, Commissioner of the Australian Agricultural Company*, Vol. I, Letter 400, p. 280. See web site: <http://epress.anu.edu.au?p=25471>

²⁴ *In the Service of the Company*, Letter 427, p. 295.

²⁵ *In the Service of the Company*, Letter 590, p. 396. The burial service was conducted by J.E. Ebsworth, a senior AACo Officer. NSWG, Convict Death Register, 4/4549, Reel 690, Page 065.

when he was at large. The lashings he received, the time on the treadmill and his work in the mines would surely not have helped his health. His father, who eight years earlier had been a principal instrument in his transportation, would never see his son again. Even though he seemingly loved his son, William's destiny was not one of which he would be proud – a life of petty crime that stretched from the occurrence of his first offence in England in 1823, until 1831 a year before his death.

But there was another family member of whom Earp Snr would have been proud. Twenty-six years after Earp died in Newcastle, his great-nephew, George Frederick Earp, was born in England. Little was it known that George was destined to come to the colony and make his fortune in Newcastle, the town in which his great-uncle had met his untimely death.

George Earp arrived in Australia in 1883 and, with a partner, founded Earp Gillam & Co in Newcastle, having foreseen the prospect of exporting coal and coke.²⁶ Within 20 years his progress was so great that he became the managing director of his own firm, Earp Brothers, one which operates to this day.²⁷ Apart from participating in the development of the coal mining industry in the Hunter River region, the firm diversified into shipping, distribution of groceries and merchandise and the railways.

²⁶ Information about George Earp in Australia has been obtained by means of personal communication with Adrian Earp in 2009 and from the Australian Dictionary Biography. See web site: <http://adb.anu.edu.au/biography/earp-george-frederick-6078>.

²⁷ Indeed, there is presently a branch of Earp Brothers close to where I live. The name of the firm suggests that George had gone into partnership with a brother although no evidence of this has been found. A book about the history of Earp Bros. was published to mark their centenary. Rod W. Earp, *A History of Earp Bros & Co. Pty. Limited Newcastle New South Wales, to mark the Company's Centenary Year 1883-1983: including biographical notes on the Earp family and an account of the company's connection with the East Greta Coal Mining Co. Ltd. and South Maitland Railways Proprietary Ltd*, The Earp Brothers, Newcastle, 1983.

Hardware became the main business of the firm after all coal interests were sold in 1931.

George was involved in many activities in addition to his main businesses. He was president of the Newcastle Chamber of Commerce between 1899 and 1901 and was subsequently elected to the Legislative Council. He supported female suffrage in 1901 believing 'women to be a conservative influence'. Although still interested in the coal mining business in Newcastle, in 1905 he moved to Sydney where he became an active supporter of several charities and societies as diverse as the Empire Literature Society, which he founded, the Association for the Protection of Native Races, and the Health Society of New South Wales. In 1920 he was appointed a Commander of the British Empire and, in the following year made a Knight of the Order of Polonia Restituta in recognition of his work with the Polish Relief Fund during World War I when he was appointed as honorary Consul-General for Poland. He died in 1933 leaving a substantial estate of £44,144.

THE BIOGRAPHIES OF JAMES AND THOMAS GOODMAN

James Goodman came into the dock: he was blind in one eye and nearly so in the other; he had a wholly disabled arm; he was elderly and with these disabilities may have looked a great deal older than his 61 years. Charged with him was his son, Thomas, a young lad of 16. The scene was the Stafford Assizes and the year 1830. Together they were found guilty of buying stolen poultry and sentenced to 14 years transportation. James had been up before the courts on a previous occasion, which possibly helped to account for the severity of the sentence.¹ Thomas, however, with no prior convictions, was also given 14 years.²

Father and son were held in the local gaol at Stafford for approximately four weeks before being transferred to the *Justitia* hulk.³ At this stage of their punishment they were luckier than any of the other convicts in our sample – their incarceration on the hulk lasted for only three days before they were boarded onto the *York* I that would take them to New South Wales.⁴ Even though sailing orders had been received on 4 September, 1830, due to unfavourable weather in the Channel, the vessel was forced to put into Spithead at Dartmouth before finally setting sail once more on 29 September. Although again encountering unfavourable weather before clearing the Channel, which caused a considerable amount of seasickness on board, the surgeon reported the remainder of the voyage to be largely uneventful and that the convicts

¹ No record of James' previous offence has been found.

² Although it might be thought that the same sentence would allow them to stay together, when they reached New South Wales they were assigned to different locations.

³ SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO9, Piece 4.

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 75, Reel 3213.

were landed in better health than when they embarked. With a comparatively long voyage of 136 days, James and Thomas were on the ship for an additional 33 days before the *York* finally left English waters and another 11 days before they were disembarked.⁵ For James, in particular, the oldest of all the convicts, 180 days was a long time to have been confined on a small, unstable and cramped sailing vessel.

It was 1831 when father and son arrived in New South Wales. Judging from the fragments of information obtained about James' life, from this point forward our narrative of his progress becomes a little complex and somewhat contradictory.

Although declared unfit for assignment on his arrival in the colony,⁶ a year later on 20 June 1832, it was reported in the *Sydney Gazette* that he had been assigned to Henry Hart.⁷ Although it is worth wondering just how productive James would have been with his disabilities and how he managed to cope, this would have depended on the jobs he was required to do. His next situation was even more surprising: Newcastle Gaol. He had been sent to goal from Port Stephens in July 1835 where he was to be kept at hard labour for two months. Thereafter he was to be returned to Port Stephens.⁸ Although no details have been found, presumably he was working at the AACo at this time.

⁵ SRNSW (PRO), *Journals of the Surgeon Superintendents*, Piece 75, Reel 3213; SG 19 February 1831. The SG reporter presumably was privy to the indent information as it was claimed in the paper that among the prisoners were a 'considerable number of strong, healthy labourers who will doubtless prove no small acquisition to the settlers who obtain them. There are several good mechanics and tradesmen.'

⁶ SRNSW, *Bound manuscript indents*, Item 4/4016, Microfiche 677.

⁷ SG, 21 June 1832.

⁸ SRNSW, *Newcastle Gaol Entrance Books*, 1833-45, Roll 756. The documentary evidence identifying this as the James Goodman in this biography appears to be irrefutable.

James apparently kept out of trouble for the next few years when he can be identified in the 1837 General Return of Convicts to be at the company.⁹ In the same year he was issued with a ticket of leave for the district of Port Stephens although, in mid-1840, a ticket of leave passport for a year was issued on the recommendation from Scone Branch that allowed him to leave the Port Stephens district.¹⁰ With this passport he went north-west to the Peel River in the service of a R.G. Martin with whom he stayed for 12 months. It is highly likely that at this time he was still connected with the AACo at the Peel River as the company had been granted 213,000 acres at Goonoo Goonoo, just south of Tamworth, in 1833.¹¹ Prior to his time at the Peel River, James had obviously managed to save some money as, in July 1838, there was a warrant ordering £9 to be credited to an account for him at the Savings Bank of New South Wales. A similar warrant was issued in 1840.¹²

In 1844 James received his Certificate of Freedom, 14 years after his sentencing in 1830.¹³ At this time, we can get a vivid image of him. As well as his near total blindness and completely disabled right arm, he had lost several of his front teeth, was bald on the crown of his head, had a blue scar on the bridge of his nose and a scar on his right cheekbone. Now 74 years old, he also had grey whiskers meeting under his chin. Just as he was granted his freedom, however, he was the victim of a crime: having saved his money and deposited it with the Bank of Australasia by means of the

⁹ SRNSW, *Australia Convict Musters*, 1806-1849, Class HO 10, Piece 33. One year prior to this the 1836 census showed there to be 520 convicts in the county of Gloucester where the AACo was situated. Due to the low number it is possible that the convicts at the AACo were not included. See ADA, Historical Census and Colonial Data Collection, NSW 1836 Census, web site: www.hccda.ada.edu.au.

¹⁰ SRNSW, Ticket of Leave Butts, 4/4119, Reel 929; Butts of Ticket of Leave Passports, 4/4240, Reel 968.

¹¹ P.A. Pemberton, *Pure Merinos and Others: The 'Shipping Lists' of the Australian Agricultural Company*, Archives of Business and Labour, Australian National University, Canberra, 1986, p. 7.

¹² SRNSW, *Bank Warrants*, Warrant X45, Reel 595; Warrant 4/4547, Reel 596.

¹³ SRNSW, Butts of Certificates of Freedom, 4/4394, Reel 1018.

AACo, he found that the drafts for most of it were stolen. The company had placed a cautionary notice in the *Sydney Morning Herald* advising members of the public against receiving these drafts, adding that payment had been stopped at the bank.¹⁴ It seems that James had plans for his funds and that, despite a delay, he was ultimately able to withdraw his funds.

As old as he was, and notwithstanding his disability, James was nothing if not enterprising. He subsequently returned to England. Between 1828 and 1836 the cheapest fare from the British Isles to Australia fell from about £30 to £18.¹⁵ It is possible that with the increasing number of immigrants arriving in Australia, the fares were even less than £18 for return trips when James left the colony in 1844.¹⁶ In any case he obviously had more than enough money to pay for the fare.¹⁷ Against all the odds, it appears that James had managed to secure himself a berth on a ship returning to England and find his way back to Staffordshire in the Midlands. In the 1851 census he is recorded as living with his daughter, Margaret Tilley, and her husband in Staffordshire. It was also shown that he was now blind.¹⁸ As noted, his wife Elizabeth had remained in England during his long years in Australia. He may have just been able to get back to England in time to see her before she died in 1847.¹⁹ He went on to live

¹⁴ *SMH*, 21 September 1844. The three drafts stolen were for £4.10s each. James had paid a total of £18 into the bank. Presumably the money was made good to him. It is noteworthy that it was only the drafts in James' name that were stolen.

¹⁵ Eric Richards, 'How did poor people emigrate from the British Isles to Australia in the Nineteenth Century?', *Journal of British Studies*, Vol. 32, No. 3, July 1993, p. 256.

¹⁶ The amount of the fare for this later time could not be found.

¹⁷ As already mentioned, James had at least £18 in the bank.

¹⁸ SRNSW (PRO), *Census Returns of England and Wales, 1851*, Class HO 107, Piece 2027, Folio 280, Page 9, GSU roll 87433. I am grateful to Anne Goodman for this information. Personal communication 2009.

¹⁹ It is not unusual that no record could be found of James on a ship returning to England. It was the accepted practice to show the numbers of passengers with very few of the corresponding names.

until the age of 91, despite all he had been through in his life and, in 1860, and was buried at Wednesbury, not far from Birmingham.²⁰

It does seem surprising that a man in James' condition was transported in the first place. Although he had a previous conviction for an unknown crime, he had been transported for buying stolen poultry, ostensibly a relatively minor misdemeanour. The full details are not known.

James' son, Thomas, was sent to work for Alexander Little at Invermein in the Upper Hunter near Scone after arriving in the colony with his father in 1831.²¹ He was 16 year old. When his ticket of leave was issued six years later in 1837 he asked to remain in Invermein²² where he was one of 974 convicts in the county of Brisbane in which Invermein was situated.²³ The General Return of Convicts for the same year showed him still to be working for Little.²⁴ His occupation was shown as labourer and perhaps, by this time, he was something of a Jack-of-all-trades on the property. He was obviously saving money as in July 1838 there was a warrant ordering £9 to be credited into an account for him at the Savings Bank of New South Wales.²⁵ When Thomas' ticket was renewed in 1840, he had been working for Little for the entire 10 years he

²⁰ Personal communication from Anne Goodman in 2009. The National Archives, *Census Returns of England and Wales*, 1851.

²¹ SRNSW, *New South Wales, Australia, Settler and Convict Lists, 1787-1834*, Class HO 10, Piece 29. This was presumably at the property 'Invermein' that had been selected by Dr Francis Little in the previous decade.

²² SRNSW, 4/4111. Reel 927.

²³ ADA, NSW 1836 Census.

²⁴ SRNSW, *New South Wales and Tasmania, Australia Convict Musters, 1806-1849*, HO 10; Piece: 40. Alexander Little may have been a brother of Francis referred to above.

²⁵ SRNSW, *Bank Warrants*, 44/99 Bank Warrant 4/4548, Reel 597, Condition Ticket of Leave.

had been in the colony; the situation must have been one of mutual satisfaction. He was given his freedom after 14 years in 1844, in the same year as his father.²⁶

Thomas' history in the colony is also not as straightforward as it seems. During his time at Invermein he was successful on two occasions in gaining a ticket of leave passport, one in 1841 and the other in 1842, both recommended by the Scone Bench of Magistrates.²⁷ It is possible that he was able to use the passport issued in 1841 to see father James, who at the time at the time approximately 60 miles due north of Scone. He may have even used the remainder of this freedom to help his father book a passage back to England. This would certainly help to explain how James, with his near total blindness and other disabilities, was able to perform such a difficult task. Thomas remained in the same general area and, in 1851 at the age of 36, was married in the Church of England at Scone. His bride, Ann McDevit, who was living close by in Aberdeen, was born in Ireland and was living with her mother Margaret.²⁸

Thomas and Ann's three children were born between 1852 and 1855 when the family was living at Woolomin, southeast of Tamworth.²⁹ At this time Thomas' occupation was given as labourer. With a young family to care for and low wages it is unlikely that he had been able to buy land in the 11 years since gaining his freedom.³⁰ That he was

²⁶ SRNSW, *Ticket of Leave Butts*, 4/4111, Reel 927. District: Invermein.

²⁷ SRNSW, *Ticket of Leave Passport*, May 1841 4/4242, Reel 968. On the recommendation of Scone Bench. SRNSW, *Ticket of Leave Passport*, April 1842 4/4245, Reel 969. On the recommendation of Scone Bench.

²⁸ SRNSW, *Annotated printed indents*, NRS 12189, X640, Microfiche 727.

²⁹ Personal communication with Anne Goodman on 29 May 2009. The information was obtained from St Paul's Parish records in Tamworth.

³⁰ A little later, in 1858, the cost per acre of land clearing was from £4 - £5, fencing from 3s.- 4s. per rod, and ploughing £1 per acre. The cost of buying a sound team of eight bullocks, dray, and plough and harrow was £70 - £80. This would have been a great deal of money for Thomas to find in addition to the initial cost of the land. Information taken from a letter to the *Herald* in 1858 quoted in Alan Atkinson,

illiterate may not have helped. When he died in 1856, the year after his youngest child was born, his occupation on the death certificate was given as 'bullock driver'.

According a descendant, the family story is that his body had been found in suspicious circumstances on the bank of a river near Tamworth, although none of the extant newspapers in the region reported it.³¹ The official cause of death was recorded as apoplexy.³²

Ann, left at the age of 26 with three young children, married in West Tamworth a year after Thomas died. She and her second husband, James Steel, remained in the Tamworth district where she gave birth to three more children. She died in childbirth in 1865.³³

Camden, Oxford University Press, Melbourne, 1988, p.127. See also Alan Beever, 'From a Place of "Horrible Destitution"', p.3.

³¹ According to the family, a report to this effect was published in the *Northern Daily Leader*. Unfortunately no copies of this paper dating back to the 1800s could be located.

³² Personal communication from Anne Goodman 29 May 2009. Information obtained from death certificate.

³³ Personal communication from Anne Goodman, 29 May 2009.

THE BIOGRAPHY OF WILLIAM HAMPTON AND FAMILY

44-year-old William Hampton¹ was caught stealing 120 faggots of firewood in the mid-summer of 1836 and was sentenced to seven years' transportation. He was further punished by being forced to leave behind his family behind.²

Hampton had been born in 1791, the fifth of 12 children, in Woodchurch, a community in Kent in England's south where his father, Thomas, was born and buried (c. 1750-1811) and his mother, Ann Kingsnorth, born in the nearby town of Kenardington, was also buried (1757-1825).³ Hampton married by banns in 1815 when he was 24; his bride, Mary Ann Muckaway, already had a son, William, who had been born in the Poorhouse, High Halden, Kent in 1812.⁴ It is likely that Mary Ann was living in High Halden, the place of her birth, as it was there they married in 1815 in the Church of St Mary the Virgin.⁵ Since Hampton could not produce a certificate of settlement for High Halden, they were demeaned by being ordered by Justices of the Peace out of the area and back to the parish of Woodchurch into the care of the overseers of the poor and the church wardens.⁶ Although the distance between the parishes of High Halden

¹ Although various spellings of the surname have been found, that used most commonly, Hampton, has been used throughout. In order to avoid confusion, William Hampton is referred to as 'Hampton' and all subsequent members with the surname Hampton are referred to by their first name.

² Two of his children had since died.

³ Personal communication with a family descendent Gloria Hargreave in 2009. Ann was the daughter of Henerey (sic) Kingsnorth and his second wife, Elizabeth Moore.

⁴ At a hearing in Kent on 5 March 1814, where 'Mary Muckaway said she was delivered of a male Bastard child and that the said Bastard child is likely to become chargeable to the said Parish' it was ordered that the man who had 'gotten her with child of the said Bastard child' should be apprehended in order that he indemnify the Parish for the costs incurred in keeping the child. Personal communication from Gloria Hargreave in 2009 when a copy of the hearing document was provided.

⁵ The church dates back to the 15th century.

⁶ The Removal Order and Bastardy Bond for William Muckaway is held by Gloria Hargreave.

and Woodchurch was not great – about one and a half hours on foot⁷ – the order of removal could be seen as a reflection of the poverty of post-Napoleonic War in England and the responsibility of the parishes to look after the welfare of none but their own.

With five children to care for by 1822, Hampton found himself in court charged with larceny⁸, but was found not guilty. When charged with larceny on a subsequent occasion, however, he was sentenced to serve a three-month gaol term.⁹ Then, 11 years later in 1836, while working as a farm servant and gardener, he was convicted at the Kent Assizes for stealing firewood and sentenced to be transported for seven years.¹⁰ He would never see his wife and at least five of his 11 children again.¹¹

Hampton was sent from the Kent Assizes to the Horsemonger Lane Gaol in London where he spent three weeks before being sent to Chatham on the Thames where the hulk *Fortitude* was moored.¹² Crowded into the teaming hulk for seven months, Hampton, perhaps not surprisingly, exhibited a bad disposition according to one of the guards. Finally taken south to the Downs, he was boarded onto the transport *Lloyds* which sailed seven days later on 29 March 1837.¹³ According to the surgeon's journal

⁷ This distance was calculated from reference to the map:

<http://maps.google.com/maps?hl=en&client=dell-row&channel=au&ibd=3080811&sa=N&tab=wl>

⁸ SRNSW, Criminal Registers England & Wales Counties other than Middlesex, HO 27, Piece: 23, Page: 251.

⁹ SRNSW, *Criminal Registers*, HO 27, Piece 28, Page: 176.

¹⁰ SRNSW, *Criminal Registers*, HO 27, Piece 51, Page 416. The case was heard on 16 July 1826. By this time, the Poor Law Amendment Act was in force and Hampton had possibly resorted to theft in an effort to keep himself and his family out of the work house. Under this amendment, conditions in the work house were considerably worse than previously.

¹¹ The names of the children who came to New South Wales are given below.

¹² SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO 9, Piece 2.

¹³ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept), Piece 43, Reel 3200.

the voyage was uneventful although Hampton developed a cough during the trip.¹⁴

After arrival at Port Jackson he was assigned to the AACo where he worked as a gardener and possibly a shepherd or overseer of shepherds.¹⁵ It was 1837 and he was now 45.

In 1841, with his ticket of leave due, Hampton requested permission for his family to join him. The Commissioner for Managing the Affairs of the AACo, Captain Phillip P. King, wrote to the company's directors on Hampton's behalf, enclosing a letter he had sent to a Mr J.C. Shriber in England, possibly a parish elder in Woodchurch, requesting assistance for the family to emigrate.¹⁶ Presumably the parish would have been pleased to provide the assistance to avoid its ongoing monetary commitment to the large family. The letter stated that Hampton's conduct had been 'industrious and good' and that the family could come either as emigrants, in which case 'the Company will lease a farm to the Father on which a comfortable livelihood may readily be made', or as indentured servants of the company as shepherds. If the family came as indentured servants the two eldest sons would be paid £25 per annum and two younger sons £20. The whole family would be rationed.

Hampton, having obtained his ticket of leave for Port Stephens that year, may have initially stayed at the AACo waiting to hear whether or not his family would join him.¹⁷

When no news had come by mid-1842, he applied successfully to have his ticket

¹⁴ The surgeon reported Hampton's cough as being 'very troublesome – little if any expectoration or pain in the chest.'

¹⁵ NBAC, ANU, AACo Dispatch No. 46 dated 19 March 1841.

¹⁶ NBAC, ANU, Dispatch No. 46 dated 19 March 1841.

¹⁷ SRNSW, *Ticket of Leave Butts*, NRS 12202, 4/4153, Reel 941, Ticket No. 41/1583. Ticket includes an alternation to Raymond Terrace on 27 June 1842.

altered to Raymond Terrace, just north of Newcastle, where he rented a farm. In consequence, it was noted in the company's papers that Hampton, 'in favour of whose family being engaged for the service of the Company, I wrote some time back, having left your service, I would beg to recommend that no steps be taken to engage them. Hampton has not misconducted himself, but has rented a farm in the neighbourhood.'¹⁸

For reasons unknown, the application for Hampton's wife and 11 children was not approved by the Principal Superintendent of Convicts until October 1850, nine years after the initial application was made. Despite names of church officials in Kent appearing on the application, it was stated that the family were to be sent to the colony at the expense of the New South Wales government rather than that of the parish.¹⁹ By this time Hampton was no doubt resigned to the idea that the application had not been successful.

As it turned out, several members came to New South Wales as assisted emigrants before this approval had been finally received. This is evidence, if nothing else, that even the poor had agency: notwithstanding their reduced circumstances, some of the Hamptons were able to take matters into their own hands. In 1841, a Mary Ann Hampton had sought assistance from the church wardens to pay for her voyage to Australia.²⁰ Evidently this was not Hampton's wife but rather his daughter who arrived

¹⁸ Personal communication with Gloria Hargreave in 2009.

¹⁹ SRNSW, Issue nos. 4/4917, 50/9992. Those named on the approval were W. Tinterdon, I.C. Scriber, J.P. and J. Bad, J.P., all of Kent.

²⁰ Personal communication with Gloria Hargreave in 2009.

later that year.²¹ After spending a short time in Sydney, she moved north to Raymond Terrace where she presumably saw her father at his farm. Hampton's brother, Benjamin, and his family had arrived earlier, in 1839, also as assisted emigrants.²² With them came Hampton's son, James. Some years later, in 1855, Hampton's step-son and three of his other children who were in England until this time, emigrated with their families.

We know that Hampton rented farming land in Raymond Terrace in 1843: he had petitioned the governor for justice, which was considered by the Newcastle Court of Request on 9 November.²³ The petition was written by a friend, Charles Grist, a tenant farmer in the area, since Hampton's literacy, at least on his arrival, extended only to reading. The petition was hard to follow; it seems, however, that Hampton was renting his land from a Colonel Snodgrass and had sued Snodgrass for £50, money Hampton said was owing to him for rent of the land that he, Hampton, was farming. A Constable Johnson, who had appeared in court on behalf of Snodgrass, subsequently issued a decree against Hampton despite Hampton's decision to pay the money 'down to the last farthing'. It was decided that there was no case to answer and, according to the writer of the petition, Hampton was ordered to leave the court. Two days later Governor Gibbs wrote in the margin of the petition indicating that it was not his place to interfere in the settlement of this affair.

²¹ SRNSW, Entitlement certificates of persons on bounty ships, Series 5314, Reel 1326.

²² Benjamin and family arrived on 1 September 1839 aboard the *Cornwall*. SRNSW, *Entitlement certificates of persons on bounty ships*, Series 5314, Reel 1301.

²³ SRNSW, Issue Nos. 4/2605.2, 43/8359. All documents relating to this case were found at this reference.

However, the matter was not settled. A report a little later on 14 November 1843 addressed the allegations made in Hampton's petition and included a summary of two Court of Request hearings in the case, *Johnston v. Hampton*. In the first hearing it appeared that Hampton had signed a promissory note in favour of Colonel Snodgrass that stated that he would pay Snodgrass £10 a month from April that year. This was presumably when Hampton started farming on Snodgrass' land six months earlier. The promissory note had been transferred to Johnston whose property it then became by order of the Registrar of the Court. Johnson successfully sued Hampton for the amount in the note. In the second hearing Hampton declared the original amount to have been £8 per month instead of £10 and that one amount due to him was now £45.17s.6d. with an additional £5.5s. The commissioner hearing the cases said he had not been acquainted with them until now and apparently had reviewed neither of them. He did say that Hampton had indeed been ordered out of the court, an issue now became a major point of contention. On the same day the registrar of the court wrote a note stating that Hampton, when his cases had finished, had left the court room only to return during the next matter, one unrelated to his own. He had then 'in an abrupt manner' interrupted that case and, after starting to refer to his own cases, was ordered to be silent. The registrar stated subsequently that he was 'morally certain that the Defendant Hampton was not ordered out of Court'.

Even though these cases are difficult to fathom, the issue of whether or not he was ordered out of court had become extremely important to Hampton even more so than the monetary aspect. Perhaps it was a matter of pride for him to prove that he had not been ordered out of the court. Nevertheless, it is a clear indication that, despite the fact that he was an emancipist, he quickly regained a sense of his rights to be

treated equally before the law, a trope that Britons had kept their sense of rights as free-born Englishmen.²⁴ No further documents have been found in this matter and thus the reason for Hampton initiating these proceedings will almost certainly remain unknown. It is reasonable to conclude, however, that he thought he should be paid for farming the land rather than having to pay for the right to do so; it seems he had no clear understanding that he was renting the land. There are no further records about Hampton until his death from asthma in Maitland Hospital on 14 September 1859.²⁵ Although it is possible that at least some of his family were present, none were recorded as present when he died. He was buried in Maitland's Oakhampton Cemetery.

Despite the records from the AACo showing that Hampton had been 'industrious and good', he did not share in the good fortune of some other members of his family who came to the colony. His brother, Benjamin, as noted, had arrived in 1839²⁶ and with him came his wife, three of their children and a nephew. He was committed to work in Sydney for W. James Hope and, according to the ship's register, was paid £22 per annum plus rations.²⁷ In less than 18 months, however, he and his family had moved to the Lower Hunter region where, in January, 1841, he mortgaged 74 acres of land in the area of Clarence Town and Brookfield.²⁸ He went on to prosper and in 1856

²⁴ See James Vernon, *Politics and the People. A study in English political culture, c. 1815-1867*, Cambridge University Press, Cambridge, 1993.

²⁵ Personal communication with Gloria Hargreave in 2009.

²⁶ SRNSW, *Entitlement certificates of persons on bounty ships*, Series 5314, Reel 1301; SRNSW, *Index to Miscellaneous Immigrants*, Reels 2654, 1301, Items 4/4780, 4/4841, NRS 5313, 5314, p. 300.

²⁷ Personal communication with Gloria Hargreave in 2009.

²⁸ Memorial sighted giving details of mortgage which was approved in the Supreme Court on 28 April 1841, No. 625, Book V. The mortgage was to Edwin Augustus Hickey in the amount of £300. This property was later named 'Hampton Park'. Personal communication with Gloria Hargreave in 2009.

purchased a further 105.2 acres at Stroud from the AACo for £350.²⁹ This land, known as Farm 21, was situated on the west bank of Mill Creek to the north-east of Clarence Town in the fertile Karuah Valley between the northern shore of Port Stephens and Taree. In 1864, 1865 and 1869 he leased further land from the company in partnership with a David Bishop, the area totalling 15,680 acres. In the year thereafter he leased another 3,200 acres from the company for a five-year period and, by 1870, had a great deal of land at his disposal.³⁰ When Benjamin died in 1882 in Stroud, he left an estate of £1,100, a considerable sum for the time.³¹

The four children Benjamin and his wife brought to the colony stayed in the same district, as did many of the grandchildren. While Benjamin's son James died from a heart condition at 42, one of James' sons, William George, who was only three years old when his father died, finalized payment on 578 acres from the AACo between 1899 and 1906.³² Benjamin's other son, Charles, lived only seven miles away from his father in Stroud on a property known as 'Peachtrees'. He purchased a further five blocks totalling 233 acres in the shire of Gloucester to the north of Stroud.³³ Two of Charles'

²⁹ AACo Conveyance information provided by Pennie Pemberton, Senior Archivist, Noel Butlin Archive Centre, Australian National University.

³⁰ Information provided by Pennie Pemberton, Noel Butlin Archive Centre.

³¹ NSWG, Death Registration No. 8248/1882, Benjamin Hampton, Age 81, Died Stroud.

³² All the lots William bought were in the Parish of Monkerai on the AACo estate. John Muckaway (by now called John Mackaway) also finalized payment on 123 acres that had been part of the AACo estate. Information provided by Pennie Pemberton, Noel Butlin Archive Centre.

³³ Details of land bought by Charles Jnr's land in Gloucester: Vol. & Folio 843-169, 711-226, 713-10, 1361-178, 1886-18 90, Area 50 ac., 40 ac., 60 ac., 40 ac., 43 ac., Portion Nos. 19, 101, 102, 33, 104. Geoff Cannon (compiler), *First title holders of land in the Counties of Camden, Cook, Hunter, Durham, Gloucester* [electronic resource], Greenhills, N.S.W., 2004.

sons, in turn, bought land in the same parish of Gloucester, with Harrie buying 284 acres and Thomas 174 acres.³⁴

The experience of the Hamptons makes several important points. As we have seen, Hampton was a litigious emancipist, asserting the rights he had regained. He was moderately successful as an emancipist although nothing like Dickens' Magwitch, whose experience captured popular imagination in Britain. However, his life had surely shaped that of his wider family: had Hampton not been sent to New South Wales as a convict, Benjamin and his family could still have been living in England in abject poverty rather than enjoying the opportunities now afforded them by their large and fertile land holdings.³⁵

But while the male side of Benjamin's family went on to prosper, his two daughters, Rebecca and Diana, died in their 20s. They had both married convict Michael Brazel (Brasil) who had arrived in the colony in 1833 after being sentenced to transportation for seven years for housebreaking.³⁶ Although initially assigned to H. Baldwin at Wilberforce near Windsor,³⁷ Brazel had subsequently moved north and was a neighbour of Benjamin's family when they were living at Brookfield near Dungog.³⁸

The first to marry Brazel was Rebecca in 1840 who, at the age of 25, died while ironing

³⁴ Harrie Hampton, Vol. & Folio 2260-15, Area 284 ac., Portion 109; Thomas Hampton, Vol. & Folio 2877-83 & 3706-147, Area 100 ac. & 74 ac. 2 roods, Portions 124 & 158. Geoff Cannon (compiler), *First title holders of land*.

³⁵ Like his brother, Benjamin had been under the care of the overseers of the poor and church wardens in Woodchurch, Kent, the parish of Benjamin's birth. Personal communication with Gloria Hargreave in 2009.

³⁶ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 12188, Item 4/4018, Microfiche 688. Brazel received his Ticket of Leave (38/222) in 1838, SRNSW, NRS 12202, Item 4/4117, Reel 929 and his Certificate of Freedom in 1841 just after he first married. SRNSW (PRO), *Convict Pardons and Tickets of Leave, 1834-1859*, Class HO 10, Piece 52.

³⁷ SRNSW, *New South Wales Settler and Convict Lists 1787-1834*, Class HO 10, Piece 30.

³⁸ Personal communication with Gloria Hargreave in 2009.

outside their house supposedly after being hit by lightning.³⁹ Due to suspicion in the neighbourhood, Brazel was interrogated during an inquest held in January 1849.⁴⁰ The 'respectable jury' of 13, however, decided that Rebecca's death was due to natural causes.⁴¹ Brazel wasted no time; three months later he married Rebecca's 15-year-old sister, Diana.⁴² Diana died in childbirth with her third baby six years later.⁴³

Despite having seven children to care for, Brazel went on to prosper. In 1856, he purchased 52 acres in the Parish of Stroud at Mill Hill close to Benjamin while, at the same time, purchasing the adjoining 52 acres in the name of his son, William.⁴⁴ Then, in 1864, in partnership with Banks, the AACo's wool sorter, and a man named John Jones, he leased 3,200 acres on the east bank of the Karuah River near Stroud.⁴⁵ All the land owned or leased by Benjamin and Brazel had previously belonged to the AACo.

On both sides of the family, most surely benefited from opportunities for upward social mobility denied to these left behind. Brazel's youngest born, Alfred, was his only child to commit a crime: he was caught stealing cattle from his grandfather and great-uncle, Benjamin and Charles Hampton, in 1876. One cow and two hides had been received and identified by the complainants.⁴⁶ A lengthy account of the trial was reported in *The Maitland Mercury*.⁴⁷ Bail was refused⁴⁸ and Alfred was subsequently

³⁹ Personal communication with Gloria Hargreave in 2009.

⁴⁰ SRNSW, *Registers of Coroners' Inquests 1796 -1942*, NRS 2921, Item 4/6613, Roll 343.

⁴¹ *MM*, 10 January 1849.

⁴² SRNSW, Australia Marriage Index, 1788-1950.

⁴³ Personal communication with Gloria Hargreave in 2009.

⁴⁴ Geoff Cannon (compiler), *First title holders of land*.

⁴⁵ Geoff Cannon (compiler), *First title holders of land*.

⁴⁶ SRNSW, *Police Gazettes 1862-1930*, NRS 10958, Roll 3134, Year 1875, Page 385.

⁴⁷ *MM*, 11 March 1876.

⁴⁸ SRNSW, *Police Gazettes*, NRS 10958, Roll 3134, Year 1876, Page 6.

convicted in the East Maitland Quarter Sessions where he was sentenced to two years and nine months hard labour in Darlinghurst Gaol.⁴⁹

However, it was the progress of James, son of Hampton that was a great deal more chequered than the rest of the family. James did not settle in the Port Stephens area but instead stayed in Sydney where he met and married convict Bridget Spencer in 1845.⁵⁰ Bridget had been in gaol in Dublin several times before being transported for seven years in 1839 at the age of 19.⁵¹ This spirited young lady was not happy after her arrival. When assigned to James Smith in Penrith she absconded only to be apprehended two months later.⁵² She was then assigned to Mrs Sandwell in Surry Hills to abscond again on 13 October 1843.⁵³

James had taken a job on the railways as a porter and/or fettler. He and Bridget produced four children in Liverpool, Sydney⁵⁴ before moving south to the Abercrombie Caves region between Goulburn and Bathurst, where James had obtained a licence to mine. Whilst living in this district, they had three more children.⁵⁵ Gold fever had hit

⁴⁹ SRNSW, *Police Gazettes*, NRS 10958. There were five references to Alfred and this crime during 1875 and 1876. Alfred was photographed when admitted to gaol. SRNSW, Date 29 March 1876, Photo No. 1454, Pages 8a & 8b, Series, NRS 2138, Item 3/6041, Reel 5099.

⁵⁰ NSWG, Australia Marriage Index, 1788-1950, 1845, at Liverpool. According to a witness before the Select Committee on Transportation, a convict woman on her marriage to a free man, automatically became free. It was also added that she could be subjected to police surveillance. See A. Atkinson, 'The Moral Basis of Marriage', *The Push from the Bush*, No. 2, 1978, p. 109.

⁵¹ SRNSW, *Annotated Printed Indents*, NRS 12189, Microfiche 740. From the age of 16 Bridget had been imprisoned in the notorious Kilmainham Prison in Dublin on at least three occasions. The offence that saw her transported was possibly her fourth. Personal communication with Gloria Hargreave in 2009.

⁵² GG. Two mentions found during 1841.

⁵³ GG, 20 October 1843.

⁵⁴ NSWG, Australia Birth Index, 1788-1922: William b. 1846, Charles b. 1848, Lavinia b. 1849 and Alfred b. 1851.

⁵⁵ NSWG, Australia Birth Index: Angelina, b. 1854. While the last two children were not registered, personal communication with Gloria Hargreave in 2009 revealed that Selina was born in 1857 and Caroline in 1860.

the region around Tuena where they settled initially and the area supported between 300 and 500 people by the time they arrived between 1851 and 1853.⁵⁶ Alluvial gold was fairly easy to obtain and gold-bearing quartz were found at Junction Point which was close to Tuena but there were no known discoveries made by any of the family.

They did make themselves known to the law. James was the victim of crime in June, 1859 when two of his mares and their foals were stolen.⁵⁷ He offered a reward of £10. Four years later both James and his 17-year-old son, William, were arrested by the Tuena police and charged with 'stealing three calves, the property of Mr. A. McCausland, Tuena ... The hides were found in Hampton's garden, and the carcasses inside his house.'⁵⁸ Subsequently, at the Circuit Court in September that year, young William was charged with cattle stealing, while his father was acquitted.⁵⁹ William was sentenced to six months' hard labour. He was imprisoned in Bathurst Gaol and discharged in March the following year.⁶⁰ Effectively, a cycle of crime in the Hampton family had begun.⁶¹

Two years later, William was again entangled with the law.⁶² He was charged with harbouring and assisting a man named John Mitchell, *alias* Red Gem, who had been arrested on suspicion of committing highway robbery near Carcoar to the north-west of Tuena. William was lucky this time and discharged for lack of evidence. In the same year of 1865, however, he tempted fate again when he was charged with assaulting,

⁵⁶ See web site: <http://www.argylecounty.co.au/towns/tuena.html>.

⁵⁷ SRNSW, *Police Gazettes*, NRS 10958, Roll 3128, Year 1859, Page 280.

⁵⁸ SRNSW, *Police Gazettes*, NRS 10958, Roll 3129, Year 1863, Page 268.

⁵⁹ SRNSW, *Police Gazettes*, NRS 10958, Roll 3129, Year 1863, Page 332.

⁶⁰ SRNSW, *Police Gazettes*, NRS 10958, Roll 3130, Year 1864, Pages 72 and 91.

⁶¹ The crime of Alfred Brazel, although already described, was to come later in 1876.

⁶² SRNSW, *Police Gazettes*, NRS 10958, Roll 3130, Year 1865, Page 152.

‘with intent to rob, Bak Yo (Chinese)’.⁶³ With luck on his side yet again, the charge was dropped due to insufficient evidence. Later in 1865 he was charged yet again, this time for an indecent act near Tuena, and was to be tried at the next circuit court in Goulburn.⁶⁴ The outcome of the trial is unknown.

In 1870 William’s youngest brother, Alfred, was ‘charged with stealing a bay horse (recovered), the property of Chan Fone of Tuena’ and committed for trial at the Quarter Sessions in Bathurst.⁶⁵ He was sentenced to six months hard labour in Bathurst Gaol.⁶⁶ A statement in the *Police Gazette* in the following year indicated that he had been discharged from prison.⁶⁷ And now Alfred was in trouble again; a warrant had been issued for his arrest for ‘illegally using a horse, the property of Matthew Philips, Junction Point, near Tuena.’⁶⁸ The outcome of this case is unknown. Although Alfred seemingly had a penchant for stealing horses, it was only a few years later in 1875 that he was apprehended for stealing a sheep from one Edward Hines – the skin and head were recovered.⁶⁹ He was allowed bail of £80 and two sureties of £40 each and at the following Yass sessions was sentenced to 18 months’ hard labour in Goulbourn gaol.⁷⁰ Alfred was now 24.

⁶³ SRNSW, *Police Gazettes*, NRS 10958, Roll 3130, Year 1865, Page 280.

⁶⁴ SRNSW, *Police Gazettes*, NRS 10958, Roll 3130, Year 1865, Page 273.

⁶⁵ SRNSW, *Police Gazettes* 1862-1930, Roll 3132, Year 1870, Page 24; Roll 3132, Year 1870, Page 31.

⁶⁶ SRNSW, *Police Gazettes*, NRS 10958, Roll 3132, Year 1870, Page 75.

⁶⁷ SRNSW, *Police Gazettes*, NRS 10958, Roll 3132, Year 1870, Page 214.

⁶⁸ The report continued: ‘Hampton is about 18 years of age, 5 feet 5 inches high, sallow complexion, brown hair, hazel eyes, wide nostrils, large mouth, thick lips, plausible manners. Reported as identical with discharged prisoner of same name’. [*Police Gazette*, 1870, p.214]’. Roll 3132, Year 1871, Page 229.

⁶⁹ SRNSW, *Police Gazettes*, NRS 10958, Roll 3134, Year 1875, Page 180.

⁷⁰ SRNSW, *Police Gazettes*, NRS 10958, Roll 3134, Year 1875, Page 282.

At the end of August 1882, the *Goulburn Herald* reported that James and his son, Alfred, had been charged with 'maliciously killing 2 head of cattle, the property of Robert Reynolds'.⁷¹ In this case, James was acquitted but Alfred was committed for trial at the circuit court to be held in Goulburn in October 1882. In a somewhat confusing report, the paper went on to offer the reader a glimpse into the emotional life of a character in the Hampton story:

On the prisoner being taken from the dock to the cell a scene almost baffling the description of pen ensured. His wife a very young woman, gave vent to her long pent-up feelings by a flood of tears and terrific tears asserting her determination to remain with her husband and prevented would destroy her two children and herself.

The young couple were lucky. The police magistrate acted in 'the most impartial and kind manner' and summed up in favour of the Prisoner; the jury returned a verdict of not guilty.⁷²

At about the same time there was another brush with the law that was connected to the case directly above. In this instance James' wife Bridget was also involved, and Robert Reynolds again the complainant. In another confusing report in the *Goulburn Herald* it appeared that Reynolds claimed that he had suffered slander, that James and his wife had stated he had killed a bullock that belonged to them, had eaten it and then sold the hide in Crookwell.⁷³ The Hamptons had allegedly made this statement when Reynolds had accompanied a Constable to take Alfred into charge for the offence he was awaiting trial in Goulburn. The report went on to claim that during the

⁷¹ *GH*, 31 August 1882. This, no doubt, was the same Richard Reynolds who had earlier been accused by James of defacing his fire brand.

⁷² Also reported in the *GH* on 14 October 1882.

⁷³ *GH*, 14 September 1882.

trial Bridget had become very excited and used some very 'questionable' language; the magistrate had not objected to this outburst, considering it normal under the circumstances. He decided that the case be withdrawn on the condition that James pay costs of 9s.; James accepted this decision but stated he was unable to pay for a day or two. At this juncture Reynolds rose to his feet and said he would pay the fine himself. Reynolds stated he had instigated the case only as a caution to the Hamptons not to spread false stories about him.

Another case brought by the Trustees of Junction Point common against Richard and Robert Reynolds, James Hampton and John Connors, was adjourned by the police magistrate when the Trustees did not appear as plaintiffs in the case.⁷⁴ In yet another case in the same year, *Carver v. James Hampton*, James was forced to pay in consequence of having remarked in a previous case that the complainant was 'swearing lies'.⁷⁵ The complainant stated that if he was awarded the case, he would give the money to the hospital, less costs; he was determined purely to disallow the defendant from impinging 'his veracity'. James' statement that 'he did not in any way wish to vilify complainant's character' did not prevent the magistrate from fining him nine shillings. He requested time to pay, a fact that gives some idea at least of his financial circumstances. His request was granted. The number of cases involving the Hamptons may well be an indicator of the litigious nature of the colony at the time. And although the outcome of some of the cases may seem extraordinary to us today, perhaps in the 1880s they were not such a surprise.

⁷⁴ *GH*, 14 September 1882.

⁷⁵ *GH*, 14 September 1882. The previous case was claimed to have been that brought by the Trustees of Junction Point common against Richard and Robert Reynolds, James Hampton and John Connors referred to above. No further details of the case are known.

Since the land in the Tuena/Junction Point area belonged to the Crown at this time, it is likely that James and his family had simply chosen an area for themselves and fenced it off. Although they may have been required to pay an annual licence fee for the land as well as a fee for the number of sheep, cattle and horses they ran on the 'squat', it is quite possible that he and his family avoided payments. It is likely too that they were running livestock on the local common in Junction Point as had been noted in the case of *Carver v. James Hampton* above.

Two members of James' family, however, eventually purchased land. In September 1879, James, the father, bought two lots adjoining one another in Tuena, each of two acres, paying £7 for each block.⁷⁶ Three years later he bought a further two lots in Tuena, each of two acres and again adjoining, paying £5 each.⁷⁷ He sold all eight acres in 1885 to James Hearn, a farmer in the neighbourhood.⁷⁸ James must also have purchased two acres in Crookwell as these were included in his estate. William, James' son, bought two acres in Tuena as well.⁷⁹

At some stage, the family built a house that was made from stones and daub.⁸⁰ They were obviously proud of it as 'Hampton' was inscribed into the front step before the

⁷⁶ SRNSW, *Grant upon purchase of Improved Crown Lands*, Country Lot. Vol. 466, Folios 165 and 166 respectively. These lots were numbered 100 and 101.

⁷⁷ SRNSW, *Grant upon purchase of Improved Crown Lands*, Country Lot. Vol. 466, Folios 238 and 239 respectively. These lots were numbered 114 and 115

⁷⁸ Transfer No. 97053 dated 3 August 1855 and Transfer No. 102261 dated 28 September 1885. It appears that this land stayed in the Hearn family until at least 1955.

⁷⁹ This lot was numbered 117. Maps of this land, as well as the land purchased by James, are available from the NSW Department of Roads, Parish Map Preservation Project.

⁸⁰ According to Denis Gojak, houses such as this were generally made of 'cheap, locally available and perishable materials'. 'Convict archaeology in New South Wales: An overview of the investigation, analysis and conservation of convict heritage sites', *Australian Historical Archaeology*, Vol. 19, 2001, p.75. The stones were presumably glued together with the daub which was traditionally made of wet soil, clay, sand and animal dung.

cement had dried.⁸¹ It is of great historical significance in Australia that there still exists a house of a working-class/convict family that can be linked with such accuracy to a particular family and its history. Photographs of the house appears below.

James died in 1890, aged 68, on his way home to Crookwell when he was thrown out of his buggy. The horse was found 'quietly grazing' nearby.⁸² His wife, Bridget, had died seven years earlier at Laggan, a small town to the north-east of Crookwell, and was buried in the Tuena graveyard.⁸³ James did not leave a will.⁸⁴ His estate comprised a 'draught horse (aged), horse (3 years), horse (2 years), mare (aged), 1 dray and some land in Crookwell, about 2 acres'⁸⁵ over which there was a mortgage held by the Australian Joint Stock Bank.⁸⁶ While the mortgage was initially stated to have been for £56, two months later the bank gave the amount as £35.1.5d.⁸⁷

It was 19 years before settlement of the estate was reached. James was survived by all his children but as they 'were unable to agree amongst themselves as to the appointment of an administrator to his estate',⁸⁸ the task was assumed by the Curator of Intestate Estates, Supreme Court, Sydney. Although the family expressed a desire

⁸¹ Personal communication with Gloria Hargreave in 2009. Gloria Hargreave had been in communication with another ancestor who took photographs of the house and noticed the name in the step. This ancestor was reluctant to reveal the exact location of the house except to say that it is now on part of a larger property in Tuena. Unfortunately he did not take a photograph of the front step into which the name 'Hampton' was inscribed.

⁸² *SMH* 27 November 1890.

⁸³ Personal communication with Gloria Hargreave in 2009.

⁸⁴ SRNSW, *Curator of Intestate Estate: Case Papers, 1821-1913*, NRS 13538, No. 0323, [6/3790]. All the letters that follow were found under this reference.

⁸⁵ Letter 29 November 1890 from WA Gunn, Curator's Agent, Court House, Crookwell to Curator of Intestate Estates, Supreme Court, Sydney.

⁸⁶ Letter 14 December 1890 from Australian Joint Stock Bank to Agent.

⁸⁷ Letter 25 February 1891 91 to Curator from Bank; Affidavit signed by Bank Officer, 27 February 1891.

⁸⁸ Letter 16 December 1890 from Agent to Curator.

for an expedient settlement in order to pay the creditors,⁸⁹ they apparently held out little hope of benefiting from the will as nothing was heard from them again for another nine years. At this time, April 1899, a solicitor wrote to the Curator in Sydney on behalf of Mrs William Thurlow (Selina Hampton) requesting an up-to-date progress statement.⁹⁰ The only other enquiry from the next-of-kin came in 1907, just two years before the land was sold and the estate finally settled.⁹¹ Apart from internal squabbling another reason for delay was the probability that the Crookwell-Goulburn Railway Bill was to be brought before Parliament at the end of 1899 and, if passed, 'the value of land in this vicinity should be considerably enhanced.'⁹² The Bill was indeed passed and the railway opened in 1902.⁹³ This, however, did nothing to add to the value of the land. Indeed, when it was finally sold in July 1909, it garnered £5.⁹⁴ James' heirs thus received virtually nothing from their father's estate.⁹⁵ In 1889 in the months prior to his accident, a down-turn in trade and commercial affairs was already being reported in the *Sydney Morning Herald*⁹⁶ and the 1890s went on to become a decade of global financial stress.⁹⁷ While James' land had been valued at £40 when he died, the price of £5 finally obtained for it in 1909, was certainly due in part to the effects of the depression and concomitant drop in land prices.

⁸⁹ Letter 11 December 1890 from Agent to Curator.

⁹⁰ Letter 26 April 1899 from Charles J. Clifton, Solicitor, Crookwell to Curator.

⁹¹ Letter 10 July 1907 from Solicitor to Curator.

⁹² Letter 21 October 1899 from Agent to Curator.

⁹³ See web site: http://www.gchr.4t.com/index_Page291.htm

⁹⁴ The bank had survived the depression and changed its name to The Australian Bank of Commerce in the following year. In 1931 it was acquired by the Bank of New South Wales (now Westpac), Australia's oldest company.

⁹⁵ By this time three of James' seven children had died, including Angelina from measles in 1894 aged 39.

⁹⁶ *SMH* 13 and 31 December 1889.

⁹⁷ Chay Fisher and Christopher Kent. Two Depressions, One Banking Collapse. *Research Discussion Paper 1999-06*, System Stability Department, Reserve Bank of Australia, June 1999, p.1.

Apart from having spent time in prison, James' oldest son, William, had been busy farming and fossicking as well as spending time as a teamster/carrier. He later moved from the area to Forbes, a larger town to the west.⁹⁸ He had married three times, the last in 1906. His wives all died of natural causes unlike William himself who ingested sheep dip believing it to be root beer.⁹⁹ James's youngest son Alfred who, like his brother William, had spent a period in prison, married a local girl who bore him 12 children. They were still living at Croockwell in 1899. Little is known about James' other son, Charles, other than he had moved to the west to Forbes, and died in the benevolent asylum in Sydney.¹⁰⁰ James' daughters all married in the local area. The eldest, Lavinia, married Lum Tin a neighbour who had been born in China, and had presumably come to Australia to search for gold. According to Kate Bagnall, in 1878 there were 350 European women living with Chinese men; approximately half these couples were married.¹⁰¹ Lavinia and Lum Tin were apparently not concerned about the growing concerns in the colony about inter-racial marriages which were intensified by Labour's anti-Chinese position in the next decade. And indeed, all of James' four daughters married men of Chinese descent.¹⁰² It is claimed by the family that when Ben Hall, the bushranger, was in town he used to carry the shopping basket of another daughter, Angelina, to town for her.¹⁰³

⁹⁸ *FT*, 2 January 1914.

⁹⁹ *FT*, 9 January 1914.

¹⁰⁰ The asylum was a place of safety, perhaps the equivalent of an old men's home. The genealogical data in this and the following paragraph result from personal communication with Gloria Hargreave in 2009.

¹⁰¹ Kate Bagnall, 'Rewriting the History of Chinese Families in Nineteenth Century Australia', *Australian Historical Studies*, Vol. 42, Issue 1, 2011, pp. 62-77.

¹⁰² There were many Chinese in the area; a docket in possession of the family shows that James bought flour and sugar from Wong Sat's Store in Tuena.

It is also possible to follow another branch of Hampton's family to expose the rich complexity of colonial life. As already stated, Mary Anne had followed her father to New South Wales arriving in Sydney in 1841.¹⁰⁴ She had left England on the *Fairlie* with her husband, William Knight, and their young baby who died from 'inflammation' during the voyage.¹⁰⁵ They both worked for Thos. Love and Co. in Sydney to whom they had been assigned,¹⁰⁶ before going north to the Lower Hunter region not far from where Mary Anne's father and uncle were living. Knight died around this time since, in 1845, Mary Anne married convict John Royle (*alias* Riley) at Raymond Terrace.¹⁰⁷

Back in 1822 Royle had been sentenced to death at Lancaster Castle Lent Assizes for 'breaking and entering with intent'.¹⁰⁸ His death sentence was commuted to life and he arrived in the colony that year.¹⁰⁹ Within three years, however, he had appeared in Liverpool Court when he was sentenced to three years imprisonment at Port Macquarie.¹¹⁰ Although no further records of Royle's misdemeanours have been found, there may have been more as he did not receive his ticket of leave until 23 years after his arrival.¹¹¹ He received his Conditional Pardon in 1849.¹¹² Royle and Mary Anne went

¹⁰³ The area in which the Hampdon family lived was an ideal hiding place for bushrangers being so close to the Abercrombie Caves. When Angelina was 10 years old, Ben Hall and his associates burned down a hall in the neighbourhood that belonged to a former policeman. This had happened while all the locals were at a ball. Report sighted.

¹⁰⁴ SRNSW, Index to Bounty Immigrants, 1828-1842, MM9.1.1/FL2Q-W6D; SRNSW, Entitlement certificates of persons on bounty ships, Series 5314, Reel 1326.

¹⁰⁵ SRNSW, Persons on bounty ships (Agent's Immigrant Lists), Series 5316, Reel 2134, Item 4/4788.

¹⁰⁶ SRNSW, Entitlement certificates of persons on bounty ships, Series 5314, Reel 1326.

¹⁰⁷ No death certificate for William Knight has been found.

¹⁰⁸ SRNSW, England and Wales, Criminal Registers 1791-1892, Class HO 27, Piece 23, Page 285.

¹⁰⁹ SRNSW, *Colonial Secretary's Correspondence, 1788-1825*. On list of convicts landed on 26 November 1822 from the *Eliza* and forwarded to Minto for distribution. Reel 6009, 4/3506, p.473.

¹¹⁰ SRNSW, *Colonial Secretary's Papers*, On list of convicts transported on 7 June 1825 to Port Macquarie per Elizabeth Henrietta, Reel 6019; 4/3864, pp.522-523; 1825 Muster, Class HO 10, Piece 20; 1828 Census, HO 10, Pieces 21-28; SRNSW, *Gaol Description and Entrance Books, 1818-1930*, NRS 2514, Item 4/6431, Roll 851.

¹¹¹ MM, 26 July 1845; SRNSW, NRS 12202, Item 4/4201, Reel 957.

on to have 15 children, three of whom died in their infancy.¹¹³ Small parcels of land were purchased by Royle in the townships of Scone and Aberdeen in the Upper Hunter in the period 1854-55.¹¹⁴ Their children stayed in the general area and gradually bought up larger quantities of land. The eldest son and his wife also had 15 children, all born in Gunnedah, and the youngest couple had 14, all born in Scone. Unsurprisingly, there are many of their descendants in the Scone/Gunnedah region today.¹¹⁵

The third, and last, group of the Hampton family to arrive in the colony came as assisted emigrants on the *Hilton* in 1855. These were Hampton's children Thomas, Edmund, Selina and step-son, William Muckaway, as well as 12 members of their families. They all settled in the Hunter Valley region when they first arrived; William settled in Stroud, and Edmund in Maitland in 1855 where he remarried in 1858, thereafter moving from Singleton in the Hunter Valley out further west to Warren. Thomas apparently settled in Mudgee not far from the Hunter.¹¹⁶

Mary Anne was the person most likely to have made contact with Hampton as they were both in Raymond Terrace for a period of time. He may also have seen his brother Benjamin who settled at Stroud in the same general area. Four of his other children may have contacted him while in the Hunter district when they first arrived. The family

¹¹² *MM*, 31 January 1850 and *GG* 25 January 1850.

¹¹³ There was also a child born to Mary Anne and William Knight just before Knight's death. With the baby who had died on the voyage to the colony Mary Anne had delivered a total of 17 children.

¹¹⁴ *GG*, 7 February 1854; 2 March 1854; 13 March 1854.

¹¹⁵ Personal communication with Gloria Hargreave in 2009. Gunnedah is to the north-west of Scone.

¹¹⁶ The genealogical details in this paragraph are the result of personal communication with Gloria Hargreave in 2009.

member almost certainly not in contact was his son James who, as we know, went south to Tuena for the remainder of his life.

All in all it certainly seems advantageous for the family that Hampton stole firewood in England in 1836. Within 17 years of his transportation, seven members of his immediate family had escaped the indigent circumstances facing them in Kent. With them came five spouses, eleven children and two in-laws, a total of 25. Another noteworthy feature of Hampton's story is the number of convict connections made by his family. Both a son and daughter married convicts and as did two of his nieces.

It is clear that some members of the patriarch's (William Hampton) family fared very well in New South Wales. On the other hand it is significant that crime continued to be a feature of the family's life, with crimes committed by *four* members of the family – by one of Hampton's sons, and three of his grandchildren – that began in 1863 and continued through most of the remaining 19th century. While some of their crimes were treated leniently, others resulted in gaol terms and hard labour.

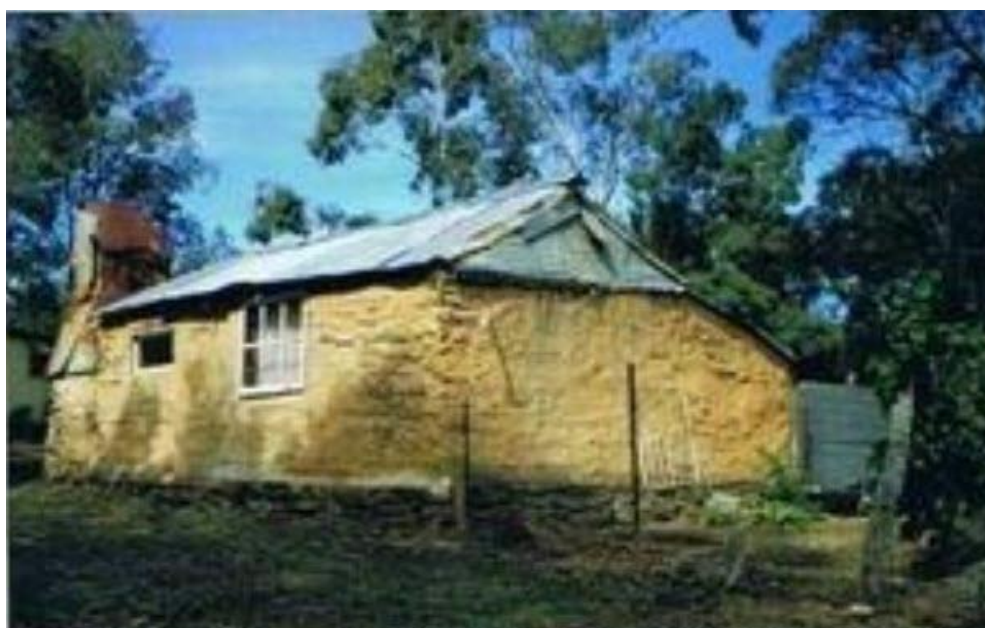




Image 5 - Image 6. Views of the house built by James Hampton in which he and family lived in Tuena, New South Wales. Photographs provided by Gloria Hargreave in 2009.

THE BIOGRAPHY OF DIOGENES HERRING

Although Diogenes the Greek philosopher lived a life of poverty by choice, this was surely not the case of his namesake, young Diogenes Herring. Born in an affluent area of Surrey – Thames Ditton – it is difficult to understand why the 12-year-old was reduced to stealing a watch on the streets of London. His father was a wealthy businessman and described as a gentleman and master builder when his estate was divided after his death in 1820.¹ Herring was eight years of age at this time.² Even though it will probably never be known why he was no longer living a comfortable life, we do know that he was severely punished for his crime.

Sentenced in 1824 to transportation for seven years, he was first to spend five years on hulks in England. The first, the *Justitia*, was moored at Woolwich on the Thames.³ The *Justitia* was for men and boys, with boys as young as 10 mixing with men four and five times their senior. According to a boy who had spent time on this hulk, when a new intake arrived they were⁴

... marched off to the blacksmith, who riveted on [their] ankles rings of iron connected by eight links to a ring in the center, to which was fastened an up and down strap or cord reaching to the waist-belt. This last supported the links, and kept them from dragging on the ground. Then we had what were called knee garters. A strap passing from them to the basils and buckled in front and behind caused the weight of the irons to traverse on the calf of the leg.

¹ See the *London Gazette*, 11 June, 15 December 1823, and 17 December 1825. Giles Herring left estates in Surrey and in Wales.

² Diogenes was a product of his father's fourth marriage. Personal communication from Wendy Ralph in 2009.

³ Herring was transferred on 18 September 1824, two months after his conviction. SRNSW (PRO), *Bound manuscript indents*, Class HO9, Piece 4.

⁴ William Derrincourt, *Old Convict Days*, New Amsterdam Book Co., New York, 1900, p. 28.

After two months Herring, with 15 others, was transferred to the hulk, *Bellerophon*, which was anchored off Sheerness.⁵ Although the *Bellerophon* was intended for boys no older than 14, within a few months the hulk was taking much older boys. Herring was incarcerated with them for approximately 13 months before being transferred to a third hulk, the *Euryalus*,⁶ a hulk described by at least one as 'a floating Bastille'.⁷ It was now mid-1825; Herring remained there until the end of 1828 when he was transported to the colony. He had effectively served all but two years of his sentence before seeing open waters.

Records of the offenders' bodily state and behaviour were kept on board the three hulks. Herring's conduct on the *Bellerophon* was noted as being orderly.⁸ According to the report of one of his fellow convicts, there was much emphasis on the bodily cleanliness, which manifested itself in what to our eyes was a brutal regime, especially when inflicted on youths.⁹

Before going on board we were stripped to the skin and scrubbed with a hard scrubbing brush, something like a stiff birch broom, and plenty of soft soap, while the hair was clipped from our heads as close as scissors could go. This scrubbing was endured until we looked like boiled lobsters, and the blood was drawn in many places.

⁵ SRNSW (PRO), *Hulks – Miscellaneous Convict Prison Registers*, Class HO9, Piece 7. Sheerness is beside the mouth of the River Medway on the north-west corner of the Isle of Sheppey in north Kent. Only a year after taking the defeated French emperor aboard for the first leg of his voyage to final exile at St. Helena, *Bellerophon* was decommissioned, retrofitted and put into service as a hulk for 'boy convicts' at Sheerness. W. Branch-Johnson, *The English Prison Hulks*, Christopher Johnson, London, 1957, pp. 89 & 148.

⁶ SRNSW (PRO), *Hulks – Miscellaneous Convict Prison Registers*, Class HO9, Piece 2. The *Euryalus* was moored at Chatham, also on the River Medway, but just above its confluence with the Thames.

⁷ This description is attributed to Captain Brenton in 1837. Thomas E. Jordan, 'Transported to Van Diemen's Land: The Boys of the "Francis Charlotte" (1832) and "Lord Goderich" (1841)', *Child Development*, Vol. 56, No. 4, August 1985, p. 1093.

⁸ SRNSW (PRO), *Hulks – Miscellaneous Convict Prison Registers*, Class HO9, Piece 7.

⁹ William Derrincourt, *Old Convict Days*, p. 27.

After enduring five years on the hulks, Herring was boarded onto the transport *Mellish* at some time between the end of October and the beginning of November 1828, together with 169 other male convicts from the *Euryulus*¹⁰ The *Mellish*, however, when heading west along the south coast to Falmouth to set sail for New South Wales, was detained at various ports in the Channel due to 'frequent gales with rain and generally damp weather'. It was 61 days before she finally left Falmouth and by this time many of the convicts were stricken with dysentery, diarrhoea and fever, which did not start to improve until the ship sailed into warmer weather towards the equator a month later. The tropics brought their own problems: 'catarrh, irritability of stomach and headache' which were only relieved by purgatives. Diogenes appears to have escaped illness, as his name was not found on the sick list. The surgeon conducted an examination muster on a daily basis and, apart from treating the medical problems found, ensured that clothes were washed twice a week, the between-decks kept as dry as possible and that woollen clothing, including an extra pair of flannel drawers, was worn in the colder weather. Possibly due to the surgeon's close surveillance, Herring arrived in Port Jackson in good health.

He was assigned from the ship to the AACo and kept out of trouble receiving his Certificate of Freedom two years later in 1831.¹¹ At that time his height had increased by 7½ inches, that is, from 4 feet 11 ½ inches to 5 feet 7 inches.¹² He subsequently commenced working for the Tyson family in Bargo at an unknown time after leaving the AACo in 1831. It was here that he met the Tyson's daughter, Barbara, whom he

¹⁰ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 53, Reel 3204.

¹¹ GG, 9 August 1831; SH 15 August 1831.

¹² The differences in heights of the convicts in our sample are discussed in the 'Prosopography' chapter.

married in 1838.¹³ Barbara had been born in the colony to her emancipist mother Isobella Tyson and father William who 'came free', accompanying his wife to New South Wales in the *Indispensable* in 1809.¹⁴ Isobella had been tried in the Yorkshire Quarter Sessions in April 1808 where she was convicted and sentenced to seven years' transportation.¹⁵ Her crime was the theft of 23 yards of cotton, valued at 10d. as well as a leather purse valued at 2d. that contained 3s.6d.

At her time of conviction, Isobella was married with two children, a girl aged three and a baby boy. Her husband had left his post as a Grenadier with the Royal Cumberland Militia to travel with her and worked during the voyage in exchange for a free passage. While the baby travelled to Australia with the couple, the little girl was left behind in England. Her fate is unknown. On their arrival in Sydney in August, 1809, Isobella was assigned to her husband as a housekeeper.¹⁶

The Tysons initially commenced farming in Sydney's north-west outskirts at Baulkham Hills; a few years later in 1812, they were granted 40 acres in Airs in the same general district.¹⁷ The annual rent was 1s. providing they remained for five years.¹⁸ The small property was known as Chapman's Farm. In the following year they had enough money to subscribe to a fund for building a court house at Sydney¹⁹ and, not long after this, William took up the positions of constable and pound keeper – both were newly

¹³ NSWG, Marriage Registration, Reference V1838 1865 22/1838.

¹⁴ SRNSW, *Gaol Description and Entrance Books*, Class HO 27, Piece 4, Page 264.

¹⁵ SRNSW, *Bound manuscript indents, 1788-1842*, Series NRS 12188, Item 4/4004, Microfiche 632.

¹⁶ Personal communication with Gloria Hargreave and Wendy Ralph in 2009.

¹⁷ List of Grants of Land and Town Grants ... authorized on 25 August 1812. *HRA*, Series I, Vol. VII, p. 653.

¹⁸ SRNSW, *Registers of Land Grants and Leases*, Series NRS 13836, Item 7/447, Reel 2561.

¹⁹ SRNSW, *Colonial Secretary's Index, 1788-1825*, Reel 6043, 4/1728, p.135

created positions – in Appin, a town to the south of Sydney.²⁰ He was also employed to accompany Captains Schaw and Wallis as a guide in a well-known punitive expedition against ‘hostile natives’ and received an official commendation for the role he played.²¹

In 1816 William lost his positions of constable and pound keeper for demanding ‘extravagant charges’ for the return of some cattle he had impounded.²² Having voiced his displeasure with this decision, William was then charged with acting in an ‘unbecoming and disrespectful manner towards the Magistrates’.²³ With the subsequent reduction in their income and an increasing number of children to care for, by 1819 the Tysons were forced to sell the farm at Airds. They received £130 for it but were given the right to remain living on the property.²⁴

Within two years, the family had acquired a 50-acre grant in East Bargo, not far south-west of Airds, and lived there in isolation as the first settlers in the district.²⁵ Barbara Tyson, the daughter who married Diogenes Herring, was born here on 8 August 1821. She was the couple’s eighth child. Another 40 acres was added and the property of 90 acres became known as ‘Quince Grove’.²⁶ Over the next few years three or more

²⁰ SRNSW, *Colonial Secretary’s Index*, 1788-1825, Reel 6038, SZ758 p.545, Reel 6038, SZ759, p.89

²¹ SRNSW, *Colonial Secretary’s Index*, 1788-1825, Reel 6065, 4/1798, p.45; Reel 6045; 4/1735, pp.50-9.

²² SRNSW, *Colonial Secretary’s Index*, 1788-1825, Reel 6005, 4/3495, p.78.

²³ SRNSW, *Colonial Secretary’s Index*, 1788-1825, Reel 6005, 4/3495, p.78; Reel 6038, SZ759, pp.234, 262; Reel 6005, 4/3495, pp.80-1.

²⁴ Personal communication with Wendy Ralph and Gloria Hargreave in 2009.

²⁵ Zita Denholm, *T.Y.S.O.N.: The life and times of James Tyson, Pastoral Pioneer, 1819-1898*, Triple D Books, Wagga Wagga, 2002, p. 26.

²⁶ Personal communication with Gloria Hargreave and Wendy Ralph in 2009.

convicts were assigned to help with work on the property;²⁷ and it was around this time that Isobella obtained her Certificate of Freedom.²⁸ While it seemed the family was starting to get ahead, William died, intestate, at the age of 45, in 1827.²⁹ There were nine children by this time, the oldest of whom was 19. Barbara was only six.

In 1829 when Barbara's mother Isobella married an emancipated convict, Thomas Clements, she was already carrying his child.³⁰ Clements, convicted in Devon in 1813 and sentenced to 14 years' transportation, received his Certificate of Freedom in 1827.³¹ He had been working as a convict labourer on the farm for some years.³²

In 1841, William Jnr, who was now 33, successfully applied for ownership of 50 acres in Bargo promised to his late father by Governor Macquarie 20 years earlier.³³ It was clear from the notice made to the Court of Claims that he had, in the meantime, acquired other land in his own right. In the same year he again applied successfully for ownership of 60 acres in the nearby County of Camden, as promised to his father by Governor Darling in 1827.³⁴ He went on to buy more land including a property on the Lachlan River in New South Wales named 'Gerang' which stayed in the family until

²⁷ SRNSW, *Colonial Secretary's Index, 1788-1825*, Fiche 3290, 4/4570D pp.24,72, Reel 6009, 4/3506, p.473; Reel 6028, 2/8283, p.177.

²⁸ 26 May 1825, No. 1824/4423. SRNSW, *Certificate of Freedom Butts*, Reel 601, 102/3726.

²⁹ NSWG, Death Registration Nos. V18277209, 2C/1827; V1827442 11/1827.

³⁰ NSWG, Marriage Registration Nos. V1829824 13/1829 ;V18294593 3B/1829

³¹ SRNSW, *Bound manuscript indents, 1788-1842*, Series NRS 12188, Item 4/4004, Microfiche 634; SRNSW, *Certificate of Freedom Butts*, NRS 12210, Item 4/4290, Roll 982.

³² SG, 21 June 1832 and 29 March 1834.

³³ SG, 7 December 1841; SRNSW, *Colonial Secretary's Letters relating to Land*, Case no. 1080, Item 2/7993, Reel 119. See also SMH, 1 April 1842.

³⁴ SG, 15 January 1842; *Australasian Chronicle*, 13 April 1842; SG, 21 June 1842. Also personal communication in 2009 with Wendy Ralph and Gloria Hargreave.

1939.³⁵ He and his brothers also bought land in partnership and in 1845 he and brother James, were granted a licence to 'Depasture Crown Lands beyond the Limits of Location'.³⁶ The brothers also paid bonds to the government for cattle and sheep lent from the government herds.³⁷

In the meantime William had married. When his marriage failed after the birth of his sixth child, he cohabited with a woman whom he obtained from her husband in exchange for a bullock team and wagon – or so the family story goes.³⁸ Of all Barbara's siblings, however, it was her brother James who acquired the most land, going on to become Australia's first multimillionaire. After starting as a farm labourer at the age of 14, James had come a long way by the time he was 26 due mainly to his success with an abattoir on the Bendigo goldfields which was sold in 1855 for an estimated £80,000.³⁹ He and another brother, John, then bought three sheep stations in western New South Wales and, when John died in Deniliquin in 1862, he left his holdings to James enabling the purchase of even more land in both New South Wales and Queensland.⁴⁰

James became a member of the Queensland Legislative Council from 1893 to 1898 and lobbied for land tenure reforms in both Queensland and New South Wales. He was also a philanthropist, contributing to several charities. In the year of his death in 1898

³⁵ SRNSW, *Special Bundles (Colonial Secretary)*, NRS 906, X811, Reel 2748-2749, Page 75, 8 April 1844.

³⁶ To depasture stock is defined as using the land for grazing. See also SRNSW, *Depasturing Licenses, 1837-1846*, Series 14363, Item 4/106, Roll 5081; Zita Denholm, T.Y.S.O.N., p. 38; *The Australian*, 25 February 1842.

³⁷ *The Australian*, 25 February 1842.

³⁸ Personal communication in 2009 with Wendy Ralph and Gloria Hargreave.

³⁹ See Australian Dictionary of Biography web site: <http://adb.anu.edu.au/biography/tyson-james-985>.

⁴⁰ Personal communication with Gloria Hargreave in 2009 and Wendy Ralph in 2009.

he 'held 5,329,214 acres (2,156,680 ha) including 352,332 acres (142,585 ha) freehold.' James died intestate, after probate was granted, £2.36 million was divided amongst his relatives, the largest estate in Australia at the time.⁴¹ Interestingly James, who never married, was widely known to be a 'very great hater of women', even disliking to employ married men. He saw 'no good in having a man who is under the influence of a woman'.⁴²

Isobella Tyson died in 1874 at the age of 87,⁴³ outliving both husbands and seven of her 13 children. The family had come a long way since her transportation as a convict 66 years before. They were now rich and powerful and under the patronage of Major Thomas Mitchell, whose property, 'Park Hall' adjoined theirs.⁴⁴

While we know much about the lives of Barbara's parents and siblings we know far less about Barbara herself and her life with Herring. After marrying in 1838, when she was barely 16, the couple produced eight girls, four of whom died before the age of 14, the first within a week of birth.⁴⁵ It was said that Herring worked 'carting wood and water', and given that carters were possibly among the poorest paid in the land, his wages

⁴¹ See Australian Dictionary of Biography web site: <http://adb.anu.edu.au/biography/tyson-james-985>. James Tyson was supposed to have had a will drawn up by a Brisbane solicitor not long before he died. He took the will back with him on the train to his property. It had been arranged that, after he had read and signed the will, his solicitor would journey up from Brisbane and pick it up. It was said that James actually died in a tent on his property and that no will was found. At the time, the property was being managed by a relative. Eventually James Tyson's estate was divided between 29 people. Personal communication from Gloria Hargreave in 2009.

⁴² Zita Denholm, *T.Y.S.O.N.*, p. 57.

⁴³ Personal communication from Wendy Ralph and Gloria Hargreave in 2009. Isobella, Thomas Clements and Diogenes Herring were not the only convicts in the family. There were at least two more. In 1798 two felons, James Doneley and Ann Johnson were transported and married soon after. One of their sons married one of Isobella's daughter while the granddaughter of another felon, Dennis Shiels, married one of Isobella's grandsons.

⁴⁴ See J. Ewing Ritchie: *An Australian Ramble*, T. Onwin Fisher, London, 1890, Chapter XII, n.p.

⁴⁵ Genealogical information provided during personal communication Wendy Ralph and Gloria Hargreave in 2009. After the birth of their first child, Diogenes listed his first name as William on the birth certificates.

would not have gone very far towards the support of his large family.⁴⁶ They stayed in the East Bargo/Appin area for the first three years of their marriage⁴⁷ and, after spending some time in the Queanbeyan district further south, they returned to Appin some time before 1857 when Barbara died in childbirth with their last daughter. Herring lived for another 17 years, dying from bronchitis at Nattai, near Mittagong, in 1874. Although he apparently possessed none of the flair and entrepreneurship of the Tysons, after his brother-in-law James' will was probated around the end of the century, Diogenes' and Barbara's four surviving girls were left part of his large fortune.⁴⁸

⁴⁶ Zita Denholm, *T.Y.S.O.N.*, p. 146.

⁴⁷ At this time there were only 18 free employees working in agriculture and shepherding in this general area. There were 16 houses and 3 landed proprietors. See ADA, Historical Census and Colonial Data Archive, NSW 1841 Census, www.hccda.ada.edu.au.

⁴⁸ Personal communication with Gloria Hargreave and Wendy Ralph in 2009.



**Image 7. Barbara Herring, Diogenes' wife.
Photograph provided by Gloria Hargreave in 2009.**

THE BIOGRAPHY OF PATRICK HOYLE¹

Hoyle was 22 years old in 1821 when he was convicted for stealing calico in Louth, the smallest county in Ireland.² Although no details are known about the theft, or even Hoyle's occupation, we do know he received seven years' transportation for the deed.³ Although surely not realizing it at the time, he was fortunate enough to have been boarded onto a particularly 'lucky' ship, the *Isobella* / which set sail from Cork in November that year for New South Wales.⁴ Her voyage was relatively short, the seasickness among the convicts and guards was short-lived, the food included beef, pork, sugar, butter, oatmeal and cheese, and there were no diseases serious enough to spread or to cause death. And Hoyle also had the opportunity to enjoy the dancing on deck to the tune of Irish bagpipers.

Two days after the *Isobella* anchored in Sydney harbour on 11 March 1822 the convicts were issued with a set of clothing. The Colonial Secretary came aboard for the muster.⁵

¹ Although seemingly not having used an alias at any time, Hoyle's name has been recorded variously as Hoy, Hoyer, Heoy, Hoyle and Hall throughout his time in the colony, due either to misinterpretation of his accent or to evasive tactics on his part. Be this as it may, the name Hoyle has been used in this biography as the name under which he arrived in Port Jackson and the name by which he was most commonly known. In the County of Louth, however, with a population of only 119,129 in 1821 when Hoyle was transported, by far the most common version of the alternatives mentioned above was Hoey. See web site: http://www.jbhall.freesevers.com/a_brief_history.htm#POPULATION.

² Situated on the north-east coast, County Louth covered an area of 317 sq miles. See web site: <http://www.totalireland.com/louth/>.

³ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 12188, 4/4008, Microfiche 647. Unfortunately the ship's indent contained very little information for Hoyle. Rules in this regard were tightened after the first Bigge report in 1822. J.T. Bigge, *Report of the Commissioner of Inquiry into the State of the Colony of New South Wales*, British Parliamentary Papers, London, 1822.

⁴ SRNSW (PRO), *Journals of the Surgeon Superintendents en route for the Australasian Colonies* (Admiralty Dept), Piece 36, Reel 3198. Hoyle was also lucky to have escaped imprisonment on a hulk before transportation as they were not established in Ireland until 1822, the year after he was transported. See Rena Lohan, 'Sources in the National Archives for research into the transportation of Irish convicts to Australia (1791-1853)', *Journal of the Irish Society for Archives*, Spring 1996. No page numbers given in this article.

⁵ SRNSW (PRO), *Journals of the Surgeon Superintendents*, Piece 36, Reel 3198; SG 15 March 1822.

The convicts were kept on deck all that day and for the two following days; the heat of the late summer was surely had to bear. Relief no doubt came when they were disembarked on 14 March at daylight. After being inspected they were provided with religious books. The governor, Sir Thomas Brisbane, had made out a list of positions that were needed by the settlers which included 98 labourers; one of these positions was filled by Hoyle⁶ who was first assigned, with 21 other convicts, to the Prisoners' Barracks at Cabramatta. After the trip of 15 miles to Sydney's west, undoubtedly on foot and possibly in the scorching sun, Hoyle and convicts were mustered at the Orphan Farm and given the tedious task of clearing land under the supervision of Michael Grant.⁷ Later that year, Hoyle was again in a party clearing land, this time for Thomas Laycock, Jnr at Parramatta, not far from Cabramatta.⁸ But he was apparently restless because from this point he began his career as a serial absconder. Although one of transportation's goals was reformation, as this biography shows, Hoyle declined to go down this path.

On five occasions the *Sydney Gazette* reported that Hoyle's name had been placed on the Principal Superintendent Office's list of absconders from Mr.T. Laycock's clearing party. He was still at large on 5 February 1823.⁹ Eventually captured, he was sent to gaol in Sydney before being sent as further punishment, in January, 1824, to the

⁶ Enclosure 2 with letter from Sir Thomas Brisbane to Earl of Bath dated 29.10.24, *HRA*, Series I, Vol. XI, p. 387.

⁷ Grant had himself been transported from Ireland in 1807 and had received his Conditional Pardon ten years later. He went on to purchase land in the Cabramatta district in 1824, *SRNSW, Colonial Secretary Index, 1788-1825*, Reel 6061, 4/1780, p. 294..

⁸ Carol J. Baxter (Ed.), '1822 General Muster and Land and Stock of NSW, 1822', in *Australian Biographical & Genealogical Record*, A project of the Society of Australian Genealogists, Sydney, 1988, p. 233.

⁹ *SG*, 23 January 1823. Hoyle's name was given as Hoey.

Government Agricultural Establishment at Emu Farm, 35 miles to the west of Sydney.¹⁰

He was quickly in strife at the farm and banished to Port Macquarie on the coast north of Sydney, a mere month later. This was a sea voyage for Hoyle of 174 nautical miles on H.M. Colonial brig *Lady Nelson*.¹¹

In less than six months, in July 1824, Hoyle made his next escape. But, again, he did not evade capture and was sentenced to a place of secondary punishment far harsher than Port Macquarie, that is, Macquarie Harbour, in Van Diemen's Land.¹² In the meantime he was brought back by sea to be incarcerated in Sydney Gaol.¹³ The prospect of going to Macquarie Harbour would not have been to Hoyle's liking if for no other reason that any escape from there was nigh impossible. He thus wasted no time and escaped from his holding cell.¹⁴ But not for long; while good at escaping, he was also good at being caught.

Luck was with him as he somehow managed to avoid the horrors of Macquarie Harbour. But relief was short lived as, on 5 February 1825, he was shipped to Newcastle, 66 nautical miles to the north of Sydney, on the government sloop, the

¹⁰ SRNSW, *Colonial Secretary Index, 1788-1825*, Reel 6028, 2/8283, p. 209. Listed as Hoye, Hoyle as working as a reaper, his occupation in Ireland before transportation. Emu Plains had been established as a penal settlement in 1819.

¹¹ SRNSW, *Colonial Secretary Index, 1788-1825*, Reel 6019, 4/3864, pp. 112, 464-465.

¹² SRNSW, *Colonial Secretary Index, 1788-1825* (On return of fines and punishments in the Police Office), Reel 6023, 4/6671, p.81. Although known as Macquarie Harbour, the prison was actually an island in the harbour, with the only means of escape being through a narrow channel known as Hell's Gates. It had been established as a place where those who had managed to escape from other penal settlements could be vanished.

¹³ Carol J. Baxter, Ed., '1823, 1824, 1825 General Muster List of New South Wales', in *Australian Biographical & Genealogical Record*, p. 275.

¹⁴ Hoyle was noted in four announcements in the *SG* between 24 December 1824 and 6 January 1825 as having escaped from the Sydney Gaol during the night of 25 December 1824. His name was given as Heoy.

Mars, to be put to hard labour and kept in double irons.¹⁵ Now with any plan of escape completely thwarted, he showed his incorrigible irascibility and disdain for authority by refusing to work and using insolent language. His defiance was rewarded with 25 lashes.¹⁶

Now successfully contained in Newcastle for a year, Hoyle was assigned to The Australian Agricultural Company in July 1826.¹⁷ He clearly settled down at the company as he was issued with his Certificate of Freedom on 28 April, 1828.¹⁸ The census of that year showed he then left the company and was working as a fencer in the employ of William Ogilvie in the Merton District of the Hunter River.¹⁹ He was now 28 years of age. Then, at some time between 1828 and 1830, he had left the Hunter region and returned to Sydney.

But soon he was in trouble again. On 7 December 1830 he was up before the Bringelly Court, on Sydney's outskirts, charged with the alleged assault of a Mary Rushton. Mary testified that Hoyle had accosted her saying that she should give consent for them to

¹⁵ SRNSW, *Colonial Secretary Index*, 1788-1825, Reel 6014, 4/3513, pp. 361-2. His name was given as Hoy. By the early 1820s, plans were underway to close the Newcastle Penal Settlement which had been established on the coast to the north of Sydney in 1804 to contain Irish convicts who had participated in an uprising at Castle Hill in Sydney. The abolition of the penal settlement was part of the government's plan to open up the rich Hunter River Valley to free settlers. A replacement penal settlement was established on the coast to the north at Port Macquarie during 1823 and 1824 where Hoyle had been incarcerated in 1824. While most of the convict prisoners were transferred to Port Macquarie, a small number were retained at Newcastle to work on the building of a breakwater for the harbour and to work in the coal mines.

¹⁶ SRNSW, Monthly return of prisoners punished at Hunter's River, From 1 to 30 June, 1825, Reel 6023, 4/1718, p. 207.

¹⁷ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company*, p. 110.

¹⁸ SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Reels 604, p. 982-1027. This was revoked not long afterwards; the records show that he received another Certificate of Freedom on 31 May 1830. SRNSW, *Butts of Certificates of Freedom*. NRS, 12210, Reels 604, p. 982-1027.

¹⁹ HO, *Settlers and Convicts, New South Wales and Tasmania*, (The National Archives Microfilm Publication HO10, Pieces 21-28); *Census of NSW November 1828*, published in 1828 Census of New South Wales, edited by Malcolm Sainty & Keith Johnson, revised edition published by Library of Australian History, Sydney, 2008 (CD-ROM); Book Entry, No. H2662.

have sexual intercourse. Although she told him that she was married, he had 'thrown her down and got upon her person'; she had then started to scream while managing to get away from him. Mary's husband, William, was then called. He stated he knew that Hoyle had been employed by his father-in-law from time to time and reiterated the details given by his wife. Both he and Mary then signed their statements with their mark.²⁰ Although Hoyle denied the charge, the case was referred to the Criminal Court; he was found guilty, sentenced to six months' gaol²¹ and his Certificate of Freedom revoked.

Reissued with his Certificate in 1833, three years later he married Hannah Garden (Gardener) by banns at St. John's Church in Parramatta.²² Here there was confusion about Hoyle's name. It was entered as 'Hall' but changed to 'Hoyle' on the List of Persons applying for the Publication of Banns at St Philip's Church.²³ All of Hoyle's children were subsequently given the surname Hall.²⁴

²⁰ SRNSW, *Index to Quarter Session Cases*, Item 4/8385, Reel 2399 (1831, Campbelltown). Several personal communications with Maureen O'Connor have assisted me in piecing together this story. She also provided me with copies of many of the original documents. It appears that both the Rushtons were emancipated convicts and illiterate. Hoyle, too, was free at the time, having gained his second Certificate of Freedom on 31 May 1830.

²¹ SRNSW, *Index to Quarter Session Cases*, 1824-1837, Item 4/8385, Reel 2399.

²² SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Item 4/4319, Roll 992; NSWG, New South Wales Registration of Births, Deaths and Marriages Act, 1973, M1835/Vol.20/199. Permission to marry proved a bureaucratic nightmare for Hoyle. He found that his certificate of application to marry could not be approved without the written authority of the governor. He then successfully petitioned the governor and signed the document 'Patrick Hall or Hoyle'. SRNSW, *Colonial Secretary's Papers*, 36/7835, 4/2321.5, Reel 2204. For details about the necessity for convict marriages to be approved by the governor (Hannah was still a convict) see A. Atkinson, 'The Moral Basis of Marriage', p. 109.

²³ SRNSW, Item 4/2304.7, Reel 730. It is not known why the application for the publication of banns was made through St Philip's Church, which was in York Street in the centre of Sydney, when they were to be married in Parramatta. It is possible that Hoyle was still living in the Parramatta/Bringelly area at the time, while Hannah was in York Street (see Hoyle's Death Certificate below).

²⁴ Information regarding the names of Hoyle's children was provided by Maureen O'Connor. When Hoyle and Hannah married, the population in Sydney and close surrounds numbered 22,234. It was possibly hard for Hoyle to find a job. Australian Data Archive (ADA), Historical Census and Colonial Data Archive, NSW 1836 Census.

Hoyle's wife, Hannah, a convict from Aberdeen, Scotland, was transported for seven years for stealing clothes. She had arrived in the colony in 1831 on the *Earl of Liverpool* from London, together with her aunt, Elizabeth Gordon (*alias* Young) who had also been transported for stealing clothes.²⁵ Hannah was initially assigned to Edward Sinnott in Sussex Street, Sydney, the husband of an aunt and later, possibly in the next year, to George Williams, of St Phillips, Glebe.²⁶ She received her Certificate of Freedom a year following her marriage to Hoyle.²⁷

After Hannah had produced four children in the four years of their marriage, Hoyle died.²⁸ He was only 40 years old. Although the death certificate did not show the cause of his death, his constitution may have been weakened by the floggings and other punishments in the penal settlements, including, possibly, a stint in the coal mines when bonded to the AACo in Newcastle. The Death Certificate showed that at the time of his death Hoyle was a basket maker and that he lived in York Street, Sydney.²⁹ Hoyle's descendants believe that he worked in the area of the old Anthony Horden's building in George and Goulburn Streets.³⁰

²⁵ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 12188, 4/4016, Microfiche 678.

²⁶ Information about Hannah's aunt and Edward Sinnott provided by personal communication with Maureen O'Connor in 2009.

²⁷ SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Reels 604, 982-1027.

²⁸ NSWG, New South Wales Registration of Births, Deaths and Marriages Act, 1973, D1840/113-114. The Certificate was in the name of Patrick Hoyle. The name of the convict ship on which Hoyle arrived was included on the certificate even though he was now a free man. This cannot be explained except to speculate that identification of this nature was ingrained in the Colonial Office's control system.

²⁹ At around the time Hoyle died, he was one of 785 'Shopkeepers and other Retail Dealers' in the city. Australian Data Archive (ADA), Historical Census and Colonial Data Archive, NSW 1841 Census.

³⁰ Personal communication with Maureen O'Connor in 2009.

Despite the depression that started in the early 1840s, Hannah managed somehow to cope on her own with the children for three years. By then she decided to petition to have them placed in an orphanage. A letter was written in July on her behalf:³¹

The Humble Petition of Hannah Hall Applying for admission of her children into orphan School Humbly Sheweth

That Petitioner's Husband is dead upwards of three years and has left her destitute with a family of four children, and no means of support and on account of the depression of the times has no means of maintaining her helpless Family.

That Your Excellency would be graciously pleased to take Petitioner's Destitute Condition into your Humane and Merciful Consideration and admit three of Petitioner's Children into the Orphan Institution.

On a letter written in support of this application a note was made by Governor Gipps: 'One child may be admitted.'³² Two further letters of support were written in the following month. One was from the Minister of St Phillips Church of England at Church Hill³³ and the other on behalf of the Benevolent Society.³⁴ The latter requested that 'Sarah Hall, born in Sydney, August 1838, Religion Protestant ... be received into the female orphan school'. Subsequently Charles Patrick Hall, aged seven, was admitted into the Male Orphan School on 22 August 1843³⁵ and his sister, Sarah, aged five, to

³¹ The letter was addressed to His Excellency, Sir George Gipps, Captain General Governor and Commander in Chief. A note at the foot of the letter states that 'I hereby certify that the Petitioner is a sober, honest, industrious person, and worthy of His Excellency's consideration.' SRNSW, *Colonial Secretary's Correspondence*, Letter 5296, Box 4/2625.1.

³² SRNSW, *Colonial Secretary's Papers*, Letter 43/6022, Box 4/2625.1.

³³ SRNSW, *Colonial Secretary's Papers*, Letter 43/6022, Box 4/2625.1. St. Philips Church, between 1800 and 1850, was situated in York Street, Sydney (opposite the present-day site) and thus close to Hannah's abode in the same street.

³⁴ SRNSW, *Colonial Secretary's Papers*, Letter 43/6328, Box 4/2597.

³⁵ Mitchell Library NSW, *Admissions Register to the Male Orphan School*, Original Record Roll Book 1819-1847, C200 CY, Reel 1048. Details provided by Maureen O'Connor in 2009. The School was at Liverpool until it closed in April, 1850 when the children were transferred to the Female Orphan School at Parramatta.

the Female Orphan School two months later on 17 October.³⁶ Charles would be obliged to leave when aged 15 and Sarah when 13.³⁷ The other children, Bridget and Mary Ann, presumably stayed with their mother.³⁸

Hannah married again during the following year. Her new husband was another Irishman and convict, Andrew Glannon. Glannon, a tanner, had been sentenced to seven years for sheep stealing and arrived in 1838 aboard the transport *William Jardine*.³⁹ Although it was recorded that he was married with a son in Ireland, he obviously managed to keep this well hidden from officials, and possibly Hannah as well, when he and Hannah married. They subsequently had five children, two of whom died as infants.⁴⁰

Charles, the first-born child of Hoyle and Hannah, presumably learned the trade of boot making while in the orphanage as he subsequently opened a boot making business in Stuart Town, south of Wellington in New South Wales. He and his wife Emma Peters-Sloane produced ten children, one of whom became involved in alluvial gold mining in the district.⁴¹ When Charles died in 1916 an obituary published in the *Orange Leader* stated that he 'was highly respected and had been a church warden

³⁶ SRNSW, *Female Protestant Orphan School Admission Book 1827-1886*, Box No. 4/10585. The School was built at Parramatta and opened in 1818. When it was amalgamated with the Male Orphan School, it became the Protestant Orphan School. It closed in 1887.

³⁷ Beryl Bubacz, *The Female and Male Orphan Schools in New South Wales 1801 – 1850*, PhD Thesis, University of Sydney, 2007, p. 200. Contrary to this information, Sarah was discharged when she was 16. The age at which Charles was discharged is unknown.

³⁸ No further records for Mary Ann have been located but she apparently died as an infant and is buried with her father (see below).

³⁹ SRNSW, *Annotated printed indents*, NRS 12189, X641, Microfiche 733. Andrew received his Certificate of Freedom in 1844. SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Item 4/4395, Roll 1018.

⁴⁰ Personal communication with Maureen O'Connor in 2009.

⁴¹ Personal communication with Maureen O'Connor in 2009.

and a prominent member of the Church of England at Stuart Town for many years'.⁴²

The obituary went on to say that a special funeral service was held and 'the bell tolled for a couple of hours'.

While Charles went on to lead a successful life in every respect, regrettably Sarah's life was far from happy. She was discharged from the orphanage in 1854, aged 16, to work as an apprentice to a Mrs Wyse in Bathurst.⁴³ Just how long she stayed with Mrs Wyse is unknown but in 1866 she married Richard Olford in Wellington.⁴⁴ So far so good, at least the historical record provides no evidence to the contrary. In 1912, however, at age 75 she was scheduled under the Lunacy Act of 1898 to be admitted to 'an Hospital or Licenced House' from the lockup in Wellington.⁴⁵ She was subsequently admitted to the Mental Hospital for the Insane in Parramatta.⁴⁶ In a moment of dreadful irony, when admitted to the Parramatta Mental Hospital, Sarah was actually going back to the orphanage building where she spent years as a child. Although the orphanage itself had been closed in 1887, the following year it became the Parramatta Hospital for the Insane. She was diagnosed as having 'dementia senile' which had persisted for the past four and a half years.⁴⁷ In addition she had carcinoma of the right

⁴² *Orange Leader*, 26 July 1916.

⁴³ SRNSW, *Female Protestant Orphan School Admission Book 1827-1886*, Box No. 4/10585. Sarah's discharge destination was noted against her name.

⁴⁴ NSWG, Australia Marriage Index, 1788-1950.

⁴⁵ SRNSW, Medical Certificate to accompany Order or Request for Reception into an Hospital or Licensed House, (Lunacy Act of 1898 – Second Schedule), Register No. 6020 (124) shelf location 121720. Sarah's address was given as Kenehan Avenue, Wellington.

⁴⁶ SRNSW, Register No. 6020 (124) shelf location 121720. The information in the hospital's bound ledger was transcribed by Maureen O'Connor and sent to me in 2009. Entries were made in the book between 12 December 1912 and 6 October 1915 when Sarah died. They were initially on a fortnightly basis and thereafter three-monthly.

⁴⁷ Sarah's admission papers stated that 'This woman is eccentric in habits refuses food, is unclean and mistrustful. She speaks to herself and imaginary people, cannot answer questions and has no idea of times and dates, cannot sustain conversation, wanders in speech and thinks spirits and the Deity speak

breast, which was increasing in size, cardiac weakness and oedema of the lung. None of her acquaintances came to her funeral when she died in October, 1915.⁴⁸ She was buried in the Church of England Cemetery, Rookwood.⁴⁹

Hoyle was eventually buried with his youngest child, Mary Ann Hall, as well as the two children who died in their infancy born to his wife Hannah and her second husband. While initially buried in the Old Devonshire Street (Sandhills) Cemetery, when the cemetery was resumed in 1901 to allow the extension of the railway from Redfern to Central, relatives were given two months to arrange for exhumation and re-interment. Bridget, the daughter who had stayed with Hannah after Hoyle died, arranged for the remains to be sent to Rookwood Cemetery. She also commissioned a headstone to be made in the style of the 1800s, the inscription reading:

SACRED TO THE MEMORY OF PATRICK HALL
BORN IN THE COUNTY OF LOUTH IRELAND 1800
WHO DEPARTED THIS LIFE ON THE 5 OF MAY 1840
REQUESCANT IN PEACE. AMEN
MOURN NOT FOR ME MY WIFE AND CHILDREN DEAR
AS GOD BEEN PLEASED TO CALL ME HERE
BUT AS THE GRAVE WE ALL MUST TAKE
SO LOVE MY CHILDREN FOR MY SAKE

Bridget had married Bennett Marley Maxwell at Wellington in 1865. One of her five children went on to distinguish himself in both the Boer War and World War I, receiving the Queen's Medal, the King's Medal and the Distinguished Conduct Medal in

to her. Often does the opposite to see what she is supposed to do.' SRNSW, Register No. 6020 (124), shelf location 121720.

⁴⁸ NSWG, Australia Death Index, 1787-1985, Registration No. 18159, 6 October 1915. Sarah's husband had predeceased her.

⁴⁹ Rookwood, No. 1179, Section NN. It is ironic that Sarah's father, Hoyle, had helped clear the ground around the Female Orphan School as a convict 21 years earlier.

the former war and the Victory Medal in the latter.⁵⁰ Bridget received a glowing tribute when she died in Bathurst in 1901 as evidenced by an obituary published in the *Dubbo Daily Liberal* on 11 September, 1902.⁵¹ She had lived in Dubbo for more than 30 years.

Hoyle was obviously a rascal. Although he had been sentenced to be transported for seven years, due to his various escapades it took him 12 years to acquire his freedom and keep it.⁵² His premature death had left his wife and young family destitute. While his youngest child, Mary Ann, died in infancy, his other children went on to lead decent and upright lives, establishing a pattern of respectability into the future.

⁵⁰ The information in this paragraph was given to me by Maureen O'Connor by means of personal communication in 2009.

⁵¹ Bridget's remains were reinterred in the Old Catholic Mortuary No.1, Rookwood Cemetery, Section K, Row 27, Plot 1878.

⁵² Hoyle's final Certificate of Freedom was issued on 18 November, 1833. SRNSW, *Butts of Certificates of Freedom*. NRS 12210, Reels 604, 982-1027.

THE BIOGRAPHY OF JAMES HYDE

James Hyde was born in 1818 in the village of Hopton Wafers in Shropshire, in the west of England. The village lay beneath the Clee Hills where coal was mined and where Hyde worked as a collier. Although there was a primary school in the village,¹ he did not learn to read or write. When tried at the Salop Assizes² in 1836, he had a front tooth missing as well as the top of his middle finger on the right hand and multiple tattoos. He was sentenced to transportation for life and spent two and a half months in Shrewsbury Gaol before being transferred to the hulk *Justitia*.³

It is possible, as will be shown, that Hyde may have wished to trade his experiences in gaol and in the hulk for those he underwent on the *Prince George*, the vessel that transported him to Sydney.⁴ Having been aboard in the port for more than a month, he and the other prisoners experienced a fierce gale that caused the vessel to drag her anchor out into the English Channel. After the gale subsided the *Prince George* limped back into port where she was obliged to wait for favourable winds before finally departing for the colony. When nearly at the voyage's end, however, just off the Victorian/New South Wales coast, a hurricane hit the vessel; Hyde and the other convicts were ordered to bail out the water or man the pumps all night in an effort to keep her afloat.

¹ See Wilson, John M., *The imperial gazetteer of England and Wales : embracing recent changes in counties, dioceses, parishes, and boroughs : general statistics : postal arrangements : railway systems, & co., and farming a complete description of the country*, Pullarton, Edinburgh, 1866 ; Mason, Oliver, *The gazetteer of England : England's cities, towns, villages and hamlets : a comprehensive list with basic details on each*, David and Charles, Newton Abbott, 1972.

² Salop was an alternative name for Shropshire at the time.

³ SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class HO9, Piece 4.

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 60, Reel 3207.

The Surgeon Superintendent gave a graphic account of the hurricane in his journal.⁵ A strong breeze from the south-east had developed into a heavy gale with thunder, lightning and driving rain. Although the topsails were reefed there was no time to save the top gallants⁶ or the fore and main sails which were all ripped to shreds by the violent gusts. The bare poles caused the ship hove to and with the violence of the sea and wind the starboard scuttles were broken, allowing the sea to cascade down the hatchways, filling the hospital to a level higher than the lower bunks. At about midnight the ship was again struck violently by heavy sea on the starboard side. The sea came bursting through the scuttles again and 'some tons of water must have come down the hatchway'. At this time the sea was level with the top deck of the ship which, having turned suddenly, had broached and nearly capsized. The hurricane continued until the next morning with the surgeon reporting, 'the *Prince George* is a wreck'.

The surgeon also tells how this momentous event affected the sick convicts. In the hospital at the time when the hurricane hit, he had tried to appease their fright, moving them to the windward side of the ship, only to find that when the water burst through the scuttles, it carried 'the unfortunate sick to almost an early grave on the opposite side'. In the 'panic and dismay' that ensued, 'most of them thought they were going to the bottom'. The surgeon was eventually able to get the patients into the bunks that had not been drenched and 'those who had dry beds and shirts were caused to give them to the sick which was done with much less grumbling than [he] had expected'.

⁵ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 60, Reel 3207.

⁶ The sails directly above the main sails.

It is unlikely that the convicts slept in comfort for the remaining few days of the voyage as the damage to the lower beds in the prison and in the hospital was too great for the carpenters to repair. The surgeon did report, however, that the bedding and clothes of the convicts were looked after as well as possible under the circumstances. They were taken up on deck to dry out although much had been 'saturated and trodden into the dirt.' He concluded by stating that this 'unfortunate circumstance' in addition to the gale they had experienced in the English Channel had resulted in so much 'debility' that he had to send 27 men to hospital on their arrival in Sydney.⁷ Hyde was lucky enough to come out unscathed and was assigned directly to the AACo.⁸

The next we hear of Hyde is in November 1841 when he was imprisoned in the cells at Newcastle Gaol for 14 days for 'disobedience of orders.'⁹ He was back in the cells again in 1843 for seven days, this time for drunkenness.¹⁰ He was apparently taken back by the company until at least the following year when, with five of his fellow convicts, he

⁷ The numbers sent to hospital attracted the attention of Governor Bourke who required the *Prince George's* surgeon to submit a report stating the reasons for 'the unhealthy state in which [the] Ship arrived at Sydney.' He sent this report, together with one of his own, to Lord Glenelg in London who required the Physician General of the Navy to comment on the matter. In a lengthy reply the Physician General stated that Governor Bourke, in attributing the ill health to 'the issue of Cocoa instead of Oatmeal', failed to pay attention to other factors that were much more likely to have contributed to the ill health such as the miserable state in which 'the Prisoners were embarked ... the long continuance of Wet and blowing weather ... the [subsequent] confinement between decks ... [and] loss of Appetite.' The Physician General then pointed out that, in general, convicts did not like oatmeal and much of the quantities taken on board convict transports were fed to the livestock. In the case of the *Prince George*, however, cocoa and oatmeal were barely touched. He included tables that showed that death rates in the years 1830 – 1835 to have been less when cocoa was issued and ended his report by declaring that if convicts were embarked with 'their health already destroyed ... no Diet or Medicine nor any exertion or attention on the part of the Medical Superintendent can prevent the sickness which ... will uniformly follow such a state of affairs.' It can be concluded that the surgeon on the *Prince George* was exonerated. Report enclosed with letter from Lord Glenelg to Sir George Gibbs, Dowling St., London, dated 30 December 1837, *HRA*, Series I, Vol. XIX, The Library Committee of the Commonwealth Parliament, 1923, pp. 223-225.

⁸ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company 1825-1850*, Port Stephens Family History Society, Tanilba Bay, New South Wales, 2004, p. 112; SRNSW, *Annotated printed indents*, NRS 12189 , X640, Microfiche 727.

⁹ SRNSW, Gaol Description and Entrance Books, 1818-1930, Item 2/2020, Roll 757.

¹⁰ SRNSW, Gaol Description and Entrance Books, 1818-1930, Item 2/2020, Roll 757.

went on a drunken spree.¹¹ All were charged and 'sentenced to seven and fourteen days solitary confinement, each according to his policy character.'¹² The notice in *The Maitland Mercury* continued:

It appeared the prisoners received on Saturday last the gratuities allowed to them for extra work during the month, and appropriated the money in the way most agreeable to their feelings - in getting drunk and disorderly, a practice which they, in the plenitude of their wisdom and gratitude to the company, consider absolutely necessary every pay day. Solitary confinement, on the classic regimen of coarse bread and cold water, in the dog days, is a most excellent system, and invariably causes these gentry to be somewhat shy in courting an early repetition of its advantages. It throws flogging into the shade.¹³

Hyde, however, was remanded within six months on a count of robbery.¹⁴ Although no details of this robbery are known Hyde now behaved himself well enough to gain his ticket of leave for the district of Newcastle three years later in 1847.¹⁵ His subsequent application for permission to marry Charlotte Preston in 1848 was refused by the Rev. C.P.N. Wilton who had 'an ecclesiastical objection ... for the marriage of the parties'.¹⁶ By this time the couple had two children. Charlotte was the daughter of an Aboriginal mother, Walcotte,¹⁷ and convict father, John Wright Preston and was born

¹¹ *MM*, 17 February 1844.

¹² SRNSW, *Gaol Description and Entrance Books*, 1818-1930, Item 2/2016, Roll 759.

¹³ Hyde and his fellow convicts were indeed confined in 'the dog days' – hot, sultry, days – as this was in mid-February.

¹⁴ SRNSW, *Gaol Description and Entrance Books*, 1818-1930, Item 2/2020, Roll 757.

¹⁵ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item 4/4213, Reel 961. Hyde received his Conditional Pardon in 1852. SRNSW, *Butts of Certificates of Freedom*, Item 4/4474, Reel 795.

¹⁶ SRNSW, *Registers of convicts' applications to marry*, NRS 12212, Item 4/4514, Page 39.

¹⁷ Personal communication with a relative of Hyde's in 2009.

in 1831. Preston, transported for life,¹⁸ had arrived in the colony in February 1821 and was sent to Parramatta for distribution.¹⁹

Preston's occupation was listed as a 'farming man.' Within three months, however, he was found in Sydney Gaol.²⁰ He had been convicted by the Liverpool Bench for a serious crime as he was ordered to be sent by the *Governor Bligh* up the coast to Newcastle Gaol for three years.²¹ In September 1823, however, his name was on a list of prisoners sent further north to Port Macquarie by the ship *Elizabeth Henrietta*.²² This is possibly because the penal settlement in Newcastle was in the process of being closed. Having completed his sentence in Port Macquarie in June 1824 he was assigned to James McClement at Newcastle to be 'victualled from the stores for six months'.²³ This assignment did not end happily, however, as in August 1824, while back in Newcastle Gaol, he was given 25 lashes for 'spoiling his work and insolence to his master.'²⁴

¹⁸ SRNSW, *Australian Convict Transportation Registers – Other Fleets & Ships, 1791-1868, Class HO 11, Piece 3*. Preston had been convicted in Sussex. No information has been found about the crime he committed other than it was a 'felony'.

¹⁹ SRNSW, *Main series of letters received 1788-1825*, Series 897, Reels 6041-6064, 6071-6072; SRNSW, *Colonial Secretary's Index, 1788-1825*, On list of convicts disembarked from the *Prince of Orange* and forwarded to Parramatta for distribution 17 February, Reel 6007; 4/3503 p.105.

²⁰ SRNSW, *Gaol Description and Entrance Books, 1818-1930*, Series 2514, Item 4/6360, Roll 850; *Colonial Secretary Index, 1788-1825*, 11 June 1821 On list of prisoners transported to Newcastle per *Governor Bligh*, Reel 6008; 4/3504 p.38.

²¹ SRNSW, *Main series of letters received, 1788-1825*, Series 897, Reels 6041-6064, 6071-6072; SRNSW, *Gaol Description and Entrance Books, 1818-1930*, Series 2514, Item 4/6360, Roll 850.

²² SRNSW, *Main series of letters received, 1788-1825*, Series 897, Reels 6041-6064, 6071-6072; SRNSW, *Colonial Secretary Index, 1788-1825*, 25 Sept 1823, On list of convicts removed from Newcastle to Port Macquarie per *Elizabeth Henrietta*, Reel 6019; 4/3864 pp.426-427.

²³ SRNSW, *Main series of letters received, 1788-1825*, Series 897, Reels 6041-6064, 6071-6072; SRNSW, *Colonial Secretary Index, 1788-1825*, 26 June 1824, On list of convicts removed from Newcastle to Port Macquarie per *Elizabeth Henrietta*, Reel 6019; 4/3864 pp.426-427.

²⁴ SRNSW, *Main series of letters received, 1788-1825*, Series 897, Reels 6041-6064, 6071-6072; SRNSW, *Colonial Secretary Index, 1788-1825*, August 1824, On monthly return of prisoners punished at Newcastle, Reel 6023; 4/1718 p.189.

The following year he was assigned to G. Platt of Newcastle²⁵ and must have turned over a new leaf as he received his ticket of leave in 1834²⁶ and his Certificate of Freedom in 1841.²⁷ At this time, he was now aged 44, his application to marry convict Mary Anne Kain, aged 20, was refused²⁸ but, not to be put off, he applied in the following year to marry another convict Elizabeth Capps, aged 43, only to be refused again.²⁹ He was not having much luck.

The Rev Wilton,³⁰ who had refused Charlotte's father's marriage applications, was very active in the Newcastle community and no doubt soon found that his official objection to Hyde's marriage to Charlotte did not stop the couple living together and producing eight more children. But their life together was not without incident. In 1849 their latest born child was accidentally suffocated. The report in *The Maitland Mercury* read:³¹

²⁵ A General Muster List of all the inhabitants (with the exception of the Military) of the Colony of NSW for the years 1823, 1824, 1825; SRNSW, ref: Reel PRO 66 Vol. 10/19 & 10/20, published in 'General Muster List of New South Wales 1823/1824/1825', edited by Carol J. Baxter, published by ABGR, Sydney, 1999; Book Entry no. 36875.

²⁶ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item: 4/4094, Reel 921.

²⁷ SRNSW, *Convict Pardons and Tickets of Leave, 1834-1859*, Class HO 10, Piece 55.

²⁸ SRNSW, *Registers of Convicts' Applications to Marry, 1826-1851*, Series 12212, Item 4/4513, Page 81. The refusal was dated 22 June, 1841 and the reason given was there was no prisoner by the name of Mary Anne Kain found on the vessel *Sir Castle Forbes*. It was also stated that the consent of the visiting Justice would be necessary when the error was corrected. The clergyman was C.P.N. Wilton of Newcastle.

²⁹ SRNSW, *Registers of Convicts' Applications to Marry, 1826-1851*, Series 12212, Item 4/4514, Page 5. This marriage was refused on 14 February 1843 as proof of Elizabeth Capps' husband was required. The clergyman was again C.P.N. Wilton of Newcastle. It was possibly just as well for Preston that the application to marry Elizabeth was refused as three weeks prior to this Elizabeth had been convicted for stealing meat from a slaughterhouse, had her ticket of leave cancelled and was sentenced to 14 days' solitary confinement. *MM*, 21 January 1843. And then, a month after the marriage application was refused, Elizabeth (now alias Elizabeth Frost) received 14 days in the cells for absconding from the service of the Rev. Wilton. Two assignees from the AACo were charged with harbouring her. *MM*, 11 March 1843.

³⁰ The Rev Wilton also had problems with James Mulholland's wife, Mary Moles, as described in Mulholland's biography.

³¹ *MM*, 7 November 1849.

An inquest was held on Saturday, at a house near Burwood³² [Newcastle], on the body of a child ten weeks old, named Catherine Hyde. It appeared from the evidence that the mother, who is a half-caste aboriginal, had been drinking to excess the previous day, and it is supposed went to bed intoxicated, and forgetting her child, accidentally suffocated it. A verdict to that effect was accordingly returned.

Then, three years later at the end of 1851, Charlotte was wrongfully accused of the theft of a note from Isaac Dawes, a convict who had obtained his ticket of leave for Newcastle in the previous year³³ and was forced to appear before the Maitland Quarter Sessions. The case was reported in *The Maitland Mercury*.³⁴

The witnesses called were Isaac Dawes and William Rouse. Dawes, a worker at the local smelting works, stated that he owed Hyde 3s.6d. and had given the money to Charlotte when he visited their house on 7 October. He frequently visited the Hyde's and slept there that night since he was intoxicated. During the evening he had taken a £1 note from his pocket and had observed the number before returning it to his pocket. He had slept with his trousers under his pillow. He went on to state that he had found the note to be missing in the morning and knowing that Charlotte had gone into town had followed her in. He had called into Mr Rouse's Inn and told him about his missing note and gave him a number purported to be that on the note; Rouse then produced a note with the same number.

When examined, Rouse said that Charlotte had been in and had changed a note with him shortly before Dawes arrived. When Dawes arrived and had given him the number of the missing note it was subsequently found Dawes had altered it slightly to match

³² Burwood was an area in southern Newcastle now known as Merewether.

³³ *MM*, 12 June 1850.

³⁴ *MM*, 24 December 1851.

the number on the note that Charlotte had changed. Presumably he had observed the number on Charlotte's note before she left for town. In his testimony Rouse gave Charlotte a glowing character reference stating that she was aboriginal, had been born and bred in Newcastle among the whites, had always been of good character, was honest, had lived with Hyde for many years and that she and Hyde had applied to be married several times but so far without success. He also stated that Dawes was frequently at the Hyde's house and that he had understood all three had been drunk together the previous night. The jury returned a verdict of not guilty. It is a mystery as to why Isaac Dawes, seemingly a drinking companion of the couple, went to such extraordinary lengths in an attempt to tarnish Charlotte's character and get her sent to prison.

Four years later, in 1855, Hyde together with a George Brightmore³⁵ was committed for trial in the Maitland Quarter Sessions for larceny.³⁶ They had been accused of stealing 100 bushels of lime, or 100 bushels of shells, the property of Henry Rouse who had recently left for England.³⁷ When the case was heard before the Newcastle Bench, both he and Brightmore were acquitted. They claimed that they sold one kiln to Mr Rouse, but not the other which was their own property.

In early February, 1857 another family tragedy occurred, one which possibly both Hyde and Charlotte were unaware of. At the time Charlotte's father was living in Luskintyre, a town in the Hunter Valley between Maitland and Singleton, when it was reported in

³⁵ Brightmore was possibly a convict from Derby who arrived in the colony in 1838.

³⁶ *MM*, 21 and 25 June 1855; *SRNSW, Police Gazettes 1862-1930*, Roll 3607, Year 1855; *SRNSW, Police Gazettes 1862-1930*, Roll 3607, Year 1855, Page 2.

³⁷ It is not known whether Henry Rouse was the Mr Rouse who owned the Inn in Newcastle.

The Maitland Mercury that his little daughter Ellen, who was about six years old, had drowned in the local lagoon.³⁸ Ellen had been in the care of a Mrs McLean at the time and, on being informed that his daughter was missing, Preston had the unhappy task of discovering her body in the water. At the inquest into Ellen's the verdict of accidental drowning was found.

Five years later, in 1862, Hyde was back in Newcastle Gaol again, this time for six months with hard labour. For reasons unknown, this was followed by an additional two months with hard labour.³⁹ Then in 1865, he was suspected of stealing clothes, money and food from a hut in the bush between Wallsend and Cockle Creek although no warrant for his arrest was issued.⁴⁰

Hyde and Charlotte stayed together until Charlotte died of tuberculosis when she was 40 in 1871. She was buried in the Old Wallsend Cemetery at Newcastle.⁴¹ Although ten children were correctly attributed to her, it was noted that she was unmarried. Of the ten children only six lived survived their teens. Apart from the baby who was accidentally suffocated, another died when only six weeks old. Two others also died when they were young, one aged eight and the other 15. The causes of death are unknown. The remaining children all stayed in the Newcastle district.⁴²

³⁸ *MM*, 7 February 1857 and *SMH*, 9 February 1857.

³⁹ SRNSW, *Gaol Description and Entrance Books, 1818-1930*, Roll 2370. The reason for his imprisonment was not included in the records.

⁴⁰ SRNSW, *Police Gazettes 1862-1930*, Roll 3130, Year 1865, Page 300.

⁴¹ Charlotte died on 28 April 1871 in New Lambton NSW, NSWG Registration No 4777.

⁴² By this time Newcastle was second to Sydney in commercial importance, with a population of 14,000. Hyde's children may have acquired a job from those that were available in the port's shipping and coal industries. See W. Fredreic Morrison, *The Aldine Centennial History of New South Wales*, The Aldine Publishing Company, Sydney, Vol. 2, 1888, p. 272ff.

After Charlotte died, Hyde may have lived with a woman by the name of Janet until she died four years later.⁴³ The next report of his whereabouts was in 1886 when 'the old bushman' was charged in the Wallsend Police Court.⁴⁴ Hyde was now 70 and was convicted for being drunk at Minmi and using obscene language. The bench showed leniency towards him 'as it was seldom the old man made his appearance in town', setting the fine at 5s. This was paid.

Hyde lived until he was 90. In 1899 he was found drowned in Lake Macquarie at Toronto, just south of Newcastle.⁴⁵ The report of the inquest into his death has not been found.

The evidence found shows Hyde to have been an habitual criminal, albeit that his crime were on a petty; his addiction to alcohol possibly dictated the course of his life; and his illiteracy would have acted as a limiting factor. On the other hand he was perhaps lucky to have had a soul-mate in his partner Charlotte. Hyde's family was seemingly close-knit for which Hyde must deserve at least some of the credit. For at least three generations, they went on to establish themselves in the same district. While there has been no evidence to show that any of his family were involved in crime, on the contrary one of Hyde's grandchildren, a son of his daughter Susan and brother of Elizabeth, went to fight in World War I in the Australian Imperial

⁴³ Personal communication with Robyn Johnston in 2009.

⁴⁴ *NMH&MA*, 23 July 186.

⁴⁵ *SMH*, 4 May 1899. 'An old man, James Hyde, 90 years of age, was found drowned about three miles from Toronto, Lake Macquarie, to-day. The body was recovered by police, and a coronial investigation will be held.'

Expeditionary Forces, 33rd Battalion as did William Lang, husband of his granddaughter Annie, who was in the 17th Battalion of the A.I.F.⁴⁶

⁴⁶ Personal communication with Robyn Johnston in 2009.

THE BIOGRAPHY OF FRANCIS MC NALLY

It was highly unlikely that transportation was on McNally's mind when, as an officer in the Revenue Police in Ireland in 1825, he fired a random shot into an unruly crowd that had just attacked and severely beaten him. Hearing the shot, the crowd renewed their attack. This incident led to a man that had fought and been wounded in the Peninsular Wars and much admired by his fellow soldiers, standing in the dock on a charge of 'firing with intent to kill'. It seems there was no account taken of the fact that his jaw had been broken in the mêlée and that the shot from his pistol had caused but a slight flesh wound in the arm of one his attackers.¹ Nor was his service to king and country mentioned. He was found guilty as charged in the Galway Assizes. Mercy, however, was recommended by the jury 'in consequence of the excellent character given him by Captain Hanlon of the 3rd Revenue Corps, previous to the occurrence for which he was indicted'.² Nonetheless it was reported that he was to be hanged on 3rd of April, pursuant to warrant delivered, and (recommended to mercy).³ The recommendation was subsequently successful and the sentence commuted to transportation for life.

McNally was born in 1791 in Drogheda, County Louth, Ireland's smallest county. Ten years before his conviction in 1825, he was discharged wounded from the 95th Regiment having served in many engagements in the Peninsular Wars. He was obviously admired by his comrades for his 'behaviour and soldier-like conduct' and he

¹ *The Connaught Journal*, Galway, 15 November 1824.

² *The Connaught Journal*, 31 March 1825.

³ *The Connaught Journal*, Galway, 4 April 1825.

received a pension of 6d. per day on the recommendation of his officers.⁴ He returned to Ireland and married Rachel Glover in Drogheda in 1817 and was appointed to the Revenue Police in Galway, to the west, the following year.⁵

After sentencing, he was dispatched on the *Mangles* which left Cork in October 1825 and arrived in New South Wales on 18 February 1826.⁶ He was now 35 years old and had been forced to leave his wife and three children behind. His wife, Rachael, had acted promptly in the meantime, sending an application to the Home Office for permission for herself and the children to join her husband in the colony.⁷ It is not known how McNally fared on the voyage as entries in the surgeon's journal were cursory. The journal recorded one death from tuberculosis, and two cases of scurvy.⁸ A second death from unknown causes was also recorded.

On arrival, McNally was assigned to the AACo at Port Stephens. After having worked as a groom for six months, he asked Robert Dawson, the agent (superintendent), to write a letter on his behalf to the Governor, Ralph Darling, requesting that his wife and three children be sent to the colony. Although Dawson was happy to oblige, the request was refused.⁹ The following year, another letter from Dawson contained a certificate from

⁴ Personal communication with Virginia Willis in 2009 who had obtained genealogical details from Perry McIntyre, McIntyre Research, Sydney.

⁵ Personal communication with Virginia Willis in 2009.

⁶ SG, 18 February 1826; House of Commons Papers; *Reports of Commissioners*, Vol. XXIII, page 395.

⁷ In Re-Index of the Deane Index 1823-1840, SRNSW (PRO), CO201/170/R 145, Vol.1, p. 215, Mitchell Library. Also letter CSORP, 1827/394, National Archives of Ireland. Personal communication from Virginia Willis in 2009.

⁸ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept), Piece 47, Reel 3202.

⁹ Letter written from Port Stephens dated 2 September 1826. SRNSW, *Colonial Secretary's Letters*, 4/112.2, 26/5676.

McNally stating his 'ability to support [his] wife and family on their arrival in this colony'. Again the request fell on deaf ears.¹⁰

Two years went by when, in 1830, another petition was sent, this time by Sir Edward Parry, who had replaced Dawson.¹¹ It was endorsed by two clergyman/Magistrates. With Rachael McNally and the children now at Dublin Gate, Drogheda, the petition was directed to respected persons who knew the family. It must have been noticed that the McNally family had too little clothing to wear – a sure sign of the hardship they had endured during the long separation from their husband and father – and a clothing collection was taken up for them by the people of Cork.¹² This time the plea was successful and Rachael and the three children sailed from Cork on 3 June 1830 aboard the *Forth*.^{13, 14}

When they arrived at the company in October, the Superintendent ordered they be provided with food from the company's stores. They were also provided with additional clothing.¹⁵ During this time, McNally had been working as both a groom and

¹⁰ Letter written from Port Stephens dated 16 October 1827. SRNSW, *Colonial Secretary's Letters*, 4/112.2, 27/9846.

¹¹ These included the Roman Catholic Lord Private, Dr Curtis of Drogheda and George Pembleton, Esq from the Customs House in Dublin. SRNSW, *Colonial Secretary's Letters*, 30/4515. Personal communication from Virginia Willis in 2009.

¹² Statement from James Robertson, Master of the *Forth* dated 29 May 1830, CO 4/2084, 30/7709 .

¹³ The *Forth* was a convict transport and, on this occasion, in addition to the free passengers, carried 120 female convicts and ten children. Letter dated 26 May 1830 from Dublin Castle to the Government of NSW. CO 4/2084, 30/7709. The *Forth* sailed from Cork on New Year's Day, 1830. Charles Bateson, *The Convict Ships 1787-1868*, A.H. & A.W. Reed, Sydney, 1959, pp. 348-349.

¹⁴ Statement from James Robertson, Master of the *Forth* dated 29 May 1830, CO 4/2084, 30/7709 .

¹⁵ For Rachael and the two girls one each of the following: gown, petticoat, shift, pr. stockings, pr. shoes, handkerchief and a cloak (for the girls only); for the boy a vest, a pr of trousers, a pr of stockings and two pairs of shoes. Extracted from the AACo records at the Noel Butlin Archive Centre, Australian National University by Dr Pennie Pemberton and transmitted to me by Virginia Willis.

a farrier, and he was also given a gratuity for acting as a constable.¹⁶ Shortly afterwards, it was ordered that he be given another gratuity in lieu of slop clothing as well as being relocated to the company's stables at Alderley.¹⁷

McNally's value as a worker at the company was further evident when the superintendent noted in his diary in December 1831 that 'a cottage is now building for the farrier and his family'.¹⁸ Here began the occupation of Alderley House by the family for the next 156 years.¹⁹ McNally received his ticket of leave for the district of Port Stephens three years later in 1834.²⁰ He initially applied for the district of Windsor but apparently changed his mind and decided to stay with the company.

In the meantime, life went on for the family. Rachael McNally had delivered another two daughters and a son.²¹ In 1832 McNally had been directed to appear as a witness in the Supreme Court, Sydney, in the trial of Lawrence Brennan who was purported to have received stolen goods.²² His evidence showed that he was experienced in the

¹⁶ Extracted from the AACo records at the Noel Butlin Archives, ANU by Dr Pennie Pemberton and transmitted to me by Virginia Willis.

¹⁷ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company 1825-1850*, Port Stephens Family History Society, Tanilba Bay, New South Wales, 2004, p. 140. Alderley was located to the south of Stroud. See P.A. Pemberton, *Pure Merinos and Others: The 'Shipping Lists' of the Australian Agricultural Company*, Archives of Business and Labour, Australian National University, Canberra, 1986, p. 17.

¹⁸ William Edward Parry, *Early Days of Port Stephens: extracts from the diary of Sir Edward Parry*, Cambridge Press, Newcastle, n.d., p. 60.

¹⁹ Personal communication with Virginia Willis in 2009.

²⁰ SRNSW, *Ticket of Leave Butts*, Series NRS 12202, Item 4/4094, Reel 921. Ticket No. 34/619. Around this time in the county of Gloucester, where the AACo was situated, there were 369 convicts in 1833 and 520 in 1836. It appears that those at the AACo were not included. ADA, Historical Census and Colonial Data Archive, NSW 1833 Census and NSW 1836 Census. See web site: www.hccda.ada.edu.au.

²¹ Personal communication with Virginia Willis in 2009.

²² Brennan had arrived at the company in 1831. See Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company*, p. 27. McNally was conveyed to Sydney by the *William the Fourth* instead of the vessel under government contract, the *Sophia Jane*, due to the urgency of his court appearance. SRNSW, 32/6768, 4/2194.3, Reel 2196.

treatment of horses and in 1837 it was noted that he was Master of Stud.²³ There was more drama in the following year when it was reported by a company officer that a valued horse, Grampus, was ill and need bleeding.²⁴

In 1840, three officers of the company sent a recommendation to the governor that McNally be granted his Conditional Pardon²⁵ but it was not until six years later that this was successful;²⁶ it was in the form of an Extended Conditional Pardon which allowed him to travel anywhere in the world except to his home country.²⁷ The McNallys now had seven children with another daughter born in 1843. Their two eldest daughters were now married.²⁸ Bridget married Lawrence Arnold who had been brought out by the company as an indentured servant in 1840.²⁹ The other daughter, Alice, married Joseph Allen, an English convict who was assigned to the company when he arrived in the colony in 1830.³⁰ At the time of their marriage in 1844, Allen had his Ticket of Leave for Port Stephens and went on to gain his Conditional Pardon in 1847.

McNally, his son Thomas, and Joseph, his son-in-law, all contributed to Irish Relief Fund that opened in September 1846, the McNallys each contributing 10s., and Joseph Allen

²³ Extracted from the AACo records at the Archives by Dr Pennie Pemberton and transmitted to me by Virginia Willis.

²⁴ William Edward Parry, *Early Days at Port Stephens*, p.131.

²⁵ SRNSW, *Recommended Conditional Pardon*, 4/4478, Reel 797, Page 145, Recommended by J C White; Reverend William M Cowper; J Edward Ebsworth; John Cook JP, all of the company.

²⁶ GG, 21 June 1847, p 672.

²⁷ See SMH 29 July 1847.

²⁸ Personal communication from Virginia Willis in 2009.

²⁹ Arnold sailed on the *Lady Clarke* from Plymouth, arriving at the company in 1840. The year was a busy one with six ships arriving with indentured servants for the company. P.A. Pemberton, *Pure Merinos and Others*, p. 53.

³⁰ Allen had been convicted of highway robbery in England in 1830 and was sentenced to transportation for life. He had arrived in the colony at the age of 20. His brother, William, had been convicted of stealing ducks and was transported on the same ship. He was not assigned to the company. Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company*, p. 140.

2s.6d.³¹ The fact that Joseph was English did not prevent him so doing. Thomas later married a free settler from Scotland,³² emphasising that the colonial melting pot produced unions of families from all parts of the British Isles to an extent less common in large parts of Britain itself.

In 1847 the company gained title to the one million acres of land it had been occupying since 1824 as well as 2,000 acres at Newcastle.³³ It was now able to break up the estate for sale or lease.³⁴ McNally was issued with two Australian Certificates, which guaranteed that the company was prepared to lease him land for 10 years³⁵; then, during a stated period, the recipient had the right to purchase the land at £1 per acre.³⁶ McNally took advantage of this offer and, in 1852, purchased Lot 31 comprising 25 acres at Stroud on the Karuah River at a cost of £50.³⁷ Thomas had also received an Australian Certificate and purchased land at Booral, further south on the Karuah River; he paid £50 for Lot 29 which comprised 50 acres.³⁸

Things had been going well for McNally until 1855 when he was about to be dismissed for drunkenness. In his official report the Assistant General Superintendent, J.C. White, stated that he had seen McNally 'intoxicated on one or two recent occasions'. He

³¹ MM 11 November 1846. The fund collected £648.13s.7d. MM 27 October 1847.

³² Personal communication with Virginia Willis in 2009.

³³ Pennie Pemberton, *The Australian Agricultural Company*. See website: http://www.heritageaustralia.com.au/pdfs/Heritage%200309_Agricultural%20Co.pdf.

³⁴ Pennie Pemberton, 'Australian Agricultural Company Peel River Land & Mineral Company', *ABLative*, No. 1, Autumn 1985, p.3.

³⁵ A search has not revealed just why these certificates were called Australian Certificates.

³⁶ Extracted from the AACo records at the Archives by Dr. Pennie Pemberton and transmitted to me by Virginia Willis.

³⁷ AUN, Book D, folio 32. Since McNally should have paid only £25 for 25 acres, the information given in this resource is incorrect or incomplete.

³⁸ AUN, Book D, folio 38.

noted that, when confronted with charge, McNally vigorously denied it: 'He not only expressed much surprise at this but positively states that he tasted nothing in the shape of liquor during the last four years'.³⁹ The report went on to suggest that McNally had outlived his usefulness anyway: 'I may observe that McNally has the present charge of the Stallions, but I do not think him capable of managing them for any length of time as age and Infirmary are telling on him'. White's report apparently remained unanswered for some time and so he again pressed his case: the company, he argued, was carrying 'old McNally' who had become a burden. He mentioned that he would like to send McNally's son up to the company's land at Warrah to look after the bulls, but he thought that if McNally was to leave, 'the son will also go I presume'.⁴⁰ McNally, he concluded, was a 'dear man at any price'.⁴¹

At this point McNally's wife, Rachael, confronted White pleading to be allowed to stay. As he recorded in his dispatch: 'She says they have not saved a farthing and have no place to go, if you turn them out. That he, McNally, is under the impression that he never received any intimation of his services' being dispensed with'. Although admitting to his fondness for a drink, Rachael went on to defend her husband's 30-years contribution to the company, as White wrote:

³⁹ Extracted from the AACo records at the Archives by Dr. Pennie Pemberton and transmitted to me by Virginia Willis. By this time, it had become clear that the land on the Port Stephens estate was far from ideal for sheep. It was decided shortly thereafter that the area should be disbanded and the enterprise concentrate on cattle to be run on the Gloucester and Bowman Rivers to the north. P.A. Pemberton, *Pure Merinos and Others*, p. 19.

⁴⁰ This land was south of Tamworth. See P.A. Pemberton, *Pure Merinos and Others*, pp. 21-22.

⁴¹ Extracted from the AACo records at the Archives by Dr. Pennie Pemberton and transmitted to me by Virginia Willis.

... she considers it hard, they should be taken so short. That altho' he has been inebriated several times lately – yet it is by so small a quantity as to be scarcely credible, which stimulant his age and increasing Infirmary justify his taking.

According to White, Rachael offered a sanguine assessment of her husband's health: 'a year or two at the furthest will relieve the company of his presence. That they would feel grateful to be allowed to reside at Alderley without being in any way connected to the Company'. Ultimately, the superintendent had second thoughts and decided to reward McNally for his years of service. In October 1856 he wrote to the company's board of directors in London that McNally had been worn out in the company's service. He stated that, subject to the approval of the board, 'a pittance of £16 p.a.' should be paid to McNally for 'long and good services', especially given that he was unable to earn a living for his remaining family.⁴²

What happened here was clearly a ruse if not attempted fraud on the part of the McNallys. As we have seen, McNally had previously purchased land in Stroud and there is no evidence he had sold it in the interim.⁴³ Despite claiming – feigning – penury and seeking a pension, McNally now sought to buy the cottage, paying a deposit of £25 on the purchase price of £100. He then made a further application for a small eight acre paddock adjoining the cottage. Not surprisingly, his pension was promptly discontinued. In September 1859 the purchase at Alderley was finally settled with the cottage and the 10 acres on which it stood totalling £155.2s.6d.⁴⁴ McNally went on to

⁴² Extracted by Dr Pennie Pemberton from AACo records at Noel Butlin Archive Centre.

⁴³ Extracted from the AACo records at the Archives by Dr Pennie Pemberton and transmitted to me by Virginia Willis.

⁴⁴ Newcastle Archives, Book A, Folio 59.

buy or lease other land in the vicinity including 40 acres at Alderley (adjacent to the block Thomas had purchased). He paid £56.2s.6d. for this land and called it Rosemont.⁴⁵

On 21 December 1868 McNally died from senile decay at Alderley.⁴⁶ He was aged 78 and had been ill for three months. The death certificate gave his occupation as veterinary surgeon and his hand-written will gave it as horse doctor. His will bequeathed his estate, goods, chattels, credits and effects to his wife, Rachael.⁴⁷ These included his land [and house] valued at £230, 70 head of cattle at £40, four horses at £10 and furniture and effects at 10s., bringing the total to £288.10s.0d. He was buried at Stroud. When Rachael died in 1888 Alderley House was inherited by her daughter, Mary McPherson.⁴⁸ The valuation for probate was £100. Mary died in 1911 and left the house to her five children who sold it in 1916 to Edward Hitchens, the husband of McNally's granddaughter, Rachael. It was now valued at £255. In 1947, the house was gifted to Edward and Rachael's son, John Hitchens who, 40 years later in 1987, sold it for £20,000. It had now passed out of the family hands. At the time of writing, the house, restored and renovated, is being used as a boutique winery.

After Rachael's death Rosemont was inherited by her daughter Bridget Arnold.⁴⁹ The valuation for probate was £130. When Bridget died in 1905, her daughter, Agnes Arnold inherited the land now valued at £150. In 1908 Agnes purchased an adjoining

⁴⁵ AUN, Book D, Folio 43.

⁴⁶ NSWG Death Registration No. 1868/6250.

⁴⁷ SRNSW, *Probate Packet*, No. 19998, Series 3, Instrument A.

⁴⁸ Personal communication from Virginia Willis in 2009.

⁴⁹ Personal communication from Virginia Willis in 2009. A comfortable slab cottage had been built on Rosemont. It was burned down while vacant after Agnes Arnold's death

20 acres from the company for £39. She died in 1948. The family version of events has it that Agnes died intestate and that the property was eventually sold by the Public Trustee in 1963 for £1,600.

McNally's legacy to his family was considerable. He persisted in his efforts to ensure that the family would be reunited and was able to make a home for them and a secure future. He clearly worked hard and took advantage of the opportunities presented in New South Wales. It is inconceivable that he would have prospered in this way had he remained in Ireland.

THE BIOGRAPHY OF JAMES MULHOLLAND

Mulholland was a young man from Dublin whose life was full of surprises. As a youth he had committed at least three crimes Ireland. At age 18 he was caught robbing a house.¹ Avoiding the death penalty, he was sentenced to transportation for life.

In keeping with the paucity of records about the three Irish convicts in our sample, nothing is known for certain about Mulholland's punishment prior to his boarding the convict transport, the *Fergusson*, in 1828.² He would, however, have suffered from an unknown 'itch' had he been waiting on board the hulk *Dunleary* that was moored near Dublin.³ The surgeon on the *Fergusson* wrote in his journal that this condition had existed on the *Dunleary* at the time the convicts boarded; he confined the men to one side of the hospital and used a sulphur ointment to treat them.

In addition to this, the much more serious condition of scurvy affected 69 or one third of the convicts later in the voyage, 18 of whom had the specific type of catarrhal scurvy and 25 dysenteric. None of those affected were named by the surgeon in his journal and so it is not known whether some had scurvy as well as 'the 'itch'. Scurvy in its dysenteric form was the more serious type – two of those so stricken did not live to see Port Jackson.⁴ The *Fergusson* arrived in March 1829, after 130 days at sea, and after the formalities were completed – inspection by the Colonial Secretary or his

¹ The nature of two prior offences is unknown although it can be assumed they were relatively minor as they did not attract transportation.

² SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept.), Piece 27, Reel 3195.

³ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 27, Reel 3195.

⁴ SRNSW (PRO), Journals of the Surgeon Superintendents, Piece 27, Reel 3195.

representative and the issue of clothes and a bible – Mulholland was assigned to the AACo.⁵

Although named on the indent as a barber by trade, Mulholland worked at the AACo as a blacksmith as well as a shearer, occupations much needed at the company.⁶ After nine years, however, he decided to make the most of his isolation in the upper Williams River area of the estate and absconded.⁷ His freedom did not last: he was apprehended in the following year, 1839, together with two others, William Hammond and Joseph Hudson, and sent from Stroud to Sydney Gaol. After the trial he was sent to Hyde Barracks for an unknown length of time before being returned to the company.⁸ This was the start of an unlawful spree. In the following year he was in Newcastle Gaol awaiting trial on a charge of burglary⁹ and was back there again in 1841.¹⁰ Then in 1845, after being charged with disorderly conduct and absence from work, he was sentenced to 14 days' hard labour at Newcastle Gaol.¹¹ The reasons for returning to a life of crime after such a lengthy interval are unknown. Despite his criminal activities he was apparently kept on at the company until 1847 when given his

⁵ SRNSW, *Bound Manuscript Indents*, Item 4/4014, Microfiche 671. Other than reports of the *Fergusson's* arrival in the local papers, the main concern was that the packets of newspapers from Britain had been broken into during the voyage and that parts were missing from *The Morning Chronicle* and *Cobbett's Register*. There was no mention made about the time the convicts disembarked. See *SM*, 30 March 1829.

⁶ Personal communication with Brent Richards in 2009.

⁷ *GG*, 5 December 1838. It had been recorded in the 1837 census that Mulholland was still at the AACo.

⁸ SRNSW, *Gaol Description and Entrance Books*, 1818-1930, Series 2514, Item 4/6439, Roll 853.

⁹ SRNSW, *Gaol Description and Entrance Books*, Item 2/2016, Roll 759.

¹⁰ SRNSW, *Gaol Description and Entrance Books*, Item 2/2016, Roll 759. The reason for this incarceration is unknown.

¹¹ SRNSW, *Gaol Description and Entrance Books*, Item 2/2016, Roll 759.

ticket of leave for the Newcastle area.¹² It was at this time that he married Mary Mottram.

Mary's history is complicated. Arriving as a convict in 1836 with her four-year-old son Francis, Mary, who was also Irish, had received a seven-year sentence for 'man robbing'.¹³ She also continued to fall foul of the law after arriving in New South Wales. While working for the Rev. Wilton in Newcastle in 1837 she was charged with being drunk and disorderly.¹⁴ She was sentenced to seven days in the cells. Later in the same year the General Return of Convicts indicates that she was in the employ of a Mrs Semphill whose address was given as Hunter River.

Very soon afterwards, Mary married Peter Mottram¹⁵ in the Christ Church Cathedral in Newcastle.¹⁶ Notwithstanding her drunken episode, her former employer, the Rev. Wilton, officiated at the ceremony. Mottram had been transported for 14 years in 1830 for robbing a warehouse in Chester¹⁷ and had received his ticket of leave before they married.¹⁸ The couple went on to produce three children over the following nine years¹⁹ and Mary gained her freedom during this period.²⁰ After their third child was born, however, Mottram died in an horrific accident in 1846.²¹ He had just been

¹² SRNSW, *Ticket of Leave Butts*, 47/0481[4/4270]977. On the recommendation of the Newcastle Bench.

¹³ SRNSW, *Annotated printed indents*, NRS 12189, Item X639, Microfiche 720.

¹⁴ SRNSW, *Magistrates Newcastle Bench Books*, 13 May 1833 - 13 May 1835, 28 August 1837.

¹⁵ AJCP, Microfilm Roll 89, Class HO11, Piece 7, Page 241 (123); NSWG, Australia Marriage Index, 1788-1950, at Hexham, Newcastle.

¹⁶ NSWG, Australia Marriage Index, 1788-1950; Married in 1837: Convicts Permissions to Marry 1810 - 1851, Indexed by Leslie Uebel © 2000.

¹⁷ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, Item 4/4015, Microfiche 675.

¹⁸ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item 4/4106, Reel 925. Renewed in 1842.

¹⁹ Personal communication with Brent Richards in 2009.

²⁰ SRNSW, *Butts of Certificates of Freedom*, NRS 12210, Item 4/4385, Roll 1015.

²¹ *MM*, 10 June 1846.

appointed as nightwatchman at the AACo mines and was lighting his pipe before starting his first shift when he fell over backwards down a mine shaft.

As a widow with the young children, Mary wasted no time marrying Mulholland in December 1847 in Newcastle.²² The first of their three children was born not long afterwards. Mulholland now received a ticket of leave pass to work for wages as a shearer at the company's Liverpool Plains estate,²³ although by 1853 he was back working as a blacksmith for the company at Port Stephens.²⁴ Prior to this an auction had been held of land granted to the company in 1833 in Newcastle. Most of the land was sold in quarter-acre blocks; those that did not sell at auction were sold to company servants such as Mulholland who paid £30 for his quarter acre in Blane Street (later known as Hunter Street) between Brown Street and Cottage Creek.²⁵ To be able to make this purchase and with a wife and seven children to provide, Mulholland must have been doing well.

Although he possibly built a house on this site – the block was a suitable size for a terrace house – he sold it three years later in 1856 to John Lindsay and Thomas Robinson, the latter taking a mortgage over it.²⁶ At this time he was living at Borehole,

²² NSWG, New South Wales Births, Deaths, Marriages, Registration No. V1847440, 32C/1847.

²³ SRNSW, *Ticket of Leave Butts*, NRS 12202, Item 4/4212, Reel 960.

²⁴ Blacksmithing turned out to be Mulholland's preferred profession possibly due to high remuneration. Eighteen years earlier the AACo had advised the Home Office that a blacksmith was able to earn £100 per annum. Enclosure no. 2 with Dispatch no. 95, Sir Richard Bourke to Lord Glenelg, 6 October 1835, *HRA*, Series 1, Vol. 18, pp. 133-135.

²⁵ P.A. Pemberton, *Pure Merinos and Others: The 'Shipping Lists' of the Australian Agricultural Company*, Archives of Business and Labour, Australian National University, 1986, p. 96; Ref. AACo Deposit 1/188, Catalogue Book of Lands Alienated at Newcastle and Hamilton, 1853-1938. At this time Mulholland may have entered into a periodical payment scheme whereby the company could eventually sell a whole area as one. Personal communication with Dr Pennie Pemberton, ANU Archivist in 2009.

²⁶ NSW Land Titles Office, *Vendors Index*, 'Moor - Mz' 7.9.1848 - 7.9.1857, BK.15 - BK.50 2B, p.78. Book: 41.No. 582, Newcastle pt lot 26 sec B Charlton St; also Book 45 No. 670; also Book 50 No 725, Transfer

now the Newcastle suburb of Hamilton and still working as a blacksmith. In 1859 Mary died at the age of 48 and was buried in the Roman Catholic Burial Ground section of the Cottage Creek Cemetery in the main street of Newcastle.²⁷

In 1861, two years after Mary's death, Mulholland was working as a blacksmith in Minmi, an active mining town that had been producing coal since 1850.²⁸ At this time he charged his former housekeeper, Margaret Cresswell, with stealing 'some wearing apparel, books, and other articles' from his house.²⁹ Among the many items named were two books, one entitled *Dr Gall's Phrenology* and the other *Life of Wellington*, a new born infant's caul pasted on brown paper, a likeness of Mulholland and another of his late wife, Mary.³⁰ As we shall see, his interest in the popular science of phrenology is not surprising.³¹ The case against the housekeeper was complicated and was eventually dismissed when Mulholland was unable prove the articles were his

mtge 15th Octr 1856 Mulholland to Robinson pres pt lot 26 sec B on AA Coys plan Newcastle Charlton St. John Lindsay was possibly working for the AACo as an indentured servant by that name had arrived in 1840.

²⁷ NSWG, New South Wales Births, Deaths, Marriages, Registration No. 4286/1859.

²⁸ See web site:

http://www.newcastle.nsw.gov.au/about_newcastle/city_and_suburbs/suburbs/minmi. The mining towns in the vicinity of Newcastle had become suburbs by 1888. W. Fredreic Morrison, *The Aldine Centennial History of New South Wales*, The Aldine Publishing Company, Sydney, Vol. 2, 1888, p. 272. Minmi is now a small suburb to the west of Newcastle in the Back Creek area.

²⁹ *MM*, 2 February 1861.

³⁰ *SRNSW, Police Gazettes 1862-1930*, NRS 10958, Roll 3129, Year 1861, Page 1. The other items listed were two sheets, makings of two dresses, 15 yards of print [fabric], two parasols of a light colour, a girl's hat, a pair of girl's white cotton gloves, a black waxed mantle, two pairs of girl's stockings, 10s. in silver, a half sovereign, a girl's night dress, a piece of white dotted muslin, a small red and white spotted dog and a white tippet or shoulder scarf. It was also reported that 'Carsewell is about 18 years of age, about 4 feet 11 inches high, grey eyes, dark brown hair, dimple on chin, rather stout, two scars on forehead, one small scar on the left temple, slightly freckled across the nose, had on a brown slouched hat, brown stripped print gown, supposed to be in company with a young man named Rotherham. Went by the steamer *Paterson* on the morning of the first instant in the direction of Raymond Terrace.' The housekeeper's surname was given as Cresswell in *MM* and as Carsewell in the Police Report.

³¹ See David de Giustino, *Conquest of Mind*, Croom Helm, London, 1975.

property.³² At the time he employed the housekeeper his youngest children were aged 14, 12 and 10.³³

Although Mulholland was a Roman Catholic and Dr Gall's book on phrenology had been placed on the church's *Index of Prohibited Books* in 1802, this apparently did not deter his interest in the subject.³⁴ Phrenology was a pseudo-science that was popular in the colony mainly because it could be used to justify the racial superiority of the newcomers over the Indigenous population. Historian John Gascoigne also claims that 'Phrenology naturally meshed with the culture of improvement in that it offered the opportunity for individual improvement as one became conscious of one's weaknesses'.³⁵ It is possible too that by this time, Mulholland had been reflecting on his 'life of crime' when reading Gall's book.³⁶

The newborn infant's caul that was said to have been stolen was part of an amniotic sac which had been presumably retrieved from the face or head of one of the Mulholland's children just after birth.³⁷ It is likely that this had dried and adhered to the paper, and kept as a keepsake. By some it was thought to be a healing object, a

³² *MM*, 2 February 1861.

³³ The children of Mulholland's late wife by her former liaisons were now aged 29, 19 and 18 and were presumably fending for themselves. The fourth child, Peter, had died when young. Personal communication with Brent Richards in 2009.

³⁴ See web site of Kendra Cherry:
<http://psychology.about.com/od/historyofpsychology/f/phrenology.htm>.

³⁵ John Gascoigne, *The Enlightenment and the Origins of European Australia*, Cambridge University Press, Cambridge, 2002, p. 166.

³⁶ In 1864 a lecture about phrenology was given in the nearby Maitland School of Art. See convict Charles Randall's biography for details.

³⁷ Definition of caul from web site: <http://www.merriam-webster.com/dictionary/caul>.

charm and protection from drowning for the bearer.³⁸ There is little doubt that it was highly valued by the Mulholland family. The other items of note that were missing were the likenesses of Mulholland and his late wife Mary, which makes it difficult to understand why the case was dismissed.³⁹

Subsequently, Mulholland moved north to Tamworth where he spent some time shearing.⁴⁰ His younger son, Daniel, had settled in the district and married there in 1878. His other children settled even further north: his daughter to Talgai in inland southern Queensland where she married a butcher-cum-miner, Thomas Green; his elder son further north again to Roma where he and his wife had 15 children.⁴¹

Remarkably Mulholland had 35 grandchildren but how long he lived to enjoy them is unknown as no record of his death could be found.⁴²

Although Mulholland had abrogated the terms of his servitude at the AACo, he eventually settled down at the company and worked there for wages for some years after obtaining his ticket of leave. Having a wife and initially seven children to support, he worked hard to provide for them and, at least at one stage, had saved enough money to buy land. Whether the subsequent sale of this land was due to choice or

³⁸ Ian Joseph Evans, *Touching Magic. Deliberately concealed objects in old Australian houses and buildings*, Doctor of Philosophy – History, University of Newcastle, October 2010. Cauls were prized by sailors in particular.

³⁹ *MM*, 2 February 1861.

⁴⁰ Information in this paragraph provided from personal communication with Brent Richards in 2009.

⁴¹ Talgai is close to Allora where another of our convicts, Edward Collins, had land as revealed in his biography.

⁴² No death record could be found despite the usual searches, viz. death registries, funeral/death notices in local papers.

necessity is unknown. And despite the fact that he is likely to have lived in a fairly impecunious state, he contributed 1s. to the Irish Relief Fund back in 1846.⁴³

⁴³ *SC*, 28 October 1846. Mulholland had contributed to the collection that was taken up in Newcastle and Stockton.

THE BIOGRAPHY OF JAMES STEPHENSON

The well-known saying, attributed to the First Fleet convict Thomas Limbus, ‘steal a handkerchief, see the world’ applies to James Stephenson. Or almost. Stephenson, aided and abetted by two others, actually stole 14 handkerchiefs in Northampton, England. Stephenson, however, *did* see the world, or at least some it, and probably a lot more than had he not been caught.

Stephenson was born *circa* 1805 in the Cornish village of Helston, England. In July, 1826 in the company of John Taylor and George Green, he stole the handkerchiefs from Thomas Pickford and Co. and was sentenced in the Northampton Assizes to 14 years’ transportation.¹ He was incarcerated in Ipswich Gaol for a month before being transferred to the hulk *York* that was lying in Portsmouth on the coast of Devon.² After enduring the conditions of the hulk for two months, he was boarded onto the transport *Midas* on 2 October 1826.³ About a month before the ship dropped anchor in Port Jackson some light cases of scurvy were treated. If Stephenson was among these – the surgeon did not list the names – he was soon better after two or three purgatives and daily exercise. There were complaints about the *York*’s surgeon and the captain from the free passengers when the ship was inspected upon arrival with the matter was serious enough to attract gubernatorial attention. Governor Darling, in a letter to the Commissioners of the Navy on 1 April 1827, stated that neither should

¹ *Northampton Mercury*, 8 July 1826. There is no explanation for the severity of the sentence – Stephenson had not committed any previous crimes and no violence in association with the theft was reported.

² SRNSW (PRO), Hulks – Miscellaneous Convict Prison Registers, Class: HO9; Piece: 9.

³ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies (Admiralty Dept), Piece 53, Reel 3204.

be employed again in any connection with the government as they were 'totally unfit for any charge'.⁴ He also claimed that the surgeon had been 'seen in a state of intoxication in the Streets' after disembarking from the ship. It is little wonder that his journal was incomplete.

Stephenson arrived in February, 1827 and, after being marched to the Military Barracks two weeks later by the 39th Regiment,⁵ he was assigned to the AACo.⁶ Given that his occupations of stockinger⁷ and bargeman were unlikely to have been of any use to the company, he was almost certainly allocated as a much-needed shepherd, even though a year later the 1828 census showed that he was working as a labourer at the company.⁸

No record of Stephenson is found again until 1833 when he was issued with a ticket of leave for Port Stephens. His occupation was now given as a waterman. While still holding his ticket, Stephenson married Isabella McLaren on the company's estate in 1840.⁹ Isabella had 'come free' to the colony in the previous year. She had boarded

⁴ Letter from Governor Darling to the Commissioners of the Navy, 1 April 1827, *HRA*, Series I, Vol. XIII, p. 218.

⁵ *SG*, 14 February 1827,

⁶ Marie Dial and Yvonne Fraser, *Convicts of the Australian Agricultural Company 1825-1850*, Port Stephens Family History Society, Tanilba Bay, New South Wales, 2004, p. 179. Taylor and Green were also sentenced to 14 years transportation. They, too, arrived with Stephenson on the *Midas* in 1827 but neither was assigned to the company.

⁷ A stockinger was a stocking weaver.

⁸ This occupation is not significant – most of the occupations in this census were shown as labourer.

⁹ New South Wales Marriage Transcription (Early Church Records), Vol. 24B, No. 682, Church of England. Marriage solemnized by the Rev William M. Cowper who, in 1856, went on to be appointed Dean and Archbishop of Sydney. Kay Walsh and Joy Hooton, *Australian Autoiographical Narratives Volume I: To 1850.*, Australian Scholarly Editions Centre, University College, ADFA and the National Library of Australia, Canberra, 1993, p. 40.

the *Hero* in Leith, Scotland, together with her mother Robina and father Peter and her eight siblings.¹⁰

When Isabella was eight years of age, her parents had moved the family from the Scottish mainland to the Shetland Islands where her father had farmed. While in the Shetlands at Aithsness in Aithsting, Isabella's father was taken to court in 1832, together with five others, for selling his crops to a person other than his landlord. The family then moved to Islesburgh in Northmavine when McLaren was again in court, 'pursued' this time by the Rev. John Turnbull for a reason unknown. Six years later, as a tenant still in Islesburgh, a petition for sequestration¹¹ was issued against him. Finding himself now without any land to farm, he was successful in his application to work as an indentured servant – a shepherd – at the AACo. The whole family was subsequently employed by the company, the men going to Stroud as shepherds and shearers, the women staying in Port Stephens as dairymaids.¹² It was presumably in her capacity as a dairymaid that Isabella met Stephenson.

Another of the McLaren girls, Catherine, also married a convict at the company. James Lewis was a London poulterer who had been convicted of street robbery and sentenced to transportation for life. He arrived in the colony in 1826 and, like Stephenson, was assigned directly from the transport to the AACo.¹³ It is possible that

¹⁰ SRNSW, *Index to Bounty Immigrants, 1828-1842*, Film number 416874, Digital Folder Number, 4117086; personal communication with Rod McDonald in 2009.

¹¹ In Scotland the terms bankruptcy and sequestration are synonymous. See <https://www.scotcourts.gov.uk/taking-action/bankruptcy>

¹² Personal communication with Rod McDonald in 2009.

¹³ SRNSW, *Bound Manuscript Indents, 1788-1842*, NRS 12188, 4/4011, Microfiche 661.

he and Stephenson had become friends as they were both around the same age and had arrived at company the within six months of one another.

Stephenson received his Certificate of Freedom in the same year he married Isabella, 1840.¹⁴ In the seven years prior to this, while working with his ticket of leave, he had presumably saved his wages and used the money to purchase land from the company in 1839 in the neighbouring town of Dungog.¹⁵ He may also have made use of the £2.5s. he had deposited with the Savings Bank of New South Wales when he first arrived in the colony.¹⁶ He used part of the land to build the Dungog Inn, which was opened in 1840.¹⁷ On the plaque that adorns the inn, which still stands today, it states that the 'Inn became an important focus of social life in the district'. Stephenson had been granted a certificate by the Bench of Magistrates in the town to enable him to obtain a publican's licence, which was subsequently approved by the Colonial Secretary.¹⁸ It appears from a letter written by Stephenson, dated 17 September 1840, that he went especially to Sydney to obtain the Colonial Secretary's approval. The importance of one of the two notes written in the margin is further illuminated below. It states that 'The Certificate is signed by the majority of the Resident Justices although it is not so stated therein.'¹⁹

¹⁴ SRNSW, *Butts of Certificates of Freedom*, 1827-1867, NRS 12210, 4/4359, Roll 1006.

¹⁵ At this time there were 500 inhabitants in the fledgling town. W. Fredreic Morrison, *The Aldine Centennial History of New South Wales*, The Aldine Publishing Company, Sydney, Australia, Vol. 2, 1888, p. 142. At that time in Durham, the county in which Dungog was situated, there were 6,238 inhabitants of whom 895 were married. There were only 764 houses in the whole of the county. ADA, Historical Census and Colonial Data Archive, NSW 1841 Census. See web site: <http://hccda.ada.edu.au/regions/NSW>.

¹⁶ SRNSW, Colonial Secretary's Correspondence, 1826 – 1855, Reel 1049, 4/3680.

¹⁷ Stephenson used at least part of the remaining land to build sales yards as detailed below.

¹⁸ SRNSW, *Butts of Publicans' Licenses*, License no. 0442, issue 4/72, reel 5056.

¹⁹ It was necessary that a majority of justices approve a publican's licence application. This was clear from the documents accessed for the renewal of Stephenson's licence in 1849. Stephenson applied for a

A survey of the local press gives us an idea of the range of activities that occurred at the inn. The first meeting was held to consider whether a subscription should be taken up to purchase 'a piece of plate' for one of the district's police magistrate.²⁰ Another meeting held at the inn was that of the Association for the Suppression of Cattle Stealing just before Boxing Day in 1845.²¹ And in the same year a 'sumptuous dinner' was held at the inn for Mr Windeyer, the Member for Durham, the county in which Dungog was situated.²² After the toast to the Queen Mr Windeyer made a speech followed by many toasts made in 'rapid succession'. The newspaper reported that the greatest harmony and good feeling prevailed. Stephenson, 'mine host', was complimented in the report for the 'good things' provided. Apart from meetings, inquests were also held at the inn²³ and, on at least one occasion, an injured citizen was taken there for urgent treatment.²⁴

It appears that the inn quickly proved to be an economic success as Stephenson built a windmill (also driven by bullocks) in the town in 1844. As stated in *The Maitland Mercury* in the same year:²⁵

This will be a great accommodation to the neighbourhood, as the water mills are constantly liable to stoppages from long droughts, and even temporarily, from floods.

Publican's Licence 11 times between the years 1841 and 1860. See <http://srwww.records.nsw.gov.au/indexsearch/searchhits.aspx?table=Publicans%20Licenses&id=69&frm=1&query=Surname:Stephenson;Firstname:James;Hotel:Dungog>

²⁰ *MM*, 1 April 1843. The meeting favoured this proposal and it was suggested that a circular be sent around to advise of a public meeting to be held, again at the Inn, later in the month. That the meeting was held at the Dungog Inn will be further discussed below.

²¹ *MM*, 3 December 1845; *MM* 27 December 1845.

²² *MM*, 15 March 1845. The newspaper did not include the nature of Mr Windeyer's speech, only that it was 'neat and appropriate'.

²³ *MM*, 7 July 1844; *MM* 27 July 1844; *MM* 6 April 1858.

²⁴ *MM*, 3 August 1844.

²⁵ *MM*, 17 April 1844; 20 April 1844.

It was a significant building of regional significance as was evident from a description when he later leased it:²⁶

A SUBSTANTIAL, Brick-built, FLOUR MILL, 24 feet square, with three Floors in the body of the building, two pairs of excellent Stones, 4 and 3 feet in diameter, respectively, propelled by an Engine of 10 horse power, recently erected, and capable of grinding 100 bushels in 12 hours. To be Let yearly, or for a term of years, as may be agreed on, and entry can be had by the first of July next, or sooner, if required. The Mill is situated in Dungog, the centre of an important agricultural district, with ample and daily increasing population, skirted by the never-failing Myall Creek, and within 15 miles of Clarence Town. To a person of moderate capital this is an opportunity which should not be overlooked.

The advent of the mill also received praise from a correspondent of the paper when reporting on the affairs of Dungog later that year:²⁷

We look forward with much satisfaction to the additional accommodation which will be afforded to our farmers, particularly those on high ground, by the completion of Mr. Stephenson's windmill, which is expected to commence grinding in about four weeks.

The report also stated that the festivities on Boxing Day would include 'the ascent of two balloons from the dome of [Stephenson's] new windmill'.²⁸ Clearly, it had not taken Stephenson long to show his hand as an entrepreneur in the town.

Soon sales yards were added to his business empire. It was here that not only livestock was auctioned but also drapery, household goods and farm machinery. The livestock auctioned included breeding cows in calf and with calves at foot, milking

²⁶ *MM*, 19 April 1848. The mill was advertised on subsequent occasions, including 22 and 26 April 1848.

²⁷ *MM*, 20 December 1845.

²⁸ Stephenson may also have been involved in arranging for the Flying Pieman to visit Dungog. On 14 January 1848 'pedestrian feats' were performed by the Flying Pieman between the Dungog Inn and the Union Inn. Bets were laid on a number of events, including a competition between the Pieman, the 'Champion Pedestrian of the World', and any other person, to establish the quickest person to carry a live goat between the two Inns. *MM*, 8 January 1848.

cows, heifers, steers, working bullocks and fat cattle.²⁹ Horses up for auction included stud horses 'from the first breed in the colony', other 'well-known' entire horses,³⁰ race horses and yet others that were 'well bred, broken-in, and very quiet.' The farm machinery comprised threshing and winnowing machines.³¹ The drapery sales conducted included a vast array of fabrics, clothing, haberdashery, bedding, as well as other household items, and 'fancy goods'.³² Then, from the end of the 1850s, monthly sales were held in the yards for the sale of 'live and dead stock of every description'.³³ The inn itself was also used for property auctions: an advertisement in 1856, for example, reported that a parcel of land outside the town was to be sold.³⁴

Stephenson's role in the local economy was evident to the *Maitland Mercury*, which described the conversion of his windmill to steam – completed by a Sydney engineer – as 'sweet music' for the district.³⁵

Given his background, it was perhaps ironic that there was a public meeting held at Stephenson's inn in 1846 'for the purpose of petitioning against the renewal of

²⁹ *MM*, 8 June 1844, 18 November 1846, 20 May 1850, 27 July 1850, 13 May 1851, 17 May 1851 and 21 May 1851. The fat cattle were steers that had been fattened up for the butcher.

³⁰ *MM*, 17 May 1851. These entire horses (those that have not been castrated) included 'Hercules', a bay entire by 'Harry Lorrequer', a chestnut entire by 'Dr Jenner' and the dam 'Rosillo', '4 years old, very handsome and fast'.

³¹ *MM*, 17 May 1851.

³² *MM*, 10 July 1850, 13 July 1850, 27 July 1850 and 31 July 1850. Listed in the advertisements were fabrics such as prints, calicoes, Orleans and Coburg cloths, plaids, cotton check, twilled shirting and ticking; the clothing comprised shawls, bonnets, hosiery, gloves, tweed coats and trousers, moleskin and cord trousers, vests, hats and caps, scotch-twilled and white shirts, under vests and pantaloons; silver watches; ribbons, laces and edgings; blankets, rugs and counterpanes; table linen, umbrellas and parasols.

³³ *MM*, 15 January 1859.

³⁴ *MM*, 9 December 1856.

³⁵ *MM*, 21 November 1846. Many farmers from Dungog region provided food stuffs for the Sydney market. W. Fredreic Morrison, *The Aldine Centennial History of New South Wales*, p. 142.

transportation to the colony'.³⁶ In the petition to 'Her Most Excellent Majesty the Queen' it was made clear that the petitioners were free inhabitants of Dungog and district, and that the reintroduction of criminals into the community would threaten the 'happy results' that had occurred since transportation to New South Wales had ceased some six years earlier. Any resumption would be 'permanently injurious to the highest interests of the colonists, and ... it would weaken the security of life and property'.³⁷

Another anti-transportation meeting was held at Stephenson's inn four years later.³⁸ On this occasion it was resolved that the Legislative Council should again memorialize Her Majesty that 'no more British criminals be sent to any part of this colony, under any conditions whatever'. Members of the meeting were concerned that transportation to the colony was happening by stealth, criminals who were being sent to Van Diemen's Land were given early pardons, and their dissemination throughout the colony was 'impolitic, odious, and unjust, and fraught with numerous evils'. It is significant that the committee appointed to obtain signatures of Dungog residents to the petition included Stephenson himself. It does seem possible that the towns' residents were unaware of Stephenson's past as a convict; either way his spectacular rise was an indication of the potential for emancipists to attain respectability and prosperity. Undoubtedly, he ended up better off in every measure than those he left

³⁶ *MM*, 28 November 1846. By this time the population of Dungog had increased from 500 in 1840 to a total of 1,982 (1,267 males and 715 females). 43%, or 857, of these inhabitants could read and write. Of the 417 houses, the majority were weatherboard, while 430 lived outside the town, presumably on the land. ADA, Historical Census and Colonial Data Archive, NSW 1846 Census. See web site: <http://hccda.ada.edu.au/regions/NSW>.

³⁷ Five years earlier, on 12 August 1841, the census for the county of Durham in which Dungog was situated, had shown there to be a total of 567 convicts on their ticket of leave, in private assignment or in government employment.

³⁸ *MM*, 28 September 1850.

behind in England. On the one hand, he may have been one of those determined to hide the 'stain' of a convict past – certainly none of the numerous reports in the local press referred to his convict past. On the other hand, did he feel that he, now rightfully a free man, was as good as anyone else in the town? Indeed, with his success perhaps he felt he could hold his head high despite the past.³⁹

In 1848, Stephenson was doing so well that he was able to purchase another town allotment in Dungog of two roods.⁴⁰ He and his wife had three children by now. The first, James, was born in 1842 but died in the following year; thereafter came Mary Isabella in 1845 and William in 1848.

By this time, it seemed Stephenson's only brushes with the law would be as complainant or witness. In 1848-9, for example, he attended court to give evidence against patrons at his inn in a forgery case. This case possibly represents a not uncommon occurrence involving travellers and local residents in inns and hotels around the colony. In the preliminary hearing in April 1848 it was stated that two men, Barnard Fitzsimmons and Patrick McIntee were staying at the Dungog Inn for two or three days and had paid Stephenson in two orders, both professing to be drawn by a C.W. March of Bennelong.⁴¹ The orders were subsequently returned from Sydney to Stephenson as forgeries.⁴² Largely on the basis of his evidence, the jury returned a

³⁹ It is noteworthy that inhabitants in the town of Dungog were so conscious of the 'threat' of transportation. With the town's close proximity to the AACo – the largest employer of convicts in New South Wales – it seems very likely that more than one emancipist (Stephenson) had made the town their home.

⁴⁰ *GG*, 1848. The land was Lot 45; (2 roods = ½ ac).

⁴¹ *MM*, 8 April 1848.

⁴² In the same trial, the two men were also accused of having attempted to pay for goods with the same orders at the stores of Messrs D. Cohen and Co. in West Maitland.

verdict of guilty against both men who were each sentenced to three years' imprisonment in Maitland Gaol. Not long afterwards, an employee of Stephenson's was charged with common assault and sentenced to two months' hard labour in Newcastle Gaol.⁴³

Nevertheless, Stephenson's standing in the community and his respectability was subsequently called into question. As already mentioned it was in 1848 he had decided to let his flourmill; perhaps he felt that it was time to pay more attention to his principal asset – his inn. There was at least one other hotel in Dungog at this time – Mr Mason's Union Inn – and a further two were added in 1849.⁴⁴ As it turned out, however, the judgment in respect of the renewal of the licence Stephenson applied for in April 1849⁴⁵ was a protracted affair – it could even be called a fiasco – due largely to a disagreement between two of Dungog's magistrates.

Stephenson's application was initially reviewed by two of these magistrates, Dr Ellar McKellar McKinlay and Mr Thomas Cooke, who disagreed to the extent that the senior of the two, Cooke, adjourned the meeting to a future date to be attended by all district magistrates, before abruptly leaving.⁴⁶ They were the only two to attend the

⁴³ *MM*, 12 April 1849.

⁴⁴ *MM*, 2 January 1850. The additional licences went to Messrs Plumber, Dark and Mason. Robert Mason, a former convict and rural protester transported on the *Eleanor* in 1831, purchased the Union Inn in the early 1840s and married a former convict, Lydia Mills, who had arrived in the colony in 1836. Lydia had worked in a tavern in Britain before her conviction and so presumably helped Mason in the inn in the same way that Isobella helped her husband in the Dungog Inn. See David Kent and Norma Townsend, *Convicts of the Eleanor. Protest in Rural England, New Lives in Australia*, The Merlin Press Ltd., London, 2002, pp. 231 & 237. The Union Inn in 1848 was the co-organizer of the 'Pedestrian Feats' of the 'Ladies' Walking Flying Pieman' that took place on 14 January 1848 between the Dungog Inn and the Union Inn. Bets could be laid at either hotel. *MM*, 8 January 1848.

⁴⁵ SRNSW, Item 47/7451, Container 4/2864.2

⁴⁶ SRNSW, Item 47/7451, *Police Station Dungog*, 17 April 1849.

adjourned meeting⁴⁷ when, again, they could not agree. Cooke then reconvened the meeting to the neighbouring town of Stroud, the matter to be decided by a special sitting of the Court of Petty Sessions.⁴⁸ McKinlay, although he did not attend the Stroud meeting,⁴⁹ went to great lengths to set out the reasons for his refusal to sign Stephenson's application. He, unlike Cooke, indicated his disdain for Stephenson; he thought him to be dishonest and frequently intoxicated; he gave many instances of unacceptable practices at Stephenson's Inn including gambling, robbery of guests and provision of accommodation to those 'living in a state of adultery'.⁵⁰

The Stroud meeting was subsequently declared unlawful and the matter referred to the Colonial Secretary who, after consultation with the Attorney-General, decided the licence could not be legally issued.⁵¹ This news incited letters, petitions and testimonials to the Governor from Stephenson, his friends and Cooke.⁵² When the appeal proved unsuccessful, Cooke decided he could support Stephenson's application no longer.

This bitter and complex saga took almost four months to come to a close. It had involved accusations of dubious behaviour on Stephenson's part and showed how small-town politics could catch respectable citizens in its net. Thankfully for

⁴⁷ SRNSW, Item 47/7451, *Police Station Dungog*, 24 April 1849.

⁴⁸ See SRNSW, Item 47/7451. Memorandum dated 24 April 1849, no address given. Stroud is to the east of Dungog and still on part of the AACo estate. The township was disbanded by the company in 1856. P.A. Pemberton, *Pure Merinos and Others: The "Shipping Lists" of the Australian Agricultural Company*, Australian National University, Archives of Business and Labour, Canberra, 1986, p. 19.

⁴⁹ SRNSW, Item 47/7451.

⁵⁰ SRNSW, Item 47/7451. Dated 24 April 1849, no address given. A day later McKinlay referred to the possible ambiguity of his remark 'to serve a purpose', explaining that Cook's partiality towards Stephenson had 'appeared conspicuous.' SRNSW, Item 47/7451, *Dungog*, 25 April 1849.

⁵¹ SRNSW, Item 47/7451.

⁵² SRNSW, Item 47/7451. Various dates.

Stephenson, his emancipist status not did emerge. But the saga did not end with the Governor's refusal to approve the application, as in January 1850 it was announced in the *Maitland Mercury* that Stephenson had indeed been issued with a licence.⁵³ How this came about is a mystery. Furthermore he managed to keep it for the following five years.

Apart from offering accommodation and beverages, the Dungog Inn acted as a betting agency. In 1855,⁵⁴ for example, Stephenson was the judge at the Dungog Races held on Hanly's Flat.⁵⁵ He also donated a filly as a prize in the same year.⁵⁶ The inn was in Dowling Street, the main street of Dungog and presumably attracted custom not only from the town's people but also from surrounding areas. In July 1853 Stephenson joined with a number of other residents to propose that three 'Gentlemen' be nominated to oversee a sum of £210 for repairs of the Chichester Road, a sum that had been authorized by the Governor for the purpose.⁵⁷ Although it is not known if Stephenson was nominated as one of the three responsible for overseeing the repairs, it was obviously in his interest to make sure they were carried out expeditiously.

Towards the end of that year, 1854, Stephenson's wife Isabella died.⁵⁸ She was only 33 years old and the cause of her death is unknown. Leaving her husband 'with two small

⁵³ *MM*, 2 January 1850. The paper reported that the 'Return of Spirit Merchants and Brewers whose registration under the 13th Victoria, no. 26, has been notified to the Chief Inspector of Distilleries since 1st November 1849'. Those listed for Dungog were William Plummer, S.N. Dark, J. Stephenson and Robert Mason.

⁵⁴ Although obviously bookmakers would have been at the race course to take patrons' bets, it may have also been possible to lay a bet at the inn.

⁵⁵ *MM*, 1 September and 5 September 1855.

⁵⁶ *MM*, 28 February 1855.

⁵⁷ *MM*, 24 and 27 August 1853.

⁵⁸ Death Registration, Parish of Dungog, County of Durham in the Year 1854, Vol. 41 No. 2331.

children and a great number of friends to deplore their loss', the notice in the local paper went on to state that 'her funeral was followed to the grave yard by almost all the respectable persons in the district'. 'I have not seen' the report continued, 'such a crowd together in this district'.⁵⁹ Isabella, as the landlady at the Dungog Inn for 14 years, was obviously a well-known figure in the town. Her calling on her death certificate was given as publican. That such a large crowd of respectable people attended Isabella's funeral is again an indication that Stephenson's respectability had not been harmed by the saga over his licence. It also suggests that his status as an emancipist still remained hidden.

In 1853, less than a year before Isabella's death, her mother, Robina McLaren, had died at the Inn. Isabella's father, Peter McLaren, is said to have been a farmer in the south of New South Wales at Duntroon.⁶⁰ Within a few days of Isabella's death, Stephenson advertised that the inn was for rent:⁶¹

TO BE LET, for a term of years, the DUNGOG INN, now in full trade, and held by Mr. James Stephenson for upwards of fourteen years. A large supply of liquors are laid in, which, together with the furniture, will be handed over at a valuation to the lessee. The proprietor is doing a most profitable business, and solely lets the premises on account of the death of his wife.

It may then have been of some surprise to Stephenson's family and friends when he announced he was to marry again in the following year, 1855. His new wife was a 30-year-old English woman, Sarah Fitt, a free settler who had arrived in the colony only

⁵⁹ *MM*, 25 October 1854.

⁶⁰ McLaren died three years after Robina in 1856 of cancer of the mouth. He is buried at Church of St John's Burial Ground, Canberra. Personal communication from Rod McDonald in 2009.

⁶¹ *MM*, 28 October 1854. Also advertised on subsequent occasions. In May the following year, an old man was found 'lying dead' in a back shed of the Inn. At the inquest the jury opined that some of the blame should go to the publican. It is not known whether Stephenson was still the publican at this stage. *MM*, 5 May 1855.

seven months prior to their marriage.⁶² Just how she came to be in Dungog and married to Stephenson within such a short time is unknown. They were married in the Anglican church in the town.⁶³ Sarah had three children to Stephenson in the 10 years of their marriage; all of them were born in Dungog.

Although in 1846 Stephenson and Isabella had each contributed 2s.6d. to the Irish Relief Fund,⁶⁴ it was after his marriage to Sarah that Stephenson started to contribute on a regular basis to appeals raised in the local community. In 1858 he contributed £3.3s. to a fund for Dugong's Senior Magistrate who was leaving after 20 years' service;⁶⁵ in 1859 he gave 10s. towards the harmonium purchased by the local Church of England;⁶⁶ in 1860 he gave 10s. to the church's general funds;⁶⁷ and in the same year he 10s. to the fund established to help local widow Tipping and her children.⁶⁸ He also gave 10s. in 1855 when the Patriotic Fund was launched by the *Sydney Morning Herald* and the *Maitland Mercury* to raise money for victims of the Crimean War.⁶⁹

That Stephenson had enough funds to contribute to a range of different causes indicates that he and Sarah were living comfortable lives in the town. Apart from having disposable funds, he still owned the Dungog Inn, possibly the mill, land in the

⁶² Sarah arrived aboard the *SS Asiatic*. Personal communication from Rob McDonald in 2009.

⁶³ NSWG, Births, Deaths and Marriages, V18551111 43B/1855.

⁶⁴ *MM*, 24 October 1846. The fund had been established due to the poverty caused by the potato famine.

⁶⁵ *MM*, 11 September 1858.

⁶⁶ *MM*, 11 September 1859.

⁶⁷ *MM*, 15 March 1860.

⁶⁸ *MM*, 28 August 1860. Nothing could be found about widow Tipping and her children other than the total raised by the Fund, £32.1s.6d.

⁶⁹ *MM*, 19 May 1855; see also web site: <http://www.gownewspaperindexes.com.au/patfund.html>.

town⁷⁰ and various means of transport, such as a gig, spring cart and attendant equipment as well as horses.⁷¹ Given the contributions made to the Church of England above, it seems reasonable to assume that Stephenson was a regular churchgoer and he was certainly involved in its affairs. When, for example, their clergyman, the Rev Arthur Ways, was leaving to take up duties in another diocese, Stephenson was a signatory to an open letter published in the *Maitland Mercury* thanking him for 'having ministered among the community' and regretting that he had declined to be the 'recipient of any pecuniary testimonial'.⁷²

In 1864 Stephenson decided to sell some of the contents of the inn including the 'whole of his Household Furniture, also, the Stock-in-Trade, consisting of Wines, Spirits, Bottled Ale and Porter, etc., etc., Also, A Very Superior Gig, Spring Cart, Dray, Harness, etc. etc'.⁷³ It was not until the following year that a possible reason for the sale became apparent. By this time both he and his wife had become alcoholics and ready funds may have been needed for their dependency. The couple's alcoholism must have been well known in the town: after all it was reported in 1860 that Stephenson and another were fined 10s. for drunkenness.⁷⁴

The consequences were dire. His respectability was forfeited; criminality ensued. The total neglect by James and Sarah of their little toddler, Charlotte, aged approximately 14-16 months, led to her death in March 1865. They were charged with her 'killing and

⁷⁰ See *MM*, 22 April 1865. At this time houses in Dungog were selling for £350. David Kent and Norma Townsend, *Convicts of the Eleanor*, p. 241.

⁷¹ See *MM*, 11 June 1864.

⁷² *MM*, 17 August 1858.

⁷³ *MM*, 11 June 1864,

⁷⁴ *MM*, 25 August 1860. If the money was not paid, he was to be confined in the cells for 24 hours.

slaying' by the Dungog Bench and were to stand trial at the Maitland Circuit Court in April.⁷⁵ Before the month was out, however, Stephenson was dead.⁷⁶ He was 61 years old. An inquest found that the 'deceased died from natural causes, accelerated by drink'. According to the report in the newspaper, Stephenson had been 'frequently out of his senses, for months past' and 'there had been no abatement of the intemperance' since his committal. The reporter went on to opine that 'it is moreover probable that the reflections of his lucid intervals hastened considerably the stroke of death'.

Sarah's trial for manslaughter took place a week after Stephenson was buried;⁷⁷ she was undefended. A witness testified that there were three children in the family, and that from the time Charlotte, the youngest, was born she was neglected by her mother who had been drinking heavily on frequent occasions.⁷⁸ The child had been looked after by her grandfather, her teenaged brother, and the neighbours. Dr McKinlay stated the cause of death to have been 'a gradual wasting away of the system produced by neglect and want of proper food'. Although the jury returned a verdict of guilty, they recommended that mercy be shown due to 'the drunken habits of her husband'. Stephenson's alcoholism must have been more widely known than Sarah's. In any case, Sarah seems to have been let off lightly: the sentence was six months' imprisonment.

⁷⁵ *MM*, 7 March 1865. Five days before this report in *The Maitland Mercury*, the following statement appeared in the paper: 'Strange that some 18 years since two children of Stephenson died, at different periods, on which an inquest was held.' *MM*, 2 March 1865. As shown below, of the three children by Stephenson's first marriage, only one is known to have survived. While another is known to have died, nothing is known about the third.

⁷⁶ *MM*, 1 April 1865.

⁷⁷ *MM*, 11 April 1865.

⁷⁸ Those who testified were Dr McKinlay, Mary Egan, Ann Hamilton Cutler, Ann Gregson and Robert Fitt. Dr McKinlay was the family doctor and Robert Fitt was presumably Sarah's father.

The inn and the land were put up for sale by order of the mortgagee.⁷⁹ Both were in the main street of Dungog but whether the land was adjacent to the inn is not known. Certainly the inn, which, as noted, still stands today, was in a good position although its condition at the time of the sale is also unknown. The next month, May 1865, saw one of the final steps in the winding up of the estate: an application to transfer the property under the provisions of the 1862 Real Property Act.⁸⁰ Stephenson had left a will and, after probate was granted, his goods and chattels went to Sarah as well as the sum of £40.⁸¹ Of the two remaining children by his first marriage, the second, Mary Isobella, apparently had inn-keeping in her veins. She married a wealthy butcher from England, Stephen Hodges, and opened her own inn in Sydney. They eventually settled on a property named 'East Somerset' in Hurstville then on the outskirts of Sydney.⁸² In her later years, she was involved in charity work in nearby Kensington. Her daughter, another Mary Isobella, became a publican at the Bedford Hotel in Redfern⁸³ in Sydney. Nothing is known about the third child, William, who was three years younger than Mary Isobella.⁸⁴

Stephenson and Sarah's first child was a boy, James Robert who had helped his grandfather and the neighbours look after the toddler Charlotte before she died. He married Louisa Susan Hart in Grafton and had a family of 13 children. Nothing is known about the daughter, Mary, who was born after James. After Sarah was released

⁷⁹ *MM*, 22 April 1865. The advertisement was in the paper several times before the sale.

⁸⁰ This now meant that the inn and land would be registered as Torrens Title with the Registrar General's Office in Sydney against which a caveat could be lodged during the following two months. See *MM* 27 May 1865.

⁸¹ SRNSW, 14/3395, series I, no. 6859.

⁸² Hodges had come from Croscombe in Somersetshire and hence the name of the property.

⁸³ This hotel may, however, have been in Darlington or Darlinghurst (also inner-Sydney suburbs).

⁸⁴ The genealogical details were conveyed during personal communication with Rod McDonald in 2009.

from gaol she gave birth to two more children and to both she gave the name of Stephenson. The first, a girl, died before her first birthday. The details of her death and of the second child are unknown.⁸⁵

Stephenson had been transported for 14 years in 1826 for stealing handkerchiefs. He had committed no crimes in England before stealing the handkerchiefs and none in New South Wales during his bondage. The combination of hard work and an entrepreneurial streak enabled him to establish and maintain businesses in Dungog that meant that he could live comfortably as he got older. He was well-known in the town and gave generously to local appeals. He became a respectable and successful citizen. Perhaps he was always a drinker, but why did he begin to drink to such an extent that he became a hopeless alcoholic, one who was blinded to the fact that his daughter was dying of neglect, one who would have been imprisoned for manslaughter had he not literally drunk himself to death before the trial?

Although there could have been many reasons the fact is that he had a longstanding relationship with the drink trade: he had been a publican for around 14 years. It has been established that 'mortality in publicans from alcoholism was seven times that of all working men'.⁸⁶ As a hotelier, alcohol was at hand and relatively inexpensive.

One of the most important features of Stephenson's story is not the obvious example provided by colonial life for convicts to go literally from rags to riches and back again; it is rather that throughout his travails the fact that he was an emancipist did not

⁸⁵ The genealogical details were conveyed during personal communication with Rod McDonald in 2009.

⁸⁶ See web site: <http://alcalc.oxfordjournals.org/content/43/2/121.full>

become the subject of public discussion. By the time his eldest daughter, Mary Isobella, was married he had become a currency lad;⁸⁷ the announcement read that Mr. Stephen Hodges, butcher, Kent-street North, a native of Somersetshire, England, would marry Isabella, daughter of the late Mr. James Stephenson, innkeeper, Dungog, a native of the colony.⁸⁸

His first wife, Isobella knew he had been a convict – they had been married at the AACo just after he had gained his freedom. Perhaps once they moved to Dungog and began to establish themselves, he and Isabella succeeded in concealing his past even from their children and later he did so with his second wife. On the other hand, the citizens of Dugong may have suffered from what Paul Pickering has called ‘convenient colonial amnesia’ and have willingly looked away lest their own pasts be investigated.⁸⁹

Prior to his alcoholism Stephenson certainly made the best of his situation in the colony. He bought land and property and built a thriving inn that became the centre of community life in Dungog. A plaque outside the building relates to its 19th century history. He built a flour mill, owned the livestock yards and was a trader of all manner of goods. After having worked hard developing his businesses, having established a good reputation for himself in the town and having acquired numerous personal assets, it would have been expected that Stephenson, at the age of 60, might have

⁸⁷ The term used for males born in the colony.

⁸⁸ *MM*, 19 August 1865.

⁸⁹ See Paul Pickering, ‘Betrayal and Exile: A forgotten Chartist Experience’, in M.T. Davis and P.A. Pickering (eds), *Unrespectable Radicals: Popular Politics in the Age of Reform*, Ashgate Publishing, Aldershot, 2008, p. 213.

been reasonably contented. This was not to be his fate. What one convict referred to as the 'shadow of my old crimes' finally caught him up.⁹⁰

⁹⁰ David Dunstan, (Ed.), *Owen Suffolk's Days of Crime*, p. 117.

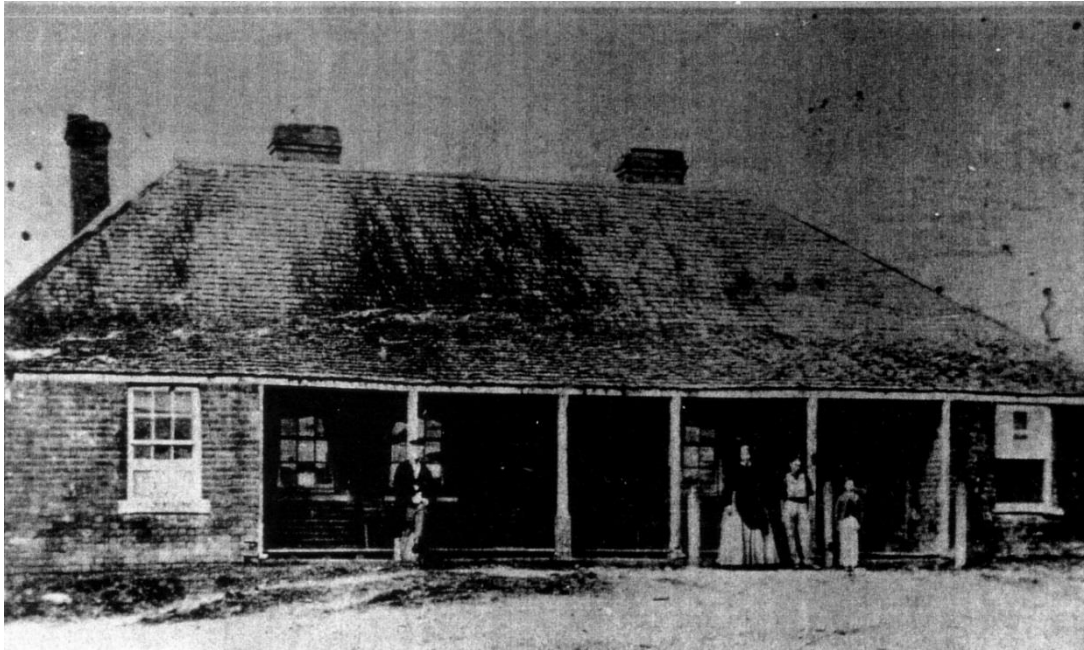


Image 8. Early image of Dungog Inn, New South Wales. Photograph provided by Rod McDonald in 2009.

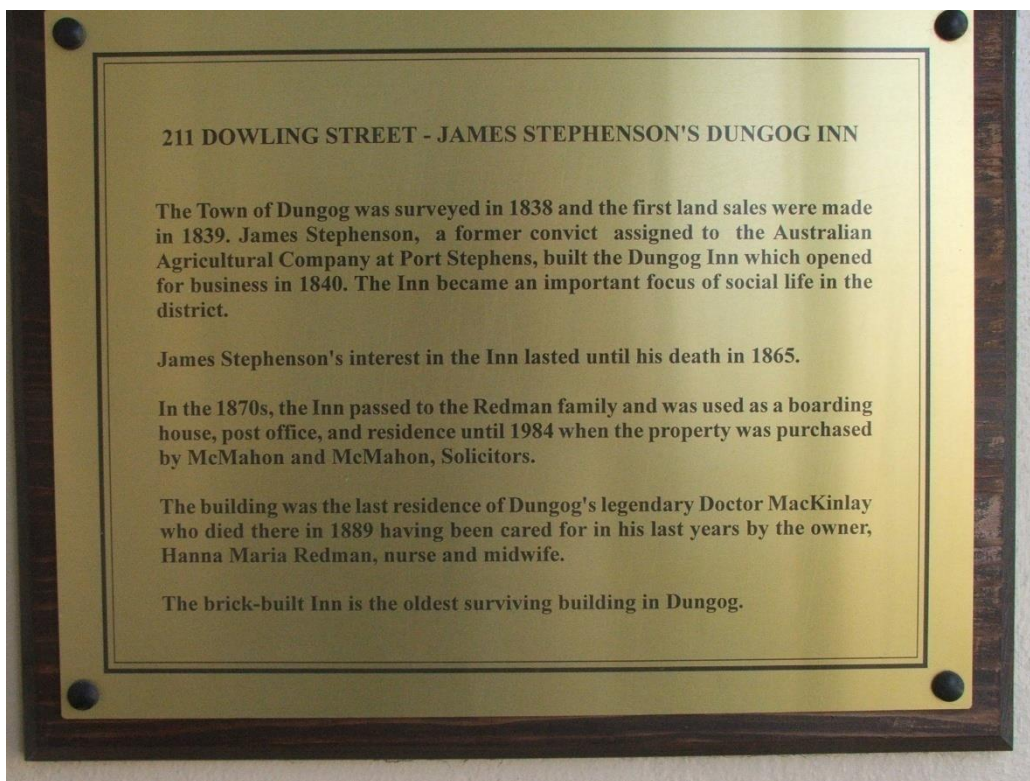


Image 9. Plaque outside Dungog Inn, New South Wales. Photograph provided by Rod McDonald in 2009.



Image 10. The Dungog Inn, Dungog, New South Wales. Photographed 2007 by Rod McDonald. These three images were provided by Rod McDonald in 2009.

SECTION 3 STUDYING CONVICT LIVES

CHAPTER 5 A CYCLE OF CRIME? JUDGEMENTS AND PUNISHMENTS

In this Chapter I will argue that, in keeping with the conclusions of previous historians, life on the hulks was extremely unpleasant; that convicts spent time – often considerable time – in their local prison before being transferred to the hulks; that, although the journey was long, life on board the transports was not as bad as generally thought; that they were aboard the transports for considerably longer than previously suggested; that half the convicts committed crimes after their arrival in the colony and that the nature of these crimes and the punishments are now known; that both criminal contagion and a cycle of crime occurred within some convict families; and, importantly, that the re-occurrence of crime within these families adds another dimension to our knowledge of convict life. In addition I will provide a brief sketch of background features relevant to each of the segments in the chapter.

CRIME IN ENGLAND AND IRELAND

Poverty is the parent of revolution and crime.¹

The 18th and 19th centuries in Britain saw profound socio-economic changes: there was steadily increasing industrialization with concomitant unemployment and ill-regulated poor laws;² the country was changing from one that had been largely rural to

¹ Attributed to Aristotle.

² Although until 1834 some relief had been provided by the poor laws to those in need, after this time it was drastically reduced. See John Hirst, *Sense & Nonsense in Australian History*, Black Inc. Agenda, Melbourne, 2006, pp. 125 ff; Eris O'Brien, *The Foundation of Australia (1786-1800). A Study in English Criminal Practice and Penal Colonization in the Eighteenth Century*, Greenwood Press, Connecticut, 1937, p. 41.

one of ever-expanding urban centres.³ The end of the Napoleonic Wars in 1815 saw the return to England of approximately four 400,000 troops who 'contributed much to a marked increase in crime, particularly in crime against property'.⁴ As well, by 1841, the crime rate in England possibly increased with the arrival of a further 400,000 Irishmen hoping to escape the poverty overrunning their own country,⁵ although the three Irish convicts in our sample committed their crimes at home. There was also a reason for the increase in the crime rates: the passing of the Metropolitan Police Act in 1829 which greatly increased the efficiency of police methods throughout the country.⁶

When the 12 English convicts in our sample executed their crimes between 1821 and 1836, they contributed to the steadily rising crime rate in England between these years.⁷ During this period Mayhew claimed that criminal cases in England had increased from 10.9 per 100,000 to 14.1;⁸ this rate, however, had decreased by the end of the century to 2.54 per 100,000 as shown below.⁹

³ Luke Pike contends that towards the end of the Middle Ages, England's rural population numbered 91% of the total, whereas by 1861 it has fallen to 40%. Luke Owen Pike, *A History of Crime in England Illustrating the Changes of the Laws in the Progress of Civilisation written from the Public Records and Other Contemporary Evidence*, Vol II, Smith, Elder, & Co., London, 1876, pp. 409, 524.

⁴ Christopher Hibbert, *The Roots of Evil. A Social History of Crime and Punishment*, Weidenfeld & Nicolson, London, 1963, p. 64.

⁵ George Rudé, *Protest and Punishment*, p 13.

⁶ Luke Owen Pike, *A History of Crime in England*, p. 479; see also J.J. Tobias, *Crime and Police in England 1700-1900*, Gill and Macmillan, Dublin, 1979, p. 78.

⁷ George Rudé, *Protest and Punishment The Story of the Social and Political Protesters transported to Australia 1788-1868*, Clarendon Press, Oxford, 1985, p 14. Leading up to this period the London magistrate Patrick Colquhoun claimed that in 1815 approximately 10% of the British population was either indigent or criminal. Barry S. Godfrey, David J. Cox, and Stephen D. Farrall, *Criminal Lives. Family Life, Employment, and Offending*. Oxford University Press, Oxford, 2007, p. 2.

⁸ Mayhew, *London Labour*, p. 457.

⁹ Shane Kilcommins, *Crime, Punishment and the Search for Order in Ireland*, Institute of Public Affairs, Dublin, 2004, p. 24.

The county crime rates provided by English social reformer Henry Mayhew allow us to gain a picture of the rates of crime in the counties in which our convicts strayed from the law.¹⁰

Table 17 Crime Rates in English Counties where Crimes Committed

Name	County	Type	Crime Rate
Bray	Lincolnshire	Agricultural	Low
Broadhead	Nottingham	Manufacturing	Low
Collins brothers	Worcestershire	Manufacturing	High
Earp	Derbyshire	Manufacturing & Sub-mining	Low
Goodman father and son	Staffordshire	Manufacturing & Sub-mining	Medium
Hampton	Kent	Sub-Metropolitan	Medium
Herring	Surrey	Sub-Metropolitan	Medium
Hyde	Shropshire	Agricultural & Sub-manufacturing	Low
Randall	London	Metropolitan	High
Stephenson	Northampton	Agricultural & Sub-manufacturing	Low

According to social historian George Rudé larceny accounted for approximately 82 per cent of all crimes committed in London in 1827¹¹ the year in which Randall stole from his employer. A crime such as Randall's, larceny 'by a servant', was the second most common type of larceny and accounted for approximately 11 per cent of the total committed. Rudé claims these 'inside jobs' were the work of 'servants or lodgers, who gained access to the house and its contents by spending a short term of employment

¹⁰ Henry Mayhew, *London Labour and the London Poor*, Dover Publications, New York, 1861-1862, Vol. IV, p. 456.

¹¹ George Rudé, *Criminal and Victim. Crime and Society in Early Nineteenth-Century England*, Clarendon Press, Oxford, 1985, p. 26.

there, or by renting a room for a few shillings a week, before choosing a favourable moment for removing sheets, clothing, and furniture to deposit at the pawnbroker's down the street'.¹² Rudé could have been describing the nature of Randall's crime to the letter.

Ireland had been home to the three convicts Hoyle, McNally and Mulholland convicted between 1821 and 1829. The Industrial Revolution in Britain had largely bypassed Ireland which remained an essentially agrarian nation.¹³ By the end of the century, however, the serious crime rate was less in Ireland than it was in England, 1.66/100,000 and 2.54/100,000 respectively.¹⁴

None of the convicts in the sample, or any of their convict relatives, can be classified as either professional criminals or part of the criminal class or, as defined by Clive Emsley, 'known thieves and depredators'.¹⁵ Emsley considers the most common crime to have been small-scale theft,¹⁶ the crime with which 12 of our 15 convicts were convicted.

¹² George Rudé, *Criminal and Victim*, p. 33.

¹³ Susan R. Allan, 'Irish Convicts – Hampdens or Hardened Criminals? A Review of the Work of Lloyd Robson and John Williams: A Comparative Case Study,' *Tasmanian Historical Studies*, Vol. 7, No. 2, 2001, p. 97. Apart from large numbers of offences against property, other less frequent offences included those of a political nature such as the protection of tenants by the Ribbon men and the Whiteboys from the actions of absentee landlords. Robson found that 740 Irishmen had been convicted for a combination of Ribbonism and Whiteboyism. L.L. Robson, *The Convict Settlers of Australia*, Melbourne University Press, Melbourne, 1994, p. 156.

¹⁴ Shane Kilcommins, *Crime, Punishment and the Search for Order in Ireland*, p. 24.

¹⁵ Emsley claims that, although the police used these categories, there was no guidance given about what they should contain. He cites figures from the north of England that did not include thieves in this category if they were known to have done any 'honest work'. Clive Emsley, *Crime and Society in England 1750-1900*, Longman, Essex, England, 1996, p. 23.

¹⁶ Clive Emsley, *Crime and society*, p. 293. The statistics published by Emsley are supported for most of the third decade of the 19th century by those of the House of Commons, which, in 1830, published summary statements related to crime in England and Wales for the preceding seven years. In 1823 the number of persons convicted was 8,204 while by 1829 the number had risen to 13,261. Of those convicted in 1823, 19 per cent were transported and although in 1829 the number was 25 per cent, the percentage of those transported for the total of the seven years was 21. *House of Commons Parliamentary Papers, Criminals, England and Wales. Summary statements of persons, charged with*

Although whether or not those crimes were opportunistic in nature, as Emsley suggests, is unknown.¹⁷ The crimes of the remaining three of the 15 were rather more serious: two counts of highway robbery and one of intending to kill. In talking about the 'dark figure' of unrecorded crimes,¹⁸ Edwin Chadwick prompts speculation about the number of crimes our convicts managed to commit undetected – regrettably another unknown.

PUNISHMENT IN ENGLAND AND IRELAND

A criminal is undoubtedly a poor soul, who is punished for his poverty.¹⁹

Punishment began with incarceration in the lock-up or police cells while being held by a magistrate before committal. Although according to Mayhew and Binney, convicts were usually sent to Millbank Prison,²⁰ Pentonville or straight to a hulk,²¹ none of the 11 convicts in our sample who were sentenced in an English county spent time in either prison – all were kept for up to three months in their local gaol before being transferred to a hulk.²² If convicted in London, felons were sent to Newgate Prison,

criminal offences, committed to the different gaols in England and Wales, and in London and Middlesex, for trial at the assizes and sessions, during the last seven years; 1823-1829, Great Britain, 1830.

¹⁷ Clive Emsley, *Crime and society*, p. 293.

¹⁸ Emsley quotes the London magistrate Patrick Colquhoun as noting, 'Under the present system there is not above one offence in one hundred that is discovered or prosecuted.' He also claims that social reformer Edwin Chadwick and his colleagues were convinced that 'the number of cases pursued bore little or no relation to the cases of crime actually committed.' Clive Emsley, *Crime and society*, p. 24.

¹⁹ Attributed to Thomas Bernhard, 20th century Austrian novelist, playwright and poet.

²⁰ Although Millbank is also spelt with one 'l', Millbank was also often used. 'The Captain', *Inhumanity. Historical Tales of Old Convict Days from Millbank Prison (England) to Norfolk Island Macquarie Harbour Port Arthur*, J. Walsh & Sons, Hobart, 1932, p. 13.

²¹ Henry Mayhew and John Binney, *The Criminal Prisons of London and Scenes of Prison Life*, Cass and Company Limited, London, 1968, p. 82.

²² The exception here was Hampton who was sentenced in Maidstone, Kent south of London and imprisoned for three weeks in Horsemonger Lane Gaol in London, which was south of the Thames and in the same vicinity as Maidstone.

Middlesex House of Detention (Clerkenwell) or Horsemonger Lane Gaol.²³ Randall, the only convict in our sample to be sentenced in London, found himself imprisoned for nearly two months in Newgate, a large prison close to the Old Bailey where he was convicted, before being forwarded to a hulk.

Well-known marine historian Charles Bateson claims that the imminent arrival of a convict ship in Ireland prompted convicts to be rounded up from the various gaols and kept in small vessels until transferred to the transport.²⁴ Irish archivist Rena Lohan gives more detail however.²⁵ She asserts that after initially spending time in local or county gaols, transportees from southern Ireland were sent to the city gaol in Cork and those from the north to either Newgate²⁶ or Kilmainham gaols in Dublin.²⁷ She further claims that the erection of a depot in Cork in 1817 preceded the provision of a hulk in the harbour in 1822 and that a depot built at Kingston near Dublin also preceded the establishment of a hulk in the general area in 1823.²⁸ The latter was possibly at Dunleary, which may have been where both McNally and Mulholland were imprisoned before transportation.²⁹ Hoyle, the third Irishman, embarked on the convict transport in 1821 before any of the hulks were commissioned.

²³ Mayhew and Binney, *The Criminal Prisons of London*, p. 82.

²⁴ Charles Bateson, *The Convict Ships 1787-1868*, A.H. & A.W. Reed, Sydney, 1959, p. 55.

²⁵ Rena Lohan, 'Sources in the National Archives for research into the transportation of Irish convicts to Australia (1791-1853)', *Journal of the Irish Society for Archives*, Spring 1996, n.p.

²⁶ Lohan claims that Newgate, 'Like its namesake in London... was under constant criticism from reformers because of its deplorable condition and the fact that all categories of offender were housed together.' Rena Lohan, 'Sources in the National Archives', n.p.

²⁷ Eleanor Conlin Casella, however, includes Wicklow Country Gaol (south of Dublin). 'Prisoner of His Majesty: Postcoloniality and Archaeology of British Penal Transportation', *World archaeology*, Vol. 37, No. 3, *Historical Archaeology*, September, 2005, p. 454.

²⁸ Rena Lohan, 'Sources in the National Archives', n.p.

²⁹ See *Journals of the Surgeon Superintendents en route for the Australasian Colonies* (Admiralty Dept.), convict transport *Fergusson* leaving Dublin 16 November, 1828, AJCP, PRO 27/3195.

By an Act of Parliament in 1776, the system of prison hulks had been introduced in England to take the convicts that had ‘accumulated greatly’ after the ‘intercourse with America [had been] shut up’.³⁰ The hulks, commonly believed to be disused hulls or shells of vessels no longer seaworthy were, on the contrary, sound ships that had been ‘laid up for a variety of reasons and dismasted’.³¹ The first, the *Justitia*, was commissioned in Britain in 1776 but only as a ‘purely temporary expedient’ in view of the proposal to construct prisons based on Jeremy Bentham’s panopticon design.³² This did not eventuate and, within 12 years, the hulk system had become recognized as the first stage of transportation.³³ Not appointed until 1802, an inspector of the hulks, a Mr Graham, was successful in making several improvements to the system.³⁴ He was replaced in 1814, however, by a John Henry Capper, who held the post until 1847.³⁵ By 1814 five convict hulks darkened the fusty waterways in England housing 2,038 convicts, a number which had more than doubled by 1828 to 4,446.³⁶ Broadhead, Earp, Herring, Randall and Stephenson from our sample were among the luckless prisoners at this time.

³⁰ Patrick Colquhoun, *A Treatise on the Police of the Metropolis; containing a detail of the various crimes and misdemeanors... and suggesting remedies for their prevention*, London, 1797, p. 101. Colquhoun was a London magistrate. After the shipping of convicts to America was stopped, rather than crowd convicts in the ‘insanitary and dilapidated gaols in England’, the hulks had been introduced to house ‘able-bodied males who were sentenced to transportation ... [and] who may be kept at hard labour for the public benefit in raising sand, soil and gravel from, and cleansing, the River Thames...’. Eris O’Brien, *The Foundation of Australia*, p. 91.

³¹ David Kent and Norma Townsend, *Convicts of the Eleanor. Protest in Rural England, New Lives in Australia*, The Merlin Press Ltd., London, 2002, p. 147.

³² Eris O’Brien, *The Foundation of Australia*, p. 91.

³³ Eris O’Brien, *The Foundation of Australia*, p. 98.

³⁴ House of Commons Parliamentary Papers. Third Report from the Committee on the Laws relating to Penitentiary Houses. Great Britain, 27 June 1812, p. 137.

³⁵ W. Branch-Johnson, *The English Prison Hulks*, Christopher Johnson, London, 1957, p. 92.

³⁶ W. Branch-Johnson, *The English Prison Hulks*, pp. 89-90.

Detailed instructions to Capper from the Secretary of State's Office, dated 23 August 1815, accorded with a Parliamentary Act that amended the transportation laws:³⁷ officers responsible to Capper were to reside on board; all healthy convicts were to be sent on shore to labour; a Character Book was to be established in order to record convict behaviour, and so on. Inconceivably, however, all these instructions were almost completely disregarded for the following 32 years; all the convicts incarcerated during this period, including the Englishmen in our sample, were the victims of serious mistreatment and neglect.³⁸

The various hulks moored in the rivers and harbours in the south of England thus provided wretched, misery-ridden habitats for all of these convicts. One that was particularly unpleasant was the *Ganymede*. Moored at Chatham in the upper reaches of the River Medway south of the Thames, she was home to four of the convicts studied here at periods between 1824 and 1827. After spending two months in Lincoln Gaol, Bray was aboard for five months³⁹ and Broadhead for two months after being kept for two months in Nottingham Gaol;⁴⁰ their behaviour was not noted. Randall, after three months in Newgate in London, spent three weeks on the *Ganymede* where his behaviour was considered orderly.⁴¹ Earp, after two months in Derby Gaol, was kept on board for six weeks where his behaviour was not regarded in a good light by

³⁷ House of Commons Parliamentary Papers, Papers relating to the convict establishment at Woolwich, Sheerness, and Portsmouth;--viz. two reports of John Henry Capper, Esq. superintendent of the several ships and vessels for the confinement of offenders under sentence of transportation. These papers also include 'Instructions from the Secretary of State's Office, to the said Superintendent, dated 23 August 1815', Great Britain, 1815, pp. 1-16.

³⁸ For details see House of Commons Parliamentary Papers, Papers relating to the convict establishment, pp. 10-19.

³⁹ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 3.

⁴⁰ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 1.

⁴¹ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 1.

the hulk's gaolers as described in more detail in his biographical portrait.⁴² A convict who testified before a House of Lords committee established in 1835 'to inquire into the present state of the several Gaols and Houses of Correction in England and Wales', spoke of incarceration on the *Ganymede* as 'hell upon earth'.⁴³ Robbery was rife among convicts: without a wards man and lantern at night, 'the prisoners could the more easily rob each other.'⁴⁴

James Goodman and his son Thomas served time on the *Justitia*⁴⁵ when moored at Woolwich. Thomas was reported as having a good disposition and his father was found to be orderly.⁴⁶ We can get some sense of what it was like on the ship from the account of William Derrincourt, a convict also imprisoned on the *Justitia* in the 1830s. Like him the Goodmans may have been 'stripped to the skin and scrubbed with a hard scrubbing brush ... plenty of soft soap, while the hair was clipped from [their] heads as close as scissors could go.... supplied with new 'magpie' suits -- one side black or blue and the other side yellow"', before going on board.⁴⁷ Even elderly and severely disabled James Goodman was unlikely to have avoided this transformation. Six years after the Goodmans, Hyde also found himself imprisoned on the *Justitia* after his incarceration in Shrewsbury Gaol for two and a half months.⁴⁸

⁴² SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 1.

⁴³ House of Commons Papers, First report from the Select Committee of the House of Lords appointed to inquire into the present state of the several gaols and houses of correction in England and Wales; with the minutes of evidence and an appendix, Great Britain, 1835, p. 121.

⁴⁴ First report from the Select Committee of the House of Lords, p. 121.

⁴⁵ By this time this was the third hulk to be named *Justitia*. W. Branch-Johnson, *The English Prison Hulks*, p. 91.

⁴⁶ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 4.

⁴⁷ Louis Becke (Ed.), *Old convict days*, Penguin Books Australia, Victoria, 1975, p. 27.

⁴⁸ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Pieces 4 and 5.

Herring's experience was particularly cruel: as mentioned he spent five years on the hulks. The first two months were on board the *Justitia*, which housed both men and boys; his behaviour was noted as orderly.⁴⁹ His next hulk was the *Bellerophon* at Sheerness at the mouth of the River Medway south of the Thames.⁵⁰ The *Bellerophon* was towards the end of its usefulness, however, and was decommissioned a year after Herring arrived.⁵¹ He was then moved further upstream to Chatham to his third hulk, the *Euryalus*⁵² where he was destined to stay there until he left for New South Wales in 1829 at the age of 17. Capper reported during the time of Herring's incarceration on the *Euryalus* that the boys, given 'the vicious course of life in which they have been trained ... [had] behaved as orderly as might reasonably be expected' and that they were being taught various trades.⁵³ Throughout his 32-year tenure as inspector, Capper submitted numerous favourable reports such as this.

Herring's experiences on the *Euryalus* would not have been pleasant. She was too crowded to allow any classification or segregation of the boys and, indeed, 'The boys proved so refractory that open mutinies took place several times'.⁵⁴ Scurvy and eye infections were rife. Ex-convict, Thomas Dexter, who had worked as a nurse on the hospital hulk that served the *Euryalus*, claimed the youngest boy committed to the hulk was only six years of age and he died shortly thereafter. Dexter said that he

⁴⁹ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Pieces 2, 4, 5 and 7.

⁵⁰ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 7.

⁵¹ W. Branch-Johnson, *The English Prison Hulks*, p. 148.

⁵² SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 2.

⁵³ Letter from Capper to the Right Hon. Robert Peel dated 21 January 1826.

⁵⁴ W. Branch-Johnson, *The English Prison Hulks*, pp. 149- 150.

would rather see a child of his 'dead at [his] feet' than to have him sent to the *Euryalus*.⁵⁵

The Collins brothers, in 1829, after spending two weeks in Worcester Gaol, were held on the *Retribution* hulk moored at Sheerness,⁵⁶ and Hampton, in 1836-37, was imprisoned on a hulk, the *Fortitude*, at Chatham after spending three weeks in Horsemonger Lane Gaol.⁵⁷ Although reported as 'orderly' on the *Fortitude* at one stage, it seemed that Hampton was also of a bad disposition. Stephenson, having spent four weeks in Ipswich Gaol, was imprisoned in 1826 on the *York* hulk moored at Gosport in Portsmouth Harbour on the south coast.⁵⁸ It was reported that he made some bad connections while on the hulk. As we have seen, however, despite the appalling conditions the majority of the convicts studied were orderly during their time on the hulks.

Despite considerable evidence to the contrary, Capper's six-monthly reports for the years between 1815 and 1847 showed all aspects of life aboard the hulks in a

⁵⁵ W. Branch-Johnson, *The English Prison Hulks*, p. 123. Dexter was testifying before a Committee of the House of Lords in 1835. Nevertheless, in 1831, three years after Herring had boarded the convict transport for New South Wales, Capper stated that the 'Boys [on the *Euryalus*] conducted themselves very quietly, and have remained healthy, which must be attributed to the uniform discipline, regular dietary and attention paid to their health, as the wretched state of misery and destitution in which a considerable number of these Boys (mere infants in many cases) are brought to that Ship, can hardly be conceived.' Report of John Henry Capper, Esq., Superintendent of Ships and Vessels employed for the Confinement of Offenders sentenced for Transportation, 25 July 1831 to the Right Hon. Viscount Melbourne. *The House of Commons Parliamentary Papers, Convicts. Two reports of John Henry Capper, Esq. superintendent of ships and vessels employed for the confinement of offenders under sentence of transportation; relating to the convict establishments at Devonport, Portsmouth, Tipnor, Sheerness, Chatham, Woolwich, Deptford; and at Bermuda, Great Britain, 1831.*

⁵⁶ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 7.

⁵⁷ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 2.

⁵⁸ SRNSW, Hulks – Miscellaneous Convict Prison Registers, HO 9, Piece 9.

favourable light as already noted.⁵⁹ However, an inquiry finally held in 1847 into the conditions on these prisons not excuse the horrors that were exposed.⁶⁰ Capper, during his 32 years as Superintendent of Convicts, was found to have been extremely negligent in all areas. The 12 English convicts in our sample were among those who suffered the appalling conditions finally exposed by this inquiry.

Among the many deficiencies highlighted was the practice of using a wheelbarrow to convey the dead to the mortuary and for the body to be buried in unconsecrated ground. It was found that none of the efforts at education, limited mainly to ‘the elements of reading’, had produced any positive results.⁶¹ However, Herring was literate before he spent his time on the hulks as were other of the English convicts in our sample – Bray, the Collins brothers, James Goodman, Hampton, Randall and Stevenson. The report went on to describe the lack of cleanliness on the hulks as ‘disgraceful’ and ‘discreditable’ and the inadequacy of the diet that had caused ‘spongy gums and other symptoms of scurvy’.⁶² Many other instances of contravention of the regulations were found. The situation on the hulks was, as summed up in the classic accounts of venerable historians Sidney and Beatrice Webb: ‘of all the places of confinement that British history records ... the most brutalizing, the most demoralizing, and the most horrible. The death rate was appalling, even for the prisons of the

⁵⁹ The reports comprised letters to Capper from the various Chaplains and Surgeons attached to the hulks, with a covering one or two page letter from Capper himself.

⁶⁰ House of Commons Parliamentary Papers. Inquiry into the State of the Convict Establishment at Woolwich. Report and Minutes of Evidence taken upon an Inquiry into the General Treatment and Condition of the Convicts in the Hulks at Woolwich. Presented to both Houses of Parliament by Command of Her Majesty, William Clowes & Sons, London, for Her Majesty’s Stationery Office, 1847. The author of The Report was William John Williams, Inspector of Prisons.

⁶¹ Inquiry into the State of the Convict Establishment, p. xiv.

⁶² Convicts who had been sent to the hulks from the Millbank and Pentonville prisons frequently showed dissatisfaction with the diet by throwing their portions of oatmeal gruel overboard. Apparently they had been used to cocoa in place of oatmeal gruel. Inquiry into the State of the Convict Establishment, pp. xvi-xvii.

period.’⁶³ The rate was 18.48 per 1,000 convicts in the period in which the hulks were in use⁶⁴, curiously a figure not mentioned in the report itself.’⁶⁵

THE VOYAGE

The only thing of importance, when we depart, will be the traces of love we have left behind.⁶⁶

Evidence has been provided above to show that the convicts in our sample undoubtedly spent a miserable time imprisoned on the hulks; their punishment on the voyage ahead of them to New South Wales may, however, have been a little less wretched. Did these men feel as though they were about to face the clutches of death as the ship hauled anchor and set sail for the colony? Although we have no direct evidence of how they felt, it is almost certain that many a tear was shed. We can gain an insight into this from the work of Kirsty Reid who has summarised the experience of departure as ‘a rupture; a sudden, forced unmaking of the self’.⁶⁷ Stories about Botany Bay abounded by the time the first of our convicts, Hoyle, departed in 1821. The main

⁶³ T.R. Forbes, ‘Coroner’s Inquisitions on the Deaths of Prisoners in the Hulks at Portsmouth, England, in 1817-1827’, *Journal of the History of Medicine and Allied Sciences*, vol. 33, no. 3, 1978, p. 358. In a statistical analysis of the deaths of convicts confined on board the hulks in Portsmouth between 1804 and 1811, and between 1817 and 1827, it is shown that the ‘rates from sickness, particularly consumption and other pulmonary diseases, dysentery, and typhus [were] twice as high as the death rate of the same age groups in the English population as a whole.’ p. 366.

⁶⁴ David Nicholson, ‘Mortality of Convict Prisons’, *The British Medical Journal* 1, no. 538, April 22, 1871, p. 435.

⁶⁵ T.R. Forbes, ‘Coroner’s Inquisitions on the Deaths of Prisoners in the Hulks at Portsmouth, England, in 1817-1827’, *Journal of the History of Medicine and Allied Sciences*, vol. 33, no. 3, 1978, p. 358. In a statistical analysis of the deaths of convicts confined on board the hulks in Portsmouth between 1804 and 1811, and between 1817 and 1827, it is shown that the ‘rates from sickness, particularly consumption and other pulmonary diseases, dysentery, and typhus [were] twice as high as the death rate of the same age groups in the English population as a whole.’ p. 366.

⁶⁶ Albert Schweitzer.

⁶⁷ Kirsty Reid, as stated above, is writing a book with the tentative title *Australia Bound: convict voyaging, 1788-1868*. This reference is taken from her draft Chapter 4. See web sites: <http://www.uhi.ac.uk/en/research-enterprise/cultural/centre-for-history/staff/dr-kirsty-reid> and <http://convictvoyaging.blogspot.com.au>.

source of information was the newspapers which painted a uniformly negative view of the colony until the middle of the century.⁶⁸ Thus, while doubtless striking terror into the hearts of many, only few may have held out a glimmer of hope that there would be opportunities for them in the new land, opportunities that were not to be had in the poverty-stricken country they were leaving.⁶⁹

Although the voyage could take up to 277 days,⁷⁰ the longest trip endured by those in our sample, was that of James Goodman and his son Thomas at 156 days,⁷¹ while Herring was lucky enough to have the shortest – 106 days – which surely was deserved after his long years on the hulks.⁷² On the other hand, no matter the length of time spent on the ship, it was a continuation of punishment for these transportees.⁷³ Consistently, the surgeon's journals describe the cramped, confined conditions on these tiny, unstable, sometimes leaky vessels,⁷⁴ the seasickness,⁷⁵ the unaccustomed heat of the tropics⁷⁶ and the terror felt in the gales.⁷⁷ However, the journals make no

⁶⁸ See Alan Beever, 'From a Place of "Horrible Destitution"', pp. 1-15.

⁶⁹ Details of how those in the sample fared are given in Chapter 2.

⁷⁰ This was the *Archduke Charles* in 1813. Charles Bateson, *The Convict Ships*, pp. 290-291. Bateson's details of convict ships commence in 1801 and conclude in 1849. The days he cites are for the voyage only, and do not include the total days spent on board.

⁷¹ Charles Bateson, *The Convict Ships*, pp. 300-301. The Goodmans left London on the *York I* in 1830.

⁷² Charles Bateson, *The Convict Ships*, pp. 298-299. Herring left London on the *Mellish* in 1829.

⁷³ As stated by James Bradley, 'Increasingly, from 1815 onwards, it is clear that the British authorities believed that both the voyage and the surgeons were integral to punishing and reforming the convicts'. 'Ships Surgeons and convict medicine,' *Chainletters*, Issue 10, April 2012, p. 8.

⁷⁴ There was mention in the Surgeon's Journal of the *Minerva I* that the ship leaked. Broadhead and Earp were aboard. SRNSW (PRO), *Journals of the Surgeon Superintendents en route for the Australasian Colonies, 1816-1887*, Adm. 101, Piece 54 Reel 3205.

⁷⁵ Seasickness was mentioned in the Surgeon's Journals of the *York I*, the *Isobella I* and the *Prince George*. The Goodmans were on the *York*, Hoyle was on the *Isobella* and Hyde was on the *Prince George*. On the *Prince George* some had such bad seasickness that they refused even the offer of chocolate until half-way through the voyage. SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 75, Reel 3213, Piece 36, Reel 3198 and Piece 60 Reel 3207 respectively.

⁷⁶ The extreme heat was mentioned in the Surgeon's Journal of the *Mellish*. Herring was on board. Piece 53 Reel 3204.

reference to any floggings or isolation without food, and few of any disagreeable conditions suffered.⁷⁸ While the ultimate punishment was death in a shipwreck (or on the gallows of course), it goes without saying that none of the convict ships that carried our convicts were wrecked. Although these ships represent but few of the many that carried convicts to the colony it gives some support to the government's claim that it had ensured that 'only the better class of vessel was hired for the convict service'.⁷⁹

Twelve different ships transported the 15 convicts in our sample to New South Wales.⁸⁰ The tonnage of these ships ranged between 403 and 594 with the average 487, around the same weight as the older-style single-hull Manly ferries that plied Sydney harbour.⁸¹ As we have seen, the number of days between leaving Great Britain and arriving in Sydney averaged 122 days although convicts remained on board for longer. The main source of information about the voyages is the surgeons' journals. In most cases the surgeon boarded the ships transporting our convicts two months prior to departure but in the case of the sample none of them reported on their duties prior to embarkation of the convicts. The journals concentrated, as expected, on diseases

⁷⁷ Gales and storms were mentioned in the Surgeon's Journals of the *Mellish*, the *York I*, the *Prince George* and the *Minerva I*. The convicts on board were Herring, the Goodmans, and Hyde respectively, while Broadhead and Earp were aboard the *Minerva I*. Piece 53 Reel 3204, Piece 75 Reel 3213, Piece 60 Reel 3207 and Piece 54 Reel 3205 respectively.

⁷⁸ SRNSW (PRO), Journals of the Surgeon Superintendents en route for the Australasian Colonies, 1816-1887, Adm. 101, Piece 54,

⁷⁹ Charles Bateson, *The Convict Ships*, pp. 72-73.

⁸⁰ Although there are 15 convicts in our sample, Samuel Broadhead and William Earp both travelled on the same ship, the *Minerva* which arrived in Sydney in 1824, the Goodman father and son travelled together on the *York* which arrived in 1831 and the Collins brothers travelled together on the *Nithsdale* which arrived in 1830. SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 54 Reel 3205, Piece 75 Reel 3213 and Piece 56 Reel 3206 respectively.

⁸¹ These ferries ranged from approximately 442 to 500 tons. Tony Prescott and Ross Wilson, *Manly Ferries. Balgowlah, Barrenjoey and Baragoola*, n.d. This article originally appeared in *The Log*, Vol. 12, No. 3, New Series, 25 August 1879, pp. 78-85.

although surgeons from three of the vessels described how they picked up convicts from various hulks before departing.⁸²

In preparation for the voyage the ships collected prisoners from a number of hulks. In 1830, one of these, the *Nithsdale*, picked up 60 convicts from the *Justitia* and *Ganymede* hulks moored at Woolwich, 64 from the *Retribution* in Sheerness including the Collins brothers, and 60 from the *Dolphin* moored at Chatham.⁸³ All were examined by the surgeon before embarking and found to be in 'apparent good health'. Again in 1830, another, the *York*, collected a total 200 convicts from several hulks.⁸⁴ The surgeon stated that 30 boarded from the *Dolphin*,⁸⁵ including the Goodmans⁸⁶, and 50 from the *Ganymede*, both moored at Woolwich. Three days later the ship arrived at Sheerness where 30 more were embarked from the *Retribution*. On the same day the ship sailed upstream to collect 30 young convicts from the *Euryalas* at Chatham, four of whom were rejected as unfit and four others sent in lieu.⁸⁷ The following day 60 more embarked from the *Cumberland*, which was also moored at Chatham, completing the complement of 200 convicts. In the winter of 1837, the third, the *Prince George*, collected 130 convicts from the *Justitia*, including Hyde, and the

⁸² The Journal of the Surgeon on the *Mangles*, which transported Francis McNally from Ireland, was written entirely in Latin and proved too difficult to decipher. A list of diseases was included although without the names of the convicts. SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 47, Reel 3202.

⁸³ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 47, Reel 3202.

⁸⁴ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 75, Reel 3213.

⁸⁵ Elsewhere the Goodmans were listed as prisoners on the *Justitia*. The *Dolphin*, however, was renamed the *Justitia* in 1830.

⁸⁶ James Goodman was the only convict on the ship who was aged over 60. The Surgeon's Journal contained a breakdown of the ages.

⁸⁷ Three of those rejected had eye infections. The handwriting naming the other condition was indecipherable.

Ganymede, both moored at Woolwich, as well as 120 from the *Fortitude* that was at Chatham at the time, all of whom the surgeon examined prior to embarkation.⁸⁸

When the journey finally began, the first challenge was the weather. Passengers had been aboard the *Prince George* for a little over a month when the anchors and cables gave way in a huge gale that hit the coast of England. The vessel drifted for several hours before they were able to return to port 'narrowly escaping with [their] lives'.⁸⁹

The *Prince George* finally left the Britain a few days later only to find, as described in James Hyde's biography, that the worst had yet to come. Two other ships also suffered from bad weather before departing British waters. The *Mellish*, whose convicts, including Herring, had embarked in October-November 1828, eventually set sail from Falmouth on the Cornish coast in mid-winter the following January, after 'heavy winds, frequent gales, rain and generally damp weather' had detained them in different ports.⁹⁰ The *York*, with sailing orders for early autumn 1830, was forced to put into Spithead on the coast of Devon where she remained until late September due to

⁸⁸ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 60, Reel 320. Nonetheless, later in his journal, the surgeon commented that many of the convicts 'were in a low state of health ... from long confinement, depressed spirits, want of exercise, despondency and such other debilitating causes'. He also noted that the convicted received from the *Fortitude* hulk were all 'desperate characters'. Two months earlier they had conspired to make their escape but, having overpowered the guards, they found there was not enough water to float the boats moored beside the hulk by their fishermen allies, and were forced to jump between them. 'They were astonished to find themselves [up] to the neck in the mud from which situation they begged hard to be extricated. ... [Eventually] aided by a hot poker [they were] soon driven below.' Seven of these men had signed their names to a paper, swearing 'to be true to each other and to have Death or Liberty.' SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 60, Reel 320.

⁸⁹ On Christmas night, in 'snowy, wet, cold and blowing weather', the *Prince George's* anchor had not held in the gale. SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 60, Reel 3207. It was reported in the *Sydney Herald* dated 8 May 1837 that due to the *Prince George's* delayed departure the mail she was carrying for Sydney was transferred to the vessel *Hope*.

⁹⁰ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 53, Reel 3204.

‘strong westerly winds with much sea’ in the Channel.⁹¹ Both the Goodman father and son suffered these conditions. Despite having set sail in mid-summer of 1824, the *Minerva*, carrying Earp and Broadhead, was reported by the surgeon as undergoing ‘rough and stormy’ weather in the early part of the voyage.⁹²

In all cases when the surgeon kept records of the passengers seen on each of these 12 ships,⁹³ four of the 15 convicts were recorded as attending the ship’s hospital for treatment. Hampton, transported on the *Lloyds* in 1837, had a troublesome cough although with ‘little if any expectoration or pain in the chest’ and with ‘pulse nearly normal’.⁹⁴ Transported aboard the *Nithsdale* in 1830, Edward Collins had a continuous fever and was excused from duty for 10 days.⁹⁵ His brother John complained of headaches, fever and aches in his back and limbs that warranted a hospital stay of nearly two weeks.⁹⁶ The fourth was Earp, in 1824, on the *Minerva*; he was treated for

⁹¹ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 75, Reel 3213. Bateson gives the official date of sailing as 4 September, 1830 which is obviously incorrect. Charles Bateson, *The Convict Ships*, pp. 350-351. This type of error has already been discussed.

⁹² SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 54, Reel 3205.

⁹³ After 1815 Surgeons were elevated to Surgeon Superintendent and were responsible for ‘punishment, closer control, great efficiency and a more structured and supervised shipboard routine with its emphasis upon hygiene and cleanliness.’ David Kent and Norma Townsend, *Convicts of the Eleanor*, p. 149. Vessels sailing after 1 November 1836 were subject to the following edict from the Admiralty: ‘The Surgeons Superintendent of Convicts Ships are particularly desired to notice, that they will be required to render a regular Sick Book, with the Journal, and the Nosological Synopsis now added thereto, in a complete and Scientific state, together with a Certificate from the Medical Storekeeper at Deptford, as to the condition and number of their Surgical Instruments, in all respects the same as if employed in King’s Ships, agreeably to the new Instructions for the Service Afloat, and that in the event of any failure in these particulars, the Certificates necessary from this Department, to entitle them to receive their Pay and Allowances will be withheld.’ This edict was appended to the Journal of the Surgeon Superintendent on the *Lloyds* departing March, 1837 with William Hampton and could also be enforced for the *Prince George* departing January 1837 with James Hyde. SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 43 Reel 3200 and Piece 60, Reel 3207 respectively. Although the diseases were written in Latin in nearly all the journals, there were very few that could not be translated into the modern-day Latin and Greek terminology that is used.

⁹⁴ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 43, Reel 3200.

⁹⁵ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 56, Reel 3206. The underlying cause for the fever was not given.

⁹⁶ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 56, Reel 3206.

diarrhoea, loss of appetite, nausea and headache and, according to the surgeon's detailed description and regular observations, was kept in the hospital for two weeks.⁹⁷

The surgeons on the ships carrying Herring, Hyde and the Goodmans give a picture of the procedures on board and the routines expected of their bonded passengers.⁹⁸ Leg irons came off when land had been left well behind. The men were kept up on deck as much as possible during the day and in warm weather a certain number were required to bathe every morning, especially between 20 degrees north and south of the equator. The area between decks, the stores and the prison were kept as clean and dry as possible, and ventilated by use of a sail to funnel the air down into them. Stoves were also used. The bedding was 'taken on deck, aired and well shaken, three times a week' and the 'bottom boards of the bed places taken up daily and kept up for several hours to admit air and purification.' The convicts were made to wash their clothes twice a week; in the tropics woollen clothes were removed and returned as the weather grew cooler at which time 'an additional pair of flannel drawers' was issued. The surgeon on the *Isobella* reported that the food included beef, pork, sugar, butter, oatmeal and cheese; and the surgeon on the *Prince George* stated that chocolate was offered to those who were ill as an inducement to stimulate their appetite. However, that chocolate was provided to convicts on the *Prince George* was the subject of a complaint by Governor Bourke to the Home Office as will be seen below.

⁹⁷ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 54, Reel 3205. Earp, aged 24 at this time, died when he was 31. He was the youngest to die of all convicts in our sample.

⁹⁸ The surgeon on the *Prince George* gave the most detailed account.

Exercise was compulsory in good weather, both morning and evening and, on the *Prince George*, the 'Band played on the top of the long boat ... [which] was sufficient to enliven [the convicts], and cause them to go at a double quick pace'.⁹⁹ Moreover, dancing was encouraged; two weeks after the *Isobella* set sail the surgeon reported that the ship's 'piper/Irish bag pipers played while [there was] dancing on the deck'.¹⁰⁰ That music was provided on these two ships, presumably by the marines, is very much out of keeping with the typical, much grimmer, picture of shipboard life for convicts on these voyages. A school was begun on the *Prince George* soon after leaving land and 'Divine Service [was held] every Sunday on deck when weather would admit, and in the Prison and Hospital on all other occasions'.¹⁰¹ While the surgeon was quick to demonstrate 'the advantage of good conduct [by placing] an immediate check upon those who [showed] a bad example', as we have noted, no cases of flogging or isolation were given in his journal, nor in any of the journals of the other 11 surgeons on the ships carrying the Port Stephens sample to the colonies.

While the price the convicts paid when these tiny ships were caught in treacherous weather has already been mentioned, the convicts aboard the *Prince George*, including Hyde from our sample, received double punishment. Having already suffered a gale in the English Channel before finally departing Britain, the ship encountered severe weather off the Victorian-New South Wales coast, three days from their destination, which nearly cost the passengers their lives. The surgeon's graphic account of what he described as a hurricane is included in Hyde's biography. Having narrowly survived

⁹⁹ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 60, Reel 3207.

¹⁰⁰ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 36, Reel 3198.

¹⁰¹ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 60, Reel 3207.

their plight those aboard the *Prince George* must have surely felt relief as the ship rounded the heads into Sydney Harbour while those on the other ships may have felt apprehension about the fate that awaited them. They would soon find out whether the gruelling stretches they had suffered in gaol and on the hulks and on the voyage would be compounded.¹⁰² But they had to remain on board for up to 14 days before the disembarkation order was given.¹⁰³

The surgeon on the *Isobella* described the events between the arrival of his ship in May 1822 and the distribution of the convicts.¹⁰⁴ Two days after the ship anchored, the Colonial Secretary, Major Goulburn, came on board and mustered the convicts including the Irishman Hoyle, after which they were issued with a complete set of clothing, except for stockings. They were kept on deck during the day for a further three days until disembarked with a day's rations. After inspecting the convicts in the gaol yard,¹⁰⁵ the Colonial Secretary was 'pleased to express his high approbation of their clean and healthy appearance'.¹⁰⁶ Religious books were distributed. *The Monitor*, on 19 January 1828, reported that 'the prisoners who arrived on the ship *Florentia* were landed [after which] the usual inspection took place in the jail yard, previously (*sic*) to their distribution.'¹⁰⁷ It was also reported that 10 convicts from the same ship

¹⁰² The first news of the *Prince George's* arrival in Sydney was a short announcement in *The Sydney Monitor (SM)* on 8 May 1837 saying that the ship was coming up the harbour as the paper went to press. In subsequent newspaper announcements there was no mention of the hurricane or damage the ship had just weathered off the coast although on 11 May 1837 the *Sydney Gazette (SG)* reported that the troops from the 80th Regiment had landed on the 9th and 'marched to the garrison' and that 'A number of invalids [had] been landed from the same vessel.'

¹⁰³ This information was calculated using information relating to 11 of the 15 convicts in our sample. Information for the remaining four was not available. Details of this extra time spent aboard the ships both in Britain and Sydney are given in the prosopography chapter.

¹⁰⁴ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 36, Reel 3198.

¹⁰⁵ The gaol yard was presumably in the Barracks in Macquarie Street.

¹⁰⁶ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 36, Reel 3198.

¹⁰⁷ SRNSW, *Journals of the Surgeon Superintendents*, Adm. 101, Piece 27, Reel 3195.

would be 'immediately forwarded to Penal Settlements, pursuant to directions received from home they being troublesome or bad characters' but Randall, from our sample, was not among them; he was sent directly to the AACo.

What did this amount to? In contrast to conditions in gaol and on board the hulks, the journey was undoubtedly easier to bear. There was the threat of death by drowning or disease and the shadow of strict military rule but there were no floggings among our convicts on their voyage to New South Wales. As far as we can tell the men themselves suffered only relatively minor ailments, and they certainly had reasonable rations, regular routines for personal hygiene and exercise and cleaning clothing and bedding (certainly better than the conditions among the poor living in British cities); even a band and a jig. Of course the sample is small and no statistical significance is claimed but what we see here an experience in two halves – one as expected (prison and the hulks), the other contrary to the expectation (the voyage).

CRIME IN NEW SOUTH WALES

The criminal life of our country got off to a promising start when she was used as a dumping ground for convicts.¹⁰⁸

Historian Michael Sturma offers two basic conclusions about the criminality of convicts in the colony: they were either habitual criminals when they stepped off the boat, or had come from a 'criminal class' which would lead to an ongoing cycle of crime – thus

¹⁰⁸ This popular quote was found in Gary Simes, *A Dictionary of Australian Underworld Slang*, Oxford University Press, Melbourne, 1993, p. 219.

a form of contagion was prevalent.¹⁰⁹ He asserts that contagion is the more difficult of the two to prove, citing the contemporary perceptions contained in literary sources as part of the reason, as well as class biases, and the paucity of accounts written by the convicts themselves. Of course, the spread of crime by contact cannot be quantified in the same way as the spread of disease, but one way to strive for a wider assessment is to extend our frame of reference beyond the individual to the family. There are families in our sample where both the possibility of contagion and the continuation of the cycle of crime can be shown.

Take the family of English convict William Hampton for example. Whereas Hampton himself led an almost entirely blameless life after being transported in 1837, this was not the case with five members of his family who all fell foul of the law: four were in the family of one of his sons and the other in a niece's family. Hampton's son James had followed his father to New South Wales as a free settler where he married off-convicted Irish convict Bridget Spencer in Sydney in 1845. At this time Hampton was residing north of Sydney in the lower Hunter Valley, and it is unclear whether James visited his father before moving south with his family to Tuena in the region of the Abercrombie Caves. It was in Tuena that he and his wife, together with two of their sons, embarked upon several spates of petty crime. The case of Hampton's brother Benjamin, who also followed him to the colony as a free-settler, points to a similarly complex conclusion. Benjamin Hampton settled with his wife and four children in the same area as Hampton in the lower Hunter. One of Benjamin's daughters married a convict, Michael Brazel, and they, too, settled in the same area. Their youngest born,

¹⁰⁹ Michael Sturma, *Vice in a Vicious Society. Crime and Convicts in Mid-Nineteenth Century New South Wales*, University of Queensland Press, St. Lucia, Queensland, 1983, p. 2.

Alfred, was subsequently convicted of stealing. Alfred's grandfather, Hampton, had already been dead for 17 years at this time. There was possible contagion in both these families: in James' family from Bridget, the convict wife and mother, and in Benjamin's family from Michael, the convict son-in-law and father. Thus, although there may have been contagion in these families, it is clear that the cycle of crime had continued in the Hampton family.

Then there is the Collins family. In 1881 a bay gelding belonging to Collins was stolen by his 24-year-old son. No mercy was shown to the son by his father who had him charged. After his release from gaol, the son stole another horse from his father and was again charged. It seems that Collins had resolved there would be no continuation of the cycle of crime in his family. After he died, however, his youngest son was also convicted for stealing horses. Despite Collins' resolve, the cycle of crime indeed continued.

Turning now to Stephenson who, at first glance, might be thought to provide an example of contamination as he and his second wife, a free settler, were charged with manslaughter after their neglect led to the death of their infant child. It turns out, though, the neglect was more likely to have been caused by alcoholism rather than deliberate neglect. A similar picture emerges from the Hyde family where alcohol featured prominently in their lives. Charlotte, Hyde's wife who was an Indigenous Australian, was before the court three times although the cases were dismissed; the most serious case occurred when Charlotte was found to have accidentally smothered her baby after a drinking binge with her husband.

The police superintendent, William Augustus Miles, who took up his duties in New South Wales in 1841, was one who believed in the crime by contamination theory. He told an inquiry in 1842 that 'most robberies in Sydney were committed by former convicts' and that they would contaminate the free immigrants if the two groups mixed.¹¹⁰ Earl Grey, the British Secretary of State for the Colonies, was even more adamant. In a letter to Governor Fitzroy in 1848, he complained that the contagion of criminality began in the prisons where the 'comparatively innocent are seduced ... by the language, the suggestions and the example of more depraved and systematic criminals'.¹¹¹ The widespread belief in contagion continued despite an act passed in 1840 that allowed 'some prisoners to be housed in separate cells to prevent "contamination" by other prisoners'.¹¹²

Another assumption about the criminality of convicts in the colony was that they were habitual criminals or from a 'criminal class'. This was the view of Manning Clark, L.L. Robson and, to a lesser extent, A.G.L. Shaw, and was based on the high rate of recidivism they found.¹¹³ Sturma claims these assumptions originated in 1837 from the deliberations of the Molesworth Committee constituted to inquire into the system

¹¹⁰ David Philips, 'The Royal Bastard as Policeman?', in David Philips and Susanne Davies (Eds.), *A Nation of Rogues? Crime, Law and Punishment in Colonial Australia*, Melbourne University Press, 1994, p. 46.

¹¹¹ Earl Grey to Governor Fitzroy, Circular Dispatch, 13 March 1848, *HRA*, Series I, Vol. XXVI, 1847-1848, p. 265 quoted in Catie Gilchrist, '“A life of noisy riot, of filth, indecency and profaneness”: the convict voice and the bourgeois imagination', *Journal of the Royal Australian Historical Society*, Vol. 92, Issue 1, June, 2006, pp. 38-39.

¹¹² The Act was for the Regulation of Gaols, Prisons and Houses of Correction in the Colony of New South Wales (4 Vic. Act No. 29, Section A). All existing goals and those planned were bound by this Act. See SRNSW Corrective Services website: <http://search.records.nsw.gov.au/activities/2>

¹¹³ See Michael Sturma, *Vice in a Vicious Society*, p. 2; C.M.H. Clark, 'The Origins of the Convicts Transported to Eastern Australia, 1787-1852', Part 2, *Historical Studies. Australia and New Zealand*, Vol. 7, no. 26, May 1956, p. 327; L.L. Robson, *The Convict Settlers of Australia*, pp. 6-7, 123, 126-7; A.D.L. Shaw, 'Convicts and Their Crimes', *SMH*, 27 June 1953.

of transportation.¹¹⁴ There were many who agreed with Molesworth.¹¹⁵ The Archbishop of Dublin, to take one example, wrote of the 'total failure' of the official aims of transportation and stated that 'instead of reforming offenders, it has not only most enormously increased their depravity, but has been the means of widely spreading the contamination of their vices among those who might otherwise have been worthy members of society.'¹¹⁶

According to New South Wales newspapers, three 'crime waves' had occurred in the 19th century: the first in 1835, the next in 1844 and the last in 1849.¹¹⁷ *The Sydney Monitor* reported two main reasons for the increase in crime evident in 1835 – 'the immoral quality of the Emigrants who annually arrive in the Colony', 'the temptations to crime' and the 'general drunkenness of the lower orders'.¹¹⁸ *The Sydney Herald*, unlike *The Sydney Monitor*, attributed the increase to the measures taken by Governor Bourke to reduce the power of magistrates and to the eligibility of emancipists to serve

¹¹⁴ Michael Sturma, *Vice in a Vicious Society*, p. 1. The Select Committee on Transportation, commissioned by the House of Commons, was chaired by Sir William Molesworth and became commonly known as the Molesworth Committee. The committee had been appointed for three purposes: 'first, of inquiring into the efficacy of transportation as a punishment; secondly, of ascertaining its moral effect on the penal colonies; and lastly, the Committee were directed to consider of what improvements the existing system was susceptible.' Hugh Edward Egerton (Ed.), *Selected Speeches of Sir William Molesworth on Questions relating to Colonial Policy*, John Murray, London, 1903, p. 91.

¹¹⁵ See J.B. Hirst, *Convict Society and its enemies. A history of early New South Wales*, George Allen & Unwin, Sydney, 1983, pp. 26 and 165.

¹¹⁶ Sir William Molesworth, Report from the Select Committee of the House of Commons on Transportation; Together with A Letter from the Archbishop of Dublin on the Same Subject; and Notes, Henry Hopper, London, 1838, p. 49. According to Michael Gladwin, in the colony a 'coterie of Anglican clergymen, acting as magistrates and journalists, were at the forefront of efforts to abolish convictism.' Michael Gladwin, 'The journalist in the rectory', p. 56.3.

¹¹⁷ Michael Sturma, *Vice in a Vicious Society*, pp. 12-63. Emsley talks about the role played by the media in obscuring the petty nature of most crimes in favour of providing 'news'. He states 'It seems clear that "crime wave" and "moral panics" could be accelerated, perhaps even generated, during the eighteenth and nineteenth centuries by newspapers eager to boost their sales or crusading for changes in the penal system.' Clive Emsley, *Crime and society*, pp. 293-294, 296.

¹¹⁸ *SM* 29 July 1835

on the jury in criminal cases.¹¹⁹ It was when the Summary Jurisdiction Act became due for renewal in 1832 that the more liberal clauses introduced by Bourke had incensed the conservative members of the society including those in the Anti-Emancipist Party.¹²⁰ While members of this party also believed that rising crime rates in the community could be blamed on emancipists who were increasing in number, during the 1830s only one of the four convicts in our sample who were emancipated during this decade were known to have committed a crime; this was Patrick Hoyle. On the other hand, three of our convicts who were not yet emancipated, added to the crime rate: Collins was charged with assault when on his ticket of leave and both Bray and Mulholland absconded from the AACo.

The police superintendent, Miles, found himself and his police force, in the midst of many predicaments. The severe economic depression that had hit the colony in the early 1840s contributed to concerns about the standard of living in the community, as well as reinforcing the unrest of citizens about the convict presence. The existence of the Hyde Park Barracks in the heart of Sydney served as a constant reminder of this presence.¹²¹ The police numbers in Sydney had been fluctuating and, according to historian David Philips, 1842 saw the police force of 90 men reduced to 65 'as part of a

¹¹⁹ *SH* 30 November 1835; *SM* 3 December 1835. The *SMH* had been a critic of Bourke since his arrival at the end of 1831 to replace Governor Darling. Bourke's liberal style of governing was in direct contrast to Darling's rule when, for example, the number of executions increased. In Bourke's second year as governor, 1833, he had reduced the power of magistrates to order a maximum of 50 lashes at a flogging from the 100 lashes maximum previously in force. See J.B. Hirst, *Convict Society and its enemies*, p. 181.

¹²⁰ Hugh Edward Egerton (Ed.), *Selected Speeches of Sir William Molesworth*, Appendix p. 480. The Legislative Council was so opposed to the changes that the Act was passed only by Bourke's casting vote. See Bourke's biography on web site:

<http://adbonline.anu.edu.au/biogs/A010120b.htm?hilit=bourke>

¹²¹ Michael Sturma, *Vice in a Vicious Society*, p. 42.

general economic retrenchment', with this number increasing to only 76 when the 'crime wave' panic was occurring.¹²²

Miles was convinced that the cause of crime was not poverty but laziness.¹²³ Apart from believing in the contamination theory, he believed that 'most crime was caused by "Sydney suspected or known bad characters, who frequently migrate into other districts", stealing as they went'.¹²⁴ He considered also that most of the criminals belonged to the natural 'criminal class'. Although the perceived 'crime wave' prompted Miles to use the Vagrancy Act, which enabled the police to register 'some quick and easy convictions',¹²⁵ he attracted frequent complaints for not doing enough to lower the rates.¹²⁶ The unrest continued and was fuelled by the anti-transportationists such as Henry Parkes, John Dunmore Lang and William Ullathorne, the arrival of more convicts and the newspapers. Although direct transportation to New South Wales officially ended in 1840, the persistent efforts of 'colonists eager for convict labour' and the British government continued and, in 1849, the first of four ships bearing 'exiles' docked in Sydney. Sturma explains that 'exiles' were convicts from Britain who, having served sentences, had been granted pardons. Since 'convicts

¹²² David Philips, 'The Royal Bastard as Policeman?', p. 44.

¹²³ David Philips, 'The Royal Bastard as Policeman?', p. 44. English social commentators such as Edwin Chadwick, tended to agree, equating criminals with those of the working class who 'were reluctant to do an honest day's work for an honest day's wage, and who preferred idleness, drink, "luxury" and an easy life; in their eyes the problem was a moral one.' See Clive Emsley's article on web site: http://www.bbc.co.uk/history/british/victorians/crime_01.shtml#top. Pike, approximately three decades later, was of a different opinion. He considered that 'Poverty and crime, indeed (or, at least, some forms of crime) are very closely associated even when a nation is prosperous.' Luke Owen Pike, *A History of Crime in England*, p. 412.

¹²⁴ David Philips, 'The Royal Bastard as Policeman?', p. 46. Sir William Molesworth's Report from the Select Committee, p. 483, goes into detail about how easy it was for criminals to evade police in Sydney.

¹²⁵ David Philips, 'The Royal Bastard as Policeman?', p. 56. Instances of arrests under the Vagrancy Act are given in the *SMH* on 2 December 1843.

¹²⁶ See biography of William Augustus Miles at web site: <http://adb.anu.edu.au/biography/miles-william-augustus-2452>.

and criminality' had become synonymous in the minds of anti-transportationists, such ships were dubbed 'cargos of crime' and served to increase anxiety among the colonists about an expected increase in unemployment as well as in crime.¹²⁷ By this time 11 men from our sample had already gained their freedom: those still awaiting their freedom were Bray, Hyde and Mulholland. Earp had died in 1832.

Although by October, 1849, the *Sydney Morning Herald* reported that there had been a 'progressive diminution of crime, especially with regard to felonies', the crime rate for New South Wales was, however, double that of England and Wales.¹²⁸ Within three months, the newspaper reported that there was an 'alarming increase in crime'.¹²⁹ The *SMH* also reported that besides 'the onslaughts of hardened thieves, the citizens are now exposed to the onslaughts of beardless rioters'.¹³⁰ Here the reporter was referring to 'Van Diemen's Land expirees' or the hordes of emancipists descending on Sydney from Van Diemen's Land.

Further, there were reasons for this increase in crime or what David Philips calls 'moral panic'.¹³¹ The first was a riot in Sydney on New Year's Eve in 1850 'which led to a bout of press criticism of the inefficiency of the Sydney police' and the second a press onslaught about yet another perceived 'crime wave' in the colony.¹³² In addition to the

¹²⁷ Michael Sturma, *Vice in a Vicious Society*, p. 50.

¹²⁸ *SMH* 10 October 1849. The article shows that in England and Wales there were 13 convictions per 10,000 and in New South Wales, 31.

¹²⁹ *SMH* 23 January 1850.

¹³⁰ *SMH* 23 January 1850.

¹³¹ David Philips, 'The Royal Bastard as Policeman?', p. 52.

¹³² David Philips, 'The Royal Bastard as Policeman?', p. 69. According to Humphrey McQueen, by this time 'most of the police forces were staffed by ex-convicts.' H. McQueen, 'Convicts and Rebels', *Labour History*, No. 15, November 1968, p. 26.

fear that the 'exiles' caused increases in crime,¹³³ there was now also concern that transportation would be resumed. The Legislative Council acted immediately to supplement and improve the administration of the police services¹³⁴ and, not unexpectedly, voted against any further transportation. Colonists had opted for 'the purity of their country'.¹³⁵

While a cycle of crime has been noted in both the Hampton and Collins' families, there was very likely contagion as well. Furthermore, the actual number of crimes that occurred in both these families is worth noting. It undoubtedly adds a significant level of complexity to the lives of these convicts and is one of the significant outcomes that has emerged from the exploration of convict lives in this thesis.

PUNISHMENT IN NEW SOUTH WALES

No matter how corrupt and unjust a convict may be, he loves fairness more than anything else. If the people placed over him are unfair, from year to year he lapses into an embittered state characterized by an extreme lack of faith.¹³⁶

As we have seen in Chapter 2, half the convicts in our sample committed at least one colonial crime. The punishment for these crimes could be extremely harsh, particularly

¹³³ Sturma's Appendices III and IV show a marginal increase in crime statistics for the years 1849 and 1850. Michael Sturma, *Vice in a Vicious Society*, n.p.

¹³⁴ David Philips, 'The Royal Bastard as Policeman?', pp. 69-70.

¹³⁵ Michael Sturma, *Vice in a Vicious Society*, p. 56.

¹³⁶ Anton Pavlovich Chekhov, 'Nauka', *Sakhalin Island*, vol. 14, Oneworld Classics, 1976, p. 139.

after the implementation of recommendations in the first Bigge Report in 1822¹³⁷, which were strictly adhered to until the brutal regime of Governor Darling ended in 1831. At least three of the 15 emancipists among the Port Stephens convicts were punished during this period: Hoyle was flogged, imprisoned in Sydney Gaol at least twice and sent to three penal settlements; Broadhead served time in Newcastle and Sydney Gaols and sent to a penal settlement; Earp was flogged and sentenced to treadmill punishment as well as being made to work in an iron gang. Four others also suffered one or more of the various punishments after 1831: Bray and Mulholland both spent time in Sydney Gaol; Edward Collins was imprisoned in Newcastle Gaol and sent to a penal settlement; Mulholland spent time in both Newcastle and Sydney Gaols; and Hyde was put into solitary confinement at the AACo after being caught on a drunken spree as well as being sent to gaol in Newcastle four times. Although Governor Darling's regime was known for its harshness there would seem to have been was little difference in the punishments meted out to the convicts in our sample either during or after his rule.

From 1823 a treadmill was situated in Carter's Barracks on the site that later became Sydney's Central Station.¹³⁸ Seen as a more humane punishment than flogging, it was also a device used to grind wheat into flour and maize into meal for the public.¹³⁹ To do

¹³⁷ J.T. Bigge, Report of the Commissioner of Inquiry into the State of the Colony of New South Wales, British Parliamentary Papers, London, 1822. At the behest of the British government Commissioner Bigge had compiled an official report into the state of the colony which led to stricter regulations for the convict system. In particular he recommended increased separation of convicts from the rest of the community in order to emphasize 'any notion of equality' between free settlers and emancipists, more use of secondary punishment facilities and tighter surveillance. See Bruce Kercher, *An Unruly Child. A History of Law in Australia*, Allen & Unwin, 1995, pp 22-42.

¹³⁸ See SR Archives Investigator: Carters' Barracks – Debtors' Prison.

¹³⁹ The grinding costs were listed in the GG on 8 August 1838. The prices depended on whether the flour and meal were dressed or not.

this, convicts were made to keep walking up a set of stairs that was continually turning – the momentum of the stairs forced them to keep walking.¹⁴⁰

In addition to work gangs, iron gangs were introduced during Governor Arthur's term of office.¹⁴¹ Captain John Henderson of the 78th Highlanders commented in 1832 that there did not appear 'any reluctance on the part of the prisoner to go to a chain-gang' suggesting that the convict may wish to 'unite in some plan of robbery or escape; [but that] very frequently ... his object is to punish his master, who from being deprived of a workman, when he most requires one, will thereby be put both to inconvenience and loss.'¹⁴²

Initially the military guarded the convicts working on roads and bridges, but they were replaced in 1827 by convicts appointed as overseers.¹⁴³ In addition to shackles or irons, convicts wore distinguishing uniforms.¹⁴⁴ While some wore single irons which could be

¹⁴⁰ The treadmill was a product of prison reformers in England and was regarded as reformatory 'since it would teach the offenders the habits of industry.' J.B. Hirst, *Convict Society and its enemies*, p. 63. It had been invented by a Mr Cubitt, an engineer and 'gentleman of science' in Lowestoft in Suffolk, England. The date of the invention is unknown. George Laval Chesterton, *Revelations of prison life: with an enquiry into prison discipline and secondary punishment*, Hurst and Blackett, London, 1857. Inhabitants of the colony, however, could bring along their grain and, for a fee, have it ground by convicts undergoing punishment. Apart from those in Sydney there was a treadmill at the government station at Wellington Valley.

¹⁴¹ W.M. Robbins, 'Old or New Human Resource Management? The management of convict labour in NSW 1788-1830, Paper presented at Working Lives, Working Choices Conference, Canberra, U.K., 2007, n.p. See web site: <http://researchoutput.csu.edu.au>.

¹⁴² John Henderson, *Observations on the Colonies of NSW and VDL*, Calcutta, Baptist Mission Press, 1832, p. 15.

¹⁴³ Grace Karskens, 'Defiance, Deference and Diligence: Three Views of Convicts in New South Wales Road Gangs', *Australian Historical Archaeology*, Vol. 4, 1986, p. 19.

¹⁴⁴ In 1814 Governor Macquarie had decreed that 'male convicts who committed further crimes in New South Wales ... should be clothed in "partly coloured dress half black and half white" to distinguish them from other convicts. The intention was to make the wearer stand out and thus deter escape attempts. These garments were the origin of the 'magpie' uniform for chain gangs.' Further, 'The trousers, instead of being stitched up the outside legs, were fastened with buttons 6 inches apart, so that shackled prisoners could get dressed without having their leg iron removed.' See the Statement of Significance on the Power House Museum web site: <http://www.powerhousemuseum.com/collection/database/?irn=205558>. On 15 January 1835, during

furtively removed with a little effort, others were double-ironed for extra punishment and to ensure that the single irons could not be removed. Those who managed to 'slip' their single irons and abscond were double-ironed when caught.¹⁴⁵

Working and living conditions could be cruel. An observer testified that he had 'known them at work when the thermometer was 115°F in the sun ... with a hot wind, and it blew all day'.¹⁴⁶ A convict claimed that there was 'a space of about eighteen inches to lie down in, twenty or thirty lying in a hut.'¹⁴⁷ A statement made by Governor Bourke endorsed this claim. Convicts were:¹⁴⁸

... locked up from sunset to sunrise in caravans or boxes ... [holding] from twenty to twenty-eight men, but in which the whole number [could] neither stand upright nor sit down at the same time (except with their legs at right-angles to their bodies), and which, in some instances, [did] not allow more than 18 inches in width for each individual to lie down upon the bare boards ...

Governor Bourke's rule, the SG published a list of clothing for convicts: 'One Parramatta or Cloth Frock, and one Canvas Frock ; One Parramatta or Cloth Trowsers (sic), and one Canvas Trowsers (sic) ; Three striped Shirts ; Three Pairs of Shoes ; One Straw Hat and Cap, or two Caps.'

¹⁴⁵ The second set of irons could not be removed by the convict. It was placed above the first with the opening tulip-shaped. 'The tulip shape served two purposes. First, it made removal of the rivets easier and second, allowed a chain to be passed through to create a chain gang or to secure the prisoners at night when no stockade was available.' See web site:

<http://www.network54.com/Forum/261154/thread/1254225130/last-1254691536/A+Few+Favourite+Australian+Photos+found+on+the+Net>; also <http://www.powerhousemuseum.com/collection/database/?irn=257451>

¹⁴⁶ W. Ullathorne, *The Horrors of Transportation briefly unfolded to The People*, Richard Coyne, Dublin, 1838, p. 22. Ullathorne was quoting a member of the military guard.

¹⁴⁷ The claimant was John Frost, the celebrated leader of the Chartist uprising in Wales and mayor of the English town of Newport, who was transported in 1840. John Frost, *The Horrors of Convict Life. Two Lectures*. Holyoake & Co., London, 1856. Frost was initially accorded the privileges of a political prisoner. See Frost's biography on web site: <http://www.adb.online.anu.edu.au/biogs/A010385b.htm>.

¹⁴⁸ Governor Bourke reporting on the nightly housing of iron gang convicts when before the Transportation Committee. Hugh Edward Egerton (Ed.), *Selected Speeches of Sir William Molesworth*, p. 460-461. During his governorship between 1831 and 1837, Bourke was known for his attempts to transform the transportation system. On the other hand, according to J.B. Hirst, in *Convict Society and its Enemies*, p. 94, 'Governor Bourke in the early 1830s ... [kept] the ironed gangs locked up in a crude caravan at night [and arranged for] a small military detachment to guard them day and night.' It would appear that, later in his time as governor, Bourke became more sensitive to the convicts' plight.

Flogging was the most common form of punishment.¹⁴⁹ At least two of the emancipists in our sample suffered this brutal treatment while convicts. As well as being forced to work in an iron gang, Earp received 50 lashes at the Hyde Park Barracks and Hoyle was given 25 in Newcastle. Private masters did not have authority to flog and the law obliged them to send an assigned convict to a court for judgment by magistrates. During the years 1830 to 1837 figures sent to the House of Commons showed absconding to be the most common cause of floggings that could be ordered by magistrates. This was followed closely by absenting.¹⁵⁰ The crime least likely to result in a flogging was dishonest conduct. Punishments by flogging for more serious crimes such as assault were dealt with by the Supreme Court. For the years 1833 to 1837, that is, a sample of the years after Governor Bourke had reduced the power of magistrates to order floggings from 100 to 50 lashes, the average number of lashes was 45, whereas prior to this the average was presumably higher.¹⁵¹

The floggings were performed by fellow convicts officially appointed to the role and usually only supervised by a police constable, himself nearly always an emancipist. These convict floggers or 'scourgers' were loathed and despised by their fellows: 'In their eyes they were not merely an instrument of others, but a traitor to their own kind.'¹⁵² Captain Currie, who visited the penal settlement in Newcastle in the early

¹⁴⁹ See Raymond Evans & Bill Thorpe, 'Commanding men: Masculinities and the convict system', p. 17.

¹⁵⁰ Dispatch No. 181, Sir George Gipps to Lord Glenelg, Government House, 8 November 1838, Enclosure No.1, *HRA*, Series I, pp. 653-655. A letter from the Principal Superintendent of Convicts' Office to the Colonial Secretary, dated 23 January 1838, advising of the high staffing costs involved in the production of these statistical returns, was also enclosed for Lord Glenelg's information. Presumably the term 'absenting' here means absence without intention to abscond.

¹⁵¹ The only information in Enclosure No. 1 above is for the year 1831 when 58 lashes were ordered. The only records of the number of floggings found were for the years 1830 to 1837. These also included numbers for Moreton Bay and Norfolk Island. See Dispatch No. 181, Sir George Gipps to Lord Glenelg, pp. 653-655.

¹⁵² J.B. Hirst, *Convict Society and its Enemies*, p. 144.

1820s, commented that 'The floggers are all convicts who have got their tickets, and some of them appeared to be worse ruffians than the poor brutes they flogged.'¹⁵³

Flogging is seen today as cruel and inhumane, but it was considered by officials a necessary part of the 'open prison' that was largely the colony of New South Wales in the convict era. In the early days the colony was run by naval officers who were accustomed to maintaining harsh discipline at sea by this means¹⁵⁴ and hence it was the naval scourge that continued to be used.¹⁵⁵ The military officers who mainly administered the rules and regulations regarding discipline considered flogging to be a necessary punishment for all sorts of 'petty misdemeanors from swearing or disobedience, to the more serious "crimes" of theft or absconding'.¹⁵⁶ Although it might have been seen as a quick punishment, one 'not intended to cancel out the convict as a productive or useful employee', it almost certainly offended the male convict's 'sense of masculinity'.¹⁵⁷

There are numerous reports about the physical effects of floggings as well as the aftermath. One recipient wrote: '[I felt like] an altered manboiling with hatred and revenge'.¹⁵⁸ A witness recalled the sight of 'a man walk[ing] across the yard with blood that had run from his lacerated flesh squashing out of his shoes at every step he

¹⁵³ Captain Currie was the master of the man-of-war *Satellite*. John Windross and J.P.Ralston, *Historical Records of Newcastle, 1797-1897*, Federal Printing and Bookbinding Works, Newcastle, 1897, p. 10.

¹⁵⁴ Grace Karskens, *The Colony. A History of Early Sydney*, Allen & Unwin, Sydney, pp. 162-3.

¹⁵⁵ W. Ullathorne, *The Horrors of Transportation*, p. 19.

¹⁵⁶ Catie Gilchrist, 'This Relic of the Cities of the Plains: Colonial Flogging, Convict Morality and the Colonial Imagination', *Journal of Australian Colonial History*, Vol. 9, 2007, p. 6.

¹⁵⁷ A detailed discussion of these two effects of flogging is found in Raymond Evans & Bill Thorpe, 'Commanding men: Masculinities and the convict system', pp. 24-26.

¹⁵⁸ Alan Atkinson, *The Europeans in Australia. A History*. Volume 2, Democracy, Oxford University Press, South Melbourne, 2004, p. 84

took'.¹⁵⁹ It is important, however, to remember that attitudes and responses could be different 200 years ago: 'I have seen children of very tender ages, stand and view with apparent delight, the blood laying in pools between stones, and the flesh flying from the end of the lashes into the air ', recalled William Ashton.¹⁶⁰ Some saw flogging as a chance to show defiance and their contempt for the system 'by smiling as the cat tore weals of flesh from their backs'.¹⁶¹ Despite reports such as these, Captain Henderson, for one, saw flogging as a discipline to be 'steadily repeated after every act of insubordination' until the victim was eventually subdued by it.¹⁶²

Gaols around Sydney could be used to hold convicts awaiting sentencing for colonial crimes. As already mentioned four of the convicts from our sample – Bray, Broadhead, Hoyle and Mulholland – had been imprisoned in Sydney between 1831 and 1839,¹⁶³ most likely in the main gaol in Lower George which was grossly overcrowded.

As mentioned, three convicts in our sample had been sent to penal settlements. Here the inhabitants lived within a community comprised largely of the military, civilians and the convicts who were strictly controlled and put to hard labour.¹⁶⁴ Further, advances in production methods were not used in penal settlements; in order to ensure the work was arduous, the hoe was used for cultivation and beasts of burden

¹⁵⁹ Alexander Harris, *Settlers and Convicts. Recollections of Sixteen Years Labour in the Australian Backwoods*, Melbourne University Press, Melbourne, 1964, pp. 12-13. *Settlers and Convicts* was first published in London in 1847 'By an Emigrant Mechanic'.

¹⁶⁰ William Ashton, *A Lecture in the Evils of Immigration and Transportation*, delivered at the Town Hall, Sheffield, 23 July, 1838, J. Lingard, Sheffield, 1838, p.15.

¹⁶¹ H. McQueen, 'Convicts and Rebels', p. 30.

¹⁶² John Henderson, *Observations on the Colonies*, p. 14.

¹⁶³ Four relatives of the convicts were also imprisoned in Sydney.

¹⁶⁴ In 1830, a successful campaign by the Monitor newspaper, resulted in restrictions on the number of floggings that were being dealt out in the settlements. J.B. Hirst, *Convict Society and its enemies*, p. 179.

banned.¹⁶⁵ Nonetheless there was always the opportunity to escape given the lack of walls. Hoyle, for one, escaped from two penal settlements in 1824 alone.

The three principal penal settlements on mainland New South Wales hugged the coast at three locations north of Sydney: Newcastle, 66 nautical miles north of Sydney, Port Macquarie, 108 nautical miles further north and Moreton Bay, another 204 nautical miles north of Port Macquarie. A further penal settlement, an agricultural farm at Emu Plains 35 miles to the west of Sydney, meant an overland trek rather than a sea voyage. Newcastle, the colony's first mainland penal settlement, was established in 1804.¹⁶⁶ Due to the influx of convicts sent to the colony after the end of the Napoleonic Wars in 1815 and the concomitant overcrowding in the goals in Sydney due to secondary crimes, a continual stream of convicts flowed north.¹⁶⁷

Accommodation around this time consisted of weatherboard barracks for 800 male convicts and for 50 female convicts. There was also a large stone gaol surrounded by a 12 foot stone wall, a hospital for 60 patients and a large burial ground. A lumberyard and a lime and coal yard were overlooked by a guard house.¹⁶⁸ Although destined to close in 1823, a number of convicts were retained at Newcastle and put to work in the coalmines and on the reclamation works in the harbour.¹⁶⁹ Not long after this, however, due to the increasing demand of the Hunter Valley settlers for coal, the

¹⁶⁵ J.B. Hirst, *Convict Society and its enemies*, p 65. It was also thought that the isolation and hard labour would help deter other convicts from committing crime.

¹⁶⁶ The Newcastle penal settlement had been hastily constructed as a place of punishment for Irish convicts who had participated in the Battle of Vinegar Hill earlier in the year. John Windross & J.P. Ralston, *Historical Records of Newcastle, 1797-1897*, Federal Printing and Bookbinding Works, Newcastle, 1897, p.9.

¹⁶⁷ John Windross & J.P. Ralston, *Historical Records of Newcastle*, p. 9.

¹⁶⁸ Enclosure A with letter from Major-General Macquarie to Lord Bathurst, 27 July 1822, *HRA*, Series I, Vol. X, pp. 697-198.

¹⁶⁹ John Windross & J.P. Ralston, *Historical Records of Newcastle*, p. 13.

number of convicts working in the mines needed to be increased and, in this way, 'Newcastle again became practically a convict settlement'.¹⁷⁰ As already noted in 1826, the government signed a 100-year lease that saw the running of the mines, which covered an area of 2,000 acres above ground, transferred to the AACo with a maximum assignment of 100 convicts to the mines per year. One hundred convicts were not always allocated to the mines, however, causing the company to remind the government of its obligation.¹⁷¹

Hoyle, our serial escapee, almost certainly spent most of his time in the mines when held captive at Newcastle. Most of those in the mines were the 'getters and wheelers' who were lowered in a bucket to the bottom of the shaft and expected to procure two and a half tons of coal a day.¹⁷² Allowed to emerge to wash in seawater after a week, confinement then befell them until 'pay-day', that is, flogging day, the following morning.¹⁷³ Hoyle did not escape a flogging after refusing to work and for swearing at the overseer.¹⁷⁴

¹⁷⁰ John Windross & J.P. Ralston, *Historical Records of Newcastle*, p. 44. Because the mines were worked by convicts, very little attention was paid by the authorities to the unfortunate prisoners injured ... [and] the mine was in such a bad state that for every ton of coal taken out, about an equal quantity of timber had to be sent in to take its place in order to keep the roof from falling in.' John Windross & J.P. Ralston, *Historical Records of Newcastle*, p.53.

¹⁷¹ Dispatch no. 95, Sir Richard Bourke to Lord Glenelg, Government House, 6 October 1835 and Enclosures, *HRA*, Series I, Vol. XVIII, pp. 131-135.

¹⁷² Dispatch no. 95, *HRA*, p. 134.

¹⁷³ James Tucker, *Ralph Rashleigh*, c1840, eBooks@Adelaide, University of Adelaide, last updated 2002, Chapter 24, n.p. From the information available it would appear that the convicts stayed in the mines for the working week.

¹⁷⁴ Hoyle's refusal to work and his use of insolent language can be seen as falling into the first category of protest described by Alan Atkinson, that is, 'attack, physical or verbal, showing a fundamental rejection of authority.' Alan Atkinson, 'Four patterns of convict protest', in Penny Russell and Richard White (Eds.), *Pastiche I. Reflections on 19th century Australia*, Allen & Unwin, St. Leonards, New South Wales, 1994. p 66. Another report about those sent down the mines was that of a settler in a letter published in *The Australian* on 3 May 1826. On visiting the Police Office in Newcastle he found the door 'surrounded by six or seven men, ragged, barefooted, and as black as coal dust could well make them; in fact, they were terrific looking figures.' The settler discovered that the men were miners asking for

In May, 1820 Earl Bathurst from the Home Office authorized Governor Macquarie to establish a penal colony at Port Macquarie to replace the Newcastle settlement.¹⁷⁵

Macquarie had considered it to be 'of great advantage as a place of banishment from hence, the present place of banishment [Newcastle] being too near Sydney whereby the criminals sent thither frequently effect their escape from this place'.¹⁷⁶ After the location had been formalized, the 'best behaved convicts in the Sydney gangs' were selected to work at the site clearing trees in order that farming could commence.¹⁷⁷

Although by the end of 1821 there was housing for 400 convicts and soldiers¹⁷⁸, within three years there was gross overcrowding with 1,500 convicts at the settlement.¹⁷⁹ As already stated, Hoyle absconded from Port Macquarie in July 1824, six months after his arrival.

Shipped further north in 1824, approximately 50 mechanics assisted with the establishment of Moreton Bay, the third of the coastal penal settlements.¹⁸⁰ The

shoes and clothing, and complaining that they had received no new supplies for the previous nine months. He attested that the feet of these men were 'in so bad a state ... that they were scarcely able to stand.'

¹⁷⁵ Dispatch No. 7 from Earl Bathurst to Governor Macquarie, Downing St., 18 May 1820, *HRA*, Series I, Vol. X, p. 306.

¹⁷⁶ Dispatch No. 30 of 1819 from Governor Macquarie to Earl of Bathurst, Government House, 19 July, 1819, *HRA*, Series I, Vol. X, p. 178.

¹⁷⁷ SRNSW, *Colonial Secretary's Papers*, 14 March 1821, Reel 6051; 4/1748 pp.282-285. These convicts, 'three rough carpenters... two sawyers, one blacksmith, one taylor (sic), two shoe-makers and fifty healthy labourers' were to be given either tickets of leave or conditional pardons' after 18 months should their work have proved satisfactory. Iain McLachlan, *Place of Banishment: Port Macquarie 1818 to 1832*, Hale & Iremonger, Sydney, c1988, p.48. According to Edward Higginbotham, an archaeologist who excavated the site of the Port Macquarie penal settlement in 2006, there were buildings that would have housed the military, civil administration and convicts. His report included sketches of the layout that are similar to sketches of the other penal settlements. See Higginbotham's web site: <http://www.higginbotham.com.au/pdf/SummaryReportPM.pdf>

¹⁷⁸ Enclosure A with letter from Major-General Macquarie to Earl Bathurst, London, 27 July 1822, *HRA*, Series I, Vol. X, p. 699.

¹⁷⁹ Letter from Sir Thomas Brisbane to Earl Bathurst, Government House, 8 July 1824, *HRA*, Series I, Vol. XI, p. 304.

¹⁸⁰ This site had been reported on favourably by the explorer Oxley in 1823. See Oxley's biography on web site: <http://adbonline.anu.edu.au/biogs/A020273b.htm?hilit=oxley>. See also SRNSW, *Colonial*

settlement was initially set up for minor offenders such as escapees from Port Macquarie and its location was thought by Governor Brisbane to be 'almost impossible of escape'.¹⁸¹ Despite the presence of 100 soldiers, security was lax and the history of absconding convicts continued.¹⁸² The two offenders from our sample who had been sent to Moreton Bay were lucky enough to arrive after the murder of the notorious Commandant Logan in 1830.¹⁸³ Broadhead had been sent up in 1831 for robbery and Edward Collins in 1835 for assault. Although it is not known whether they were affected by the diseases that were rife at the time – dysentery, trachoma and malaria – or whether they suffered from the shortage of food, they had both been released by 1837 at which time 'the establishment was considerably diminished, and only offenders with short sentences were sent there'.¹⁸⁴ It operated until 1842 when the area was opened up to free settlers.¹⁸⁵

A different kind of penal settlement to those on the coast was that at Emu Plains to which Hoyle had been sent in 1824. This was a farm, which produced 'tobacco,

Secretary's Papers, August, 1824, Reel 6011, 4/3509, pp.279-280 and 7 February 1825, Reel 6014, 4/3513, p.376. Depots were built that encompassed Stradbroke Island to Ipswich and included Cowper's Plains, Eagle Farm and part of present day Brisbane. Jennifer Harrison, *Moreton Bay convict settlement*. See Queensland State Archives web site:

<http://www.archives.qld.gov.au/Researchers/History/HistoricalEssays/Pages/moretonbay-convict-settlement.aspx>.

¹⁸¹ Letter from Sir Thomas Brisbane to Earl Bathurst, 21 May 1825, *HRA*, Series I, Vol. XI, pp. 603-604.

¹⁸² Mamie O'Keeffe, 'Convicts at Moreton Bay 1824-1859', *Royal Historical Society of Queensland*, Brisbane, 2001, p.10.

¹⁸³ Logan had been surveying the Upper Brisbane River when he was killed by Aborigines. See Logan's biography at web site: <http://adbonline.anu.edu.au/biogs/A020110b.htm?hilit=logan>.

¹⁸⁴ Hugh Edward Egerton (Ed.), *Selected Speeches of Sir William Molesworth*, p 461.

¹⁸⁵ See web site: http://www.artistwd.com/joyzine/australia/penal_colonies/moreton_bay.php. Unlike Port Macquarie, however, where present-day citizens openly acknowledge their heritage as a penal settlement, nearly all reminders of the birth of Brisbane as the Moreton Bay penal settlement have been removed. 'Even the giant stately Moreton Bay fig trees, which originally graced the city, were uprooted. They had been used as flogging trees where it was common to receive 100 lashes for "crimes" such as looking the wrong way or having a bad attitude.' See web site: http://www.artistwd.com/joyzine/australia/penal_colonies/moreton_bay.php.

vegetables, maize and wheat, as well as flax and hemp'.¹⁸⁶ Situated on fertile land 35 miles west of Sydney at the base of the Blue Mountains, it had been established by Governor Macquarie in 1819 and operated until 1832.¹⁸⁷

Although at one stage of its existence the farm 'flourished and even made a profit',¹⁸⁸ on occasion the running of the farm left something to be desired. In 1822 there was an inquiry into the administration and convicts even managed to petition the government about the lack of tea and sugar and the provision of inferior meat from wild cattle.¹⁸⁹ According to convict Ralph Rasleigh, the huts at Emu Plains, which numbered about 30, had gaps between the slabs of green timber that allowed the elements to enter.¹⁹⁰ For additional punishment, offenders were handcuffed and marched for a mile to an auxiliary prison known as Belly Bot.¹⁹¹

This place of confinement was subdivided into cells, measuring about seven feet by four, and eight feet high, into each of which the men were literally crammed until the cell was packed tight with standing men, upon whom the doors were crushed shut, so that the men could scarcely move so much as an arm or a leg. In this condition they were left for the night.

¹⁸⁶ Lorraine Stacker, *Chained to the soil of the Plains at Emu: a history of the Emu Plains Government Agricultural Establishment 1819-1832*, Nepean District Historical Society, Penrith, 2000, p. 18. There was also a government farm at Wellington in the central-west of New South Wales that operated between 1823 and 1832. See David Roberts, "'A sort of inland Norfolk Island'? Isolation, Coercion and Resistance on the Wellington Valley Convict Station, 1823-26', *Journal of Australian Colonial History*, Vol.2, No.1, April 2000, pp. 50-72.

¹⁸⁷ Lorraine Stacker, *Chained to the soil of the Plains at Emu*, p. xi.

¹⁸⁸ Grace Karskens, *The Colony*, p. 91.

¹⁸⁹ SRNSW, *Colonial Secretary's Papers*, Fiche 3044; 4/1829 No.100; Reel 6055; 4/1760 pp.189-189a; Reel 6055; 4/1761 p.24

¹⁹⁰ James Tucker, *Ralph Rashleigh*, Chapter 11, n.p.

¹⁹¹ Introduction by Frederick Watson, August 1917 to *HRA*, Series I, Vol. XI, p. xvii.

Hoyle clearly did not appreciate farm life as he lasted only a month before absconding.¹⁹² Upon capture he was banished to Port Macquarie.

Although the Report of the Select Committee on Transportation, 1838, stated that approximately one-sixth of all convicts had been sent to penal settlements at some stage during their bondage,¹⁹³ our sample shows the slightly higher figure of one-fifth. Looking at our sample, however, the data show that, apart from the six who were gaoled, two were flogged and three sent to penal settlements. These results are not inconsistent with those found by A.G.L. Shaw and J.B. Hirst for the convict population in general: Shaw found that 20 to 25 per cent were in iron gangs and/or penal settlement¹⁹⁴ while Hirst found that, in 1835, a year he considered representative of the 1830s, 7,103 convicts were flogged from a total of 27,340 who were under sentence, that is, around 25 per cent.¹⁹⁵

¹⁹² HRA, Series I, Vol. XI, Introduction by Frederick Watson, August 1917, p. xvii.

¹⁹³ Hugh Edward Egerton (Ed.), *Selected Speeches of Sir William Molesworth*, p. 459.

¹⁹⁴ A.G.L. Shaw, *The Convicts and the Colonies. A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, Faber & Faber, London, 1966, p. 216.

¹⁹⁵ J.B. Hirst, *Convict Society and its enemies*, p. 58. Hirst had taken this information from HRA, Series I, Vol. XIX, p. 654.

CHAPTER 6 THE DEMON DRINK

In this chapter I will argue that evidence in this thesis supports the view of previous historians that a proportion of convicts and emancipists were heavy drinkers.¹

An eye-witness recollection of the scene when the Dungog Inn opened in 1840 was undoubtedly typical of other openings of country hotels in New South Wales around this time:²

The first public house in the town was the Dungog Inn. Well do I remember the day upon which it was opened. There was a great gathering of people from all parts of the district. When those that were drinking at the bar got well under the influence they began to quarrel and were pushed out into the street. In the evening there was a big free fight, but there was not much damage done as most of them were too drunk to hurt one another. One man staggered up to two others and said to them – “Here goes, I must be in every row that’s going,” and then threw himself behind a big log.

Alcohol was a feature in the lives of several of the Port Stephens convicts. One, James Stephenson, who built and owned the Dungog Inn, died in 1865 from ‘natural causes possibly accelerated by alcohol’, thereby escaping a manslaughter trial.³ Another, James Hyde, had a life dogged by alcohol but nonetheless lived until the age of 90 when he was found drowned in Lake Macquarie, near Newcastle, in 1899. Samuel Broadhead, owned an inn, albeit for a short period; Edward Collins was a spirits merchant in the Darling Downs; and Francis McNally had a predilection for alcohol that nearly cost him his long-standing position at the AACo as valued ‘animal doctor’.

¹ Unfortunately there are no statistics on alcohol consumption for this group in the colony.

² ‘Some Reminiscences of Dungog, from 1842. [BR. W.H.] Extract: An eye-witness account of the opening of the Dungog Inn in 1840.’ This extract was sent to me by Rod McDonald in 2009. The source is unknown. Dungog is a town approximately 21 km to the west of Stroud, a town in the southern area of the AACo.

³ *MM*, 1 April 1865.

Statistics about the quantities of alcohol consumed by convicts and emancipists in 18th and 19th century New South Wales are difficult to source but it is clear that for the years 1830 to 1837 drunkenness was the fourth most common reason for being flogged.⁴ Equally, there are gaps in the consumption of alcohol rates for all members of the colony for several years between 1788 and 1843.⁵ Nonetheless, it is possible to place the ‘adventures with alcohol’ of these four emancipists in context with extant information relating to drinking habits, consumption rates and the efforts to curb consumption.

Alcohol was introduced into Australia with the First Fleet in 1788. Historians Ross Fitzgerald and Trevor Jordan maintain that ‘a mixture of treacle and rum’ called blackstrap ‘constituted most of the spirits that initially reached the colony.’⁶ When a special issue of rum was allowed to the convicts shortly after they disembarked at Sydney Cove, an ‘alcoholic debauch’ ensued⁷ and excessive drinking became linked with ‘licentiousness, sinfulness and crime’.⁸ The view that excessive drinking was rife in the colony has been endorsed by prominent early historians including Russell Ward who stated that ‘No people on the face of the earth ever absorbed more alcohol per

⁴ Sir George Gibbs to Lord Glenelg, Government House, 8 November 1838, Enclosure 1, *HRA*, Series I, Vol. XIX, pp. 653-654.

⁵ A.E. Dingle, ‘Drink and Drinking in Nineteenth Century Australia: A Statistical Commentary’, *Monash Papers in Economic History*, No. 6, 1978, pp. 245 & 247.

⁶ Ross Fitzgerald and Trevor L. Jordan, *Under the Influence. A history of alcohol in Australia*, Harper Collins Publishers Australia, Sydney, 2009, p. 13. The authors claim that while the term ‘spirits’ was used to denote all alcohol other than beer, from around 1800, ‘rum’ became the term used in the colony. p. 13.

⁷ Keith C. Powell, *Drinking and Alcohol in Colonial Australia 1788-1901 for the Eastern Colonies*, National Campaign Against Drug Abuse, Monograph Series No. 3, Australian Government Publishing Service, Canberra, p. 6.

⁸ Ross Fitzgerald and Trevor L. Jordan, ‘Nation Under the influence’, article in *The Australian*, 29 August, 2009. See website: <http://www.theaustralian.com.au/news/features/nation-under-the-influence/story-e6frg6z6-1225767196595>.

head of population'⁹, while A.G.L. Shaw argued that Australia's inhabitants drank six times more spirits than those in England.¹⁰ These claims have been backed to some extent by historian Michael Sturma but only where he compares the per capita consumption of spirits by males in New South Wales and the United Kingdom for the years 1835-1855.¹¹

While Milton Lewis, an historian specializing in medicine and public health, has suggested that the consumption in colonial Australia was very similar to that in Britain and the United States of America, he points out that Australians are 'pretty good at binge drinking', attributing this mainly to the 'tradition of the bushman working hard for long periods, getting his cheque and then blowing the lot in one go, or most of it, in a local pub or inn'.¹² Although a convict and subject to the rules and regulations of the ACo, James Hyde was charged by company officials, together with five of his fellow convicts, with going on a drunken spree. When reporting the incident, *The Maitland Mercury* commented that this was the routine every month after gratuities were

⁹ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 6. After analyzing alcohol consumption in the colony as well as in the United Kingdom and the United States of America, Powell believes this statement of Ward's to be a myth.

¹⁰ A.G.L. Shaw, *Convicts and the Colonies. A study of penal transportation between Great Britain and Ireland to Australia and other parts of the British Empire*, Faber, London, 1966, p 72.

¹¹ Michael Sturma, *Vice in a Vicious Society. Crime and Convicts in Mid-Nineteenth Century New South Wales*, University of Queensland Press, St Lucia, Queensland, 1983, Appendix VI, n.p. While the statistics show the average consumption to be far higher in New South Wales than in the United Kingdom for these years, the mid 1840s show the consumption in the two countries to be approximately the same due to a decrease for New South Wales. The reason for this may be attributed to the depression that occurred in the colony at that time.

¹² ABC Interview in 2008 with Richard Midford, National Drug Research Institute, Dr Milton Lewis, Australian Health Policy Institute and Professor Robin Room, Turning Point Alcohol and Drug Centre. See web site: <http://www.abc.net.au/rn/rearvision/stories/2008/2269913.htm>. It has also been proposed that the use of alcohol was actually moderate when compared with Britain and the United States of America. Dr Keith Powell, Director of the Alcohol and Drug Service with the ACT Health Authority, claims in support of this assertion that the apparently high rates need to be corrected for the small numbers of women and children in the colony. See *SMH* 29 June 1987. See also A.E. Dingle, 'Drink and Drinking in Nineteenth Century Australia', p. 238.

received.¹³ The article declared that after collecting their gratuities, the convicts ‘appropriated the money in the way most agreeable to their feelings – in getting drunk and disorderly, a practice which they, in the plenitude of their wisdom and gratitude to the company, consider absolutely necessary every pay day’. And so convicts, too, were able to ‘binge’.¹⁴

That alcohol consumption was widespread amongst the colony’s inhabitants is no surprise, especially during the first 30 years, given that (to borrow Milton’s words) ‘drinking was an established cultural norm transported to Australia along with other Anglo-Celtic cultural baggage’.¹⁵ In order to understand the magnitude of alcohol consumption in both England and Ireland, it is important to look briefly at the history of this phenomenon in both these countries.¹⁶

In the century before the first convicts arrived in the colony, cheaply produced gin, which was introduced into England from Holland, had become a favourite with the poor, replacing beer.¹⁷ It could be manufactured in England without licence and flourished as a result.¹⁸ According to Keith Powell, in the 1720s ‘the passion for gin drinking amongst the poor reached epidemic proportions, at least in London’.¹⁹ With

¹³ *MM*, 17 February 1844.

¹⁴ A year prior to this binge, Hyde was imprisoned in Newcastle Gaol for seven days for drunkenness.

¹⁵ Interview in 1997 with Dr Milton Lewis, ‘Alcohol in Australia: the intertwining of social and personal histories’. See web site: <http://www.dulwichcentre.com.au/alcohol-in-australia.html>. According to Dingle, ‘all inhabitants of the colony soon gained access to spirits.’ A.E. Dingle, ‘Drink and Drinking in Nineteenth Century Australia’, p. 229.

¹⁶ By far the greatest number of convicts transported to Australia came from England and Ireland.

¹⁷ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 4.

¹⁸ Lionel Rose, *Drink and Drugs*, from the series History in Focus, Batsford Academic and Educational, London, 1984, p. 5.

¹⁹ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 4. This period in Britain was responsible for the ‘fatal passion for drink ... [that was] irrevocably planted in the nation.’ p. 5. According to Milton

public houses virtually the only means of entertainment,²⁰ it is little wonder that drinking was an integral part of life. In the middle of the 18th century, the painter William Hogarth produced two works, *Beer Street* and *Gin Lane*. As Ross Fitzgerald and Trevor Jordan have argued, *Beer Street* 'is inhabited by happy (amiable) and hard-working (useful) folk, while *Gin Lane*'s are depicted as unhealthy, immoral and irresponsible.'²¹ Within a short time it was decreed that the sale of gin be restricted to licensed taverns and this, together with a price increase, saw the poor revert to drinking locally-produced beer – or to *Beer Street*.²²

Beer-drinking thus took hold in England once more; it was cheap and could be produced at home.²³ On the other hand, as Lionel Rose has put it, 'the wealthy continued to enjoy their port and (smuggled) French brandy ... they would think nothing of quaffing two or three bottles of wine at a sitting.'²⁴ But there were other reasons for drinking beer in England. Drinking water was unsafe; even fresh milk was dangerous and was twice the price of beer; cordials and ginger-beer were hard to get; and beer was said to be a powerful thirst quencher.²⁵ It might be assumed that, if beer were used as a thirst quencher in England, it was far likelier to have been used for this purpose in the colony. Surprisingly, this was not the case as evidenced by the relatively

Lewis, gin at this time was so cheap that one could be 'Drunk for a penny, dead drunk for tuppence.' See ABC interview website: <http://www.abc.net.au/rn/rearvision/stories/2008/2269913.htm>.

²⁰ Lionel Rose, *Drink and Drugs*, p.5.

²¹ Ross Fitzgerald and Trevor L. Jordan, *Under the influence*, p18.

²² See Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 4.

²³ Fitzgerald and Jordan, *Under the influence*, p.20. In 1824 in England and Wales, 5,713,841 citizens were reported to be drinking beer brewed in private houses. William Hoyle, *Crime in England and Wales in the Nineteenth Century: an Historical and Critical Retrospect*, Effingham, Wilson & Co., London, c. 1876, p. 94.

²⁴ Lionel Rose, *Drink and Drugs*, p. 5.

²⁵ Brian Harrison, *Drink and the Victorians. The Temperance Question in England 1815 – 1872*, University of Pittsburgh Press, Pittsburgh, 1971, p. 38.

low levels of beer consumption that are recorded before the 1860s. But nonetheless it would seem for convicts, emancipists and free settlers alike that, if the intention was to get drunk as soon as possible in the colony, spirit was the drink of choice.²⁶

The immoderate use of alcohol extended well into the 18th and 19th centuries in England and Ireland ²⁷ and, given that the vast majority of the convicts came from these two countries, it would be unrealistic to expect that the habit be dropped on their arrival in Australia. Powell claims, however, that, apart from this legacy, there were other reasons for heavy drinking: the hot, dusty climate, hard work and isolation, the social factor of mateship, sexual deprivation and what Powell has called the 'increasing influence of the pub as the social centre of the local community'.²⁸

One such pub was the Dungog Inn, completed in 1840 and owned by emancipist James Stephenson. It was a country pub that 'became an important focus of social life in the district'²⁹ following in the tradition in Britain in the early 19th century where, as already said, public houses were virtually the only means of entertainment.³⁰ Another valuable function of the pub was as a hub for news for local people and travellers alike. At a time when there was often no local newspaper and Sydney newspapers were hard

²⁶ It has been suggested by Dingle that the tea was the most likely thirst quencher given the high levels of usage in the colony. He also quotes a statistician saying that 'the Australian colonies seem to be, in proportion to population, the largest tea drinkers in the world'. A.E. Dingle, 'The Truly Magnificent Thirst': An Historical Survey of Australian Drinking Habits', *Historical Studies*, Vol. 19, No. 75, 1980, p. 243.

²⁷ In England and Wales in 1860, while 88,361 citizens were categorized under the heading 'Drunkenness, and Drunk and Disorderly', by 1874 the number had risen by 110 per cent; this was attributed to increases in the numbers of public houses and beerhouses between 1829 and 1869. William Hoyle, *Crime in England and Wales in the Nineteenth Century*, pp. 35, 64 and 91.

²⁸ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 3. See also A.E. Dingle, 'Drink and Drinking in Nineteenth Century Australia', p. 227.

²⁹ Inscription on plaque outside Dungog Inn.

³⁰ Lionel Rose, *Drink and Drugs*, p. 5.

to come by, as Elizabeth Guilford has put it, the 'local innkeeper in his daily contacts undoubtedly proved to be extremely useful'.³¹ It was also a centre where criminals could consort. An example of this is shown in Stephenson's biography where a plot was cooked up to pass off a fraudulent cheque. And thus, by the simple fact of his vocation, Stephenson was, for good or ill, an important figure in his community.

The earliest person to attempt alcohol production in the colony was the first governor, Captain Arthur Phillip. He had obtained grape vines from Cape Town on the voyage out to Australia and succeeded in growing them in his garden.³² About 30 years later, in 1822, Australian wine was first exported to England and later in the decade George Wyndham planted five acres of vine cuttings in the Hunter Valley. Wyndham was followed by Henry Lindeman in the early 1840s.³³ In 1793 a settler managed to obtain a small still from England and 'found it sufficiently profitable to draw spirits from his wheat grain and to run the risk involved in selling it clandestinely'.³⁴ According to Powell, by 1796 illicit distillation was widely practised, especially among Irish convicts.³⁵ In the same year James Squire commenced brewing beer in Sydney and started to grow hops 11 years later. This was also the year that the Masons Arms was opened in Parramatta – Australia's first legal hotel.³⁶ Then, in 1804, the colonial

³¹ Elizabeth Guilford, 'Hunter Valley Inns and Innkeepers, 1823-1850: Part I, The 1820s', *Journal of Hunter Valley History* 2, No.1, 1986, pp.48-49.

³² See New South Wales Government web site:
[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969abfe557b2f844ca256ecf00079b7f/\\$FILE/07-97.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969abfe557b2f844ca256ecf00079b7f/$FILE/07-97.pdf).

³³ See New South Wales Government web site:
[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969abfe557b2f844ca256ecf00079b7f/\\$FILE/07-97.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969abfe557b2f844ca256ecf00079b7f/$FILE/07-97.pdf).

³⁴ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, pp. 6-7. Powell claims that illicit stills operated until at least the early 1830s.

³⁵ A.E. Dingle, 'Drink and Drinking in Nineteenth Century Australia', p.229.

³⁶ Information from web site: http://www.thebrewersdray.com.au/index_files/beer_history.html.

government established a brewery in Parramatta.³⁷ This was followed by the institution of two large breweries in Sydney. The first, in 1835, was owned by John Tooth and John Newnham³⁸ and the second, in 1869, by John Toohey.³⁹ Many smaller breweries were also set up, and by 1886 there were 74 bottlers of ale and stout in the state.⁴⁰

Rum, however, became the drink most favoured in the early days of the colony. Although initially available to officers and officials only, it was not long before most inhabitants could gain access to it.⁴¹ As is well known, it soon served both as consumable and currency. There was nothing that rum could not buy. It was posted as a reward by the colonial government for the capture of bushrangers; Governor Macquarie paid with 400 gallons of rum for the road to be built between Sydney and Liverpool; some of the builders of a church in 1793 were partly paid in rum by the Rev. Richard Johnson.⁴² Probably the best known example, however, was the building of the hospital in Macquarie Street, Sydney, where rum was used in financial transactions by three business men: on the orders of Governor Macquarie, the men were given permission to import 60,000 gallons of rum in exchange for constructing the hospital. It became known, subsequently, as the Rum Hospital.

³⁷ This was the government's first and last foray into brewing.

³⁸ <http://adb.anu.edu.au/biography/tooth-robert-4731>

³⁹ See <http://adb.anu.edu.au/biography/toohey-john-thomas-4730>

⁴⁰ See New South Wales Government web site:

[http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/\\$File/07-97.pdf](http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/$File/07-97.pdf).

⁴¹ Ross Fitzgerald and Trevor L. Jordan, *Under the influence*, p. 9; Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, pp. 6-7.

⁴² See

[http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/\\$File/07-97.pdf](http://www.parliament.nsw.gov.au/prod/parliament/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/$File/07-97.pdf).

In 1810, due to 'the most mischievous and baleful Effects on the Morals and Industry of the lower Part of the Community' that was seen to have been caused by the 'great and unnecessary number' of public houses that had existed prior to this, the number of public houses was reduced to 20 in Sydney and 11 in adjacent districts.⁴³ This measure apparently did little to stop the increase in consumption as, in the 1820s, it was recommended that the children of convicts should be sent to church and school in an attempt to curb drinking, as well as other vices.⁴⁴

It was from 1824 that convicts started being assigned to the AACo. Those with a penchant for alcohol and assigned elsewhere before being sent to the company presumably already knew some of the avenues through which they could obtain supplies. Those who arrived straight from the transport doubtless learnt very quickly. According to Brian Walsh, convicts on large estates could, in their free time and especially after dark, leave the estate and walk to 'neighbouring properties to buy spirits or to burgle storehouses'.⁴⁵

The convicts at the AACo may have found it unnecessary to leave the estate to purchase their supplies. Damaris Bairstow, author of *A Million Pounds, A Million*

⁴³ SG, 17 February 1810. Those listed for adjacent districts were one at the Halfway House on the road between Sydney and Parramatta, three in Parramatta, one at the Halfway House between Sydney and Hawkesbury and six at Hawkesbury and adjacent districts. The number of public houses that existed prior to 1810 could not be found.

⁴⁴ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p.13-14. On the other hand, a surgeon superintendent of four convict transports who was also well travelled throughout the colony, commented in 1827 that 'one can walk the streets and mingle with convicts and ex-convicts, all peacefully complying with the tasks imposed upon them'.

⁴⁵ Brian Walsh, 'Heartbreak and Hope, Deference and Defiance on the Yimmang: Tocal's convicts 1822-1840', Ph.D. Thesis, University of Newcastle, September 2007, p. 153.

Acres,⁴⁶ contends that John Macarthur had reported the indentured servants to be heavily involved in illicit dealing in spirits. In this Macarthur was supported by the police magistrate on the estate, William Bate, who stated that 'no doubt much traffic in Spirits is carried on by some of the lower classes of free Servants to the company, and frequent scenes of drunkenness amongst the prisoners is the consequence'.⁴⁷

Bairstow also argues that drunkenness was the 'most common' offence among bond and free men⁴⁸ and that it was endemic at Stroud and Carrington, the two major centres on the estate.⁴⁹ Although she names several convicts who were punished for drunkenness, she omits the case of James Hyde and his fellow convicts who went on a drinking binge. Perhaps this omission is indicative of the numbers of convicts punished for this offence on the estate.

Despite the laws instituted in the 1820s that restricted the number of licences for public houses, by 1837 there were 224 licensed taverns in Sydney not including the sly grog shops.⁵⁰ Not much later, in the early 1840s, the number in Melbourne was 50.⁵¹ Indeed, in 1841, in a letter from a 'bushman' to the *Sydney Morning Herald*, it was said that on the road between Sydney and Port Phillip, there was 'little to be seen but gum-trees and public houses'.⁵² The letter continued:

⁴⁶ Damaris Bairstow, *A Milion Pounds, A Million Acres. The Pioneer Settlement of the Australian Agricultural Company*, Published by the Author, Cremorne, NSW, 2003, p.167.

⁴⁷ Quoted in Damaris Bairstow, *A Milion Pounds, A Million Acres*, p.167.

⁴⁸ Damaris Bairstow, *A Milion Pounds, A Million Acres*, p. 284.

⁴⁹ Damaris Bairstow, *A Milion Pounds, A Million Acres*, p. 147.

⁵⁰ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 15. This figure coincides with that of Alexander Marjoribanks who, in the mid-1840s, wrote that there were between 200 and 300 hotels in Sydney. Marjoribanks, Alexander. *Travels in New South Wales*. Oliver and Boyd, 1847, p. 32.

⁵¹ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, p. 15.

⁵² *SMH*, 6 March 1841.

It may be said of the convict population of this district in particular, that every man does that which is right in his own eyes. One great, if not the sole cause of this crying evil, is to be found in the numerous public houses and “sly grog shops” that stare you in every direction. These sinks of iniquity absorb all the wages paid in the district. The only men who seem to be doing well in these hard times, are the publicans and sinners who deal in rum.

The correspondent’s servants, presumably including convicts, got drunk at a public house on the journey, undoubtedly finding themselves later to have been divested of a great deal of money for the privilege. After all, the charge was 8s. for a pint of gin and 4s.6d. for a bottle of ale. It is also possible that, when the clientele was ‘half blind’, the publican had the chance of ‘marking down every pint as two’.⁵³

Consumption of alcohol in the colony peaked in the 1830s.⁵⁴ The average annual intake per head comprised 4.6 gallons of spirits, 4.2 gallons of beer and 3.5 gallons of wine.⁵⁵ As noted earlier, at this time there was a disparity of roughly three males to every female in the colony. Obviously, some of these men did not have families to support, which left much of their disposable income available to spend on alcohol, but that was not the case with the Port Stephens convicts under study here.⁵⁶ The next decade, however, saw the total consumption halved due to the depression and although it increased during the gold rush in the 1850s (when the population of free-settlers increased exponentially), the rate did not rival that of the 1830s.⁵⁷

⁵³ *SMH*, 6 March 1841.

⁵⁴ Keith C. Powell, *Drinking and Alcohol in Colonial Australia*, pp. 7 & 9. Despite the heavy consumption of alcohol in the 1830s, in 1839 (29 August) the *Sydney Gazette* considered the ‘vile swearing in the streets’ to be worse than ‘the vice of drunkenness’. Quoted in Catie Gilchrist, ‘“A life of noisy riot, of filth, indecency and profaneness”: the convict voice and the bourgeois imagination’, *Journal of the Royal Australian Historical Society*, Vol. 92, Issue 1, June, 2006, p. 35.

⁵⁵ A.E. Dingle, ‘Drink and Drinking in Nineteenth Century Australia’, pp. 230-232.

⁵⁶ See Geoffrey Blainey, *The Tyranny of Distance*, Sun Books, Melbourne, 1966, p. 171.

⁵⁷ A.E. Dingle, ‘Drink and Drinking in Nineteenth Century Australia’, pp. 229 and 247.

According to Powell, alcohol consumption steadily decreased after the 1850s, 'a fall paralleled by rapid growth of cities and intense urbanization'. Among the reasons he gives are a major decline in male dominance⁵⁸ and an increase in family life and its concomitant responsibilities giving less time for drinking away from home. As noted, this reason was not pertinent in relation to our sample. Dingle also mentions the expansion of alternative consumer goods and the need for alcohol to compete with them for a place in the available finances.⁵⁹ He points to home ownership and mortgages, furnishings, dress, sport and other recreational alternatives to 'the pub and the bottle'. In this respect these factors undoubtedly affected the behaviour of many of the descendants of the convicts studied in this thesis.

The four emancipists with whom I have identified a direct connection to drinking and the drink trade were from the Hunter River area where heavy drinking was attested to by the many letters and articles in the *Maitland Mercury*. In one typical letter, for example, the observation was made that 'the whole population might be divided into two classes, those who drank spirits, and those who sold them'.⁶⁰ In another letter, the correspondent claimed that many were caught in the 'octopus fangs of the drink fiend'.⁶¹ The writer went on to quote from a comic journal that defined whisky as 'half kerosene oil and the other half liquid fire, and that when a man unaccustomed to drinking it swallows some the same feeling is produced that is caused by swallowing a live crab with the claws foremost'. According to Charles Randall, in Maitland there

⁵⁸ There were two major reasons for this decline: the cessation of convict transports in 1840 to New South Wales, and the end of the 1850s gold rush.

⁵⁹ A.E. Dingle, 'Drink and Drinking in Nineteenth Century Australia', p. 239.

⁶⁰ *MM*, 18 July 1843.

⁶¹ *MM*, 28 October 1890.

were 37 public houses in 1862.⁶² Randall was giving a lecture at the local School of Arts on the question of 'Ought the traffic in intoxicating liquors to be suppressed?'. Very much in favour of his proposition, he claimed that the government should step in to curb the ready availability of alcohol as elaborated upon in his biography.

Apart from James Stephenson, another to hold a license on an Inn in the district was Samuel Broadhead who took a lease on *The Settler's Arms* in Dunmore, not far from Maitland, in 1854. His licence, however, was revoked in May 1855, approximately nine months after it was issued. Whether or not it resulted from a lack of experience as an hotelier or with running a business more generally is unclear but whatever the reason he had not maintained the inn to the required standard. On the other side of the bar, so to speak, was James Hyde who had been punished for excessive drinking when still a convict at the AACo and who continued to drink heavily while an emancipist. Drink did not affect his life expectancy (as noted he lived until age 90); whether it was drink that caused him to fall into Lake Macquarie and drown at his advanced age is unknown.

The fourth emancipist in the Hunter region whose life was touched by drink was Francis McNally. A former policeman, McNally had been assigned to the AACo in 1826, straight from the convict transport. After receiving a Conditional Pardon he stayed on at the company as the 'horse doctor'. In acknowledgement of his expertise a cottage was built on the estate for him and his family. In 1855, however, he aroused the ire of

⁶² See Randall's lecture at the West Maitland School of Art in October 1862 included in his biography. Possibly the first public house in Maitland was the Northumberland which was licensed in 1844 to George Yeomans. This was the meeting place for the 'Maitland Jockey Club and the Maitland Argicultural and Horticultural Association, as well as a place for inquests, entertainment and theatricals'. See the Maitland Municipal Libray's quarterly publication, 'Connections', September, 2012 at web site: <http://www.maitland.nsw.gov.au/UserFiles/File/Edition2kasp.pdf>.

the Assistant General Superintendent, J.C. White, who claimed to have found him intoxicated on several occasions although McNally denied White's charge. There were subsequent occasions when McNally was discovered under the influence of alcohol which led ultimately to his dismissal. Only the plea of his wife, Rachael, that the family had no money and nowhere to go persuaded the company to reconsider and allowed them to stay. McNally died in 1868. According his death certificate the cause of death was senile decay;⁶³ whether or not alcohol contributed to his death was not reported.

Can any conclusions be drawn about alcohol usage in the colonial population of New South Wales from this small sample of four emancipists? Given that two of them, Stephenson and Hyde, were almost certainly alcoholics – and possibly McNally as well – and that both Stephenson and Broadhead catered for drinkers, alcohol was readily available to them. No matter the income of the alcohol users, money to buy alcohol was available. At one end of the income scale was Stephenson who had ample money in his retirement after leasing his inn and, at the other is Hyde, whose access to money, although seemingly only allowing him to live only from day to day, was enough to include alcohol. Licences to sell alcohol were not hard to come by: Stephenson and Broadhead, both ex-convicts, were granted licences to operate inns in New South Wales. Nonetheless, since Broadhead had lost his licence in less than a year after its issue, and Stephenson had problems retaining his, it is clear that those selling alcohol in the colony were under scrutiny. Apart from Stephenson, Hyde, Broadhead and McNally, alcohol also affected the lives of Collins and Randall. Like the publicans, Collins was involved in the drink trade working as a spirit merchant in his home town

⁶³ NSWG Death Registration No. 1868/6250.

of Warwick in Queensland from at least 1855. Randall, a teetotaler at least from the time he joined the St John's Total Abstinence Society in 1845, was the only one to become involved in the fight against the demon drink. The suggestion of previous historians that drink was therefore an important feature of colonial life appears to be borne out among the convicts in our sample. Whether this was at a level higher than in the place of their birth is more difficult to determine.

CHAPTER 7 SUCCESS, RUIN AND SALVATION

The main argument in this chapter centres on the emancipist Charles Randall and will show that he was not ostracised by his community when he was bankrupted in 1863. The implication that it was not a disgrace to be bankrupted in colonial working-class communities is a feature of our history that has not been highlighted before now. The family of James Collins will be included in the subsequent discussion as three members of the family, although not Collins himself, were declared insolvent some decades after Randall. Although bankruptcy/insolvency comprises the major part of this chapter, I will also show how the experiences of the emancipists varied to a significant degree as the title of the chapter suggests.

Thomas Bray, for one, was a success. Despite his chequered history as a convict, he became a very successful farmer on the south coast of New South Wales. While caring for his wife and an increasing number of children, he bought not only farm land but blocks in the township where he was involved in community activities. He also bought land for each of their four boys. James Mulholland was another who made a success of his life despite his criminal record as a convict. When he married he took on responsibility for his wife's four young children despite his fairly impecunious situation at the time. He worked hard, principally as a blacksmith, and bought land in what was to become the main street of Newcastle.

The success of another emancipist was followed by ruin. The success that came early to James Stephenson after he opened his inn in Dungog was ruined after he became an

alcoholic. Both he and his second wife were charged with manslaughter when their youngest child died of neglect. Stephenson died before sentence was passed.

As already indicated two of Edward Collins' 12 children were declared insolvent in Queensland, one son in 1895 and another in 1907. A grandson was declared insolvent in 1938. Collins himself, however, worked hard and, despite ups and downs, eventually made a success of his life in the colony. He had the foresight to settle in the fertile Darling Downs where he bought grazing land in addition to the town blocks he started to buy and sell not long after his arrival. Charles Randall, on the other hand, was ruined when he was eventually declared bankrupt in 1863 in New South Wales. Thus it is worthwhile to examine the development of bankruptcy and insolvency laws in the colony.

According to legal historian Bruce Kercher, in the early years of the colony the law was developed 'first by a marine officer and then by a retired military man who dabbled in poetry, metaphysics and alcohol'.¹ At this stage the only courts were legal tribunals.² By the time Randall and Collins' sons and grandson fell into debt, those involved in the formulation of laws had rather more legal experience. One of these was Sir Francis Forbes who had been called to the English bar in 1812 and was appointed Chief Justice of New South Wales in 1823.³ Another was Sir William Burton, who was called to the

¹ Bruce, Kercher, *An Unruly Child*, p 44. The first civil action in colonial Australia was undertaken by Henry and Suzannah Kable who successfully sued the master of the First Fleet ship on which they travelled for having stolen their baggage.

² J.M. Bennett, *Portraits of the Chief Justices of New South Wales 1824-1977*, John Fergusson, Sydney, 1977, p. 11.

³ J.M. Bennett, *Sir Francis Forbes. First Chief Justice of New South Wales 1823-1837*, Sydney, The Federation Press, 2001, pp. 16, 55.

English bar a year later, and appointed a judge of the Supreme Court of New South Wales in 1832.⁴ The Supreme Court, legitimized by the 1823 New South Wales Act,⁵ had been operational since 1824 and had the power over full bankruptcy relief to all debtors.⁶

In New South Wales bankruptcy and insolvency were treated separately until 1830 when they were combined into one act⁷ and, although similar, they remained separate concepts.⁸ Insolvency was the ‘inability to pay your debts or meet your expenses’ while bankruptcy was ‘a state in which a person is unable to pay creditors and is required to undergo a legal process that usually results in liquidation of his/her estate in order to meet expenses (at least in part). If a person is declared to be a bankrupt then he/she cannot operate a business for profit, enter a business contract or borrow money.’ With bankruptcy, a sequestration order could be made ‘by the court giving the trustee control of the debtor’s property. The date of sequestration is the official date on which the debtor becomes bankrupt.’

According to Bruce Kercher, ‘The colonial legislatures passed many reform acts, which oscillated between sympathy for debtors to sympathy for creditors, and from English

⁴ J.M. Bennett, *Sir Francis Forbes*, p. 60.

⁵ The official name of this Act was the Act for the Administration of Justice in New South Wales and Van Diemen’s Land, 1823 (4 Geo. IV, c.96). J.M. Bennett and Alex C. Castles (Eds.), *A Source Book of Australian Legal History. Source Materials from the Eighteenth to the Twentieth Centuries*, The Law Book Company, Sydney, 1979.

⁶ Kercher, Bruce, *An Unruly Child*, pp. 71-72.

⁷ This was the Act for the Relief of Debtors and for an Equal Distribution of their Estates and Effects amongst Creditors – 11 George IV No 7. See SRNSW Archives in Brief no. 58.

⁸ The definitions in this paragraph can be found in SRNSW *Archives in Brief no. 58* available on SRNSW websites:

<http://www.records.nsw.gov.au/state-archives/indexes-online/indexes-online#bankruptcy> and <http://www.records.nsw.gov.au/state-archives/indexes-online/indexes-online#insolvency>

precedents to local innovations.’⁹ Nonetheless, the most important of these was passed in 1841 allowing ‘all debtors to take advantage of bankruptcy.’¹⁰ The act was drafted by the normally conservative Judge William Burton.¹¹

After the act was passed, Burton published an explanation that was intended for the merchants in the colony to whom he described himself as a ‘faithful friend and servant’.¹² The act included directives regarding initial meetings of creditors, the necessity of directions from the court for subsequent meetings, the distribution of goods and effects not in excess of £100, the retention of wearing apparel and so on for the insolvent’s own use, valuation of landed and personal property, stock-in-trade and outstanding debts.

While these legal decisions were being made, bankruptcy would have been far from the mind of emancipist Charles Randall. As detailed in his biography, in the early 1840s

⁹ Bruce Kercher, *An Unruly Child*, p. 115.

¹⁰ Bruce Kercher, *An Unruly Child*, p. 116. This Act, passed by the Legislative Council, was called the Insolvency Act: ‘An Act for giving Relief to Insolvent Persons and Providing for the due Collection, Administration and Distribution of Insolvent Estates, within the Colony of New South Wales, and for the Prevention of Frauds affecting the same.’ [5 Victoria No. 17]. Imprisonment for debt was abolished in 1843 in New South Wales although debtors could still be imprisoned under criminal law. See SRNSW, *State Records Archives Investigator* web site: <http://investigator.records.nsw.gov.au/Entity.aspx?Path=\Activity\8>

¹¹ As Kercher suggests Burton possibly felt sympathy for those who had suffered in the country’s depression which peaked in 1842/43. The usually conservative Burton could nonetheless be progressive – according to Kercher it was 20 years before a bankruptcy reform such as this was initiated in England. Bruce Kercher, *An Unruly Child*, pp. 115-116.

¹² William Westbrooke Burton, *Insolvent Law of New South Wales, with practical directions and forms*, Wm. Moffitt, Pitt Street, Sydney, 1842, pp1, 94-95, 79ff and 112. Burton also explained that the law had been framed in accordance with principles from the Dutch who had introduced a law for insolvent persons at the end of the 15th century. Three years earlier he had published ‘Observations’ on this Act wherein he explained how it departed from the English Bankruptcy Law. See: ‘Observations on a Bill now before the Legislative Council of New South Wales entitled A Bill for giving Relief to Insolvent Persons, and providing for the Due Collection, Administration, and Distribution of Insolvent Estates Within the Colony of New South Wales and for the Prevention of Frauds Affecting the Same; Addressed To The Members of the Legislative Council, The Merchants, Traders, And Others, of New South Wales.’ It was printed at the “Herald” Office, Lower George Street in 1838.

Randall, now aged 33 and newly married with a young child, was busily setting up his hairdressing business in West Maitland in the Hunter Valley. He could not have anticipated the many personal tragedies and business disasters that would befall him in the 22 years before his bankruptcy in 1863: seven of his 13 children would die, he would lose his hairdressing business as well as the boarding house he had subsequently established.

With responsibility for a sick wife and three young children still at home he would have found it difficult to obtain paid employment. With all the day-to-day expenses and accumulated debts dating back to 1858, it was inevitable that bankruptcy would strike in 1863 – as it did. The debts totalled £46.11.8d and comprised medical expenses for the past five years, two promissory notes, rent and goods from local suppliers.¹³ Although his debts were low when compared with the average debt of £644 for the colony 13 years later in 1876,¹⁴ they were enough to force him into bankruptcy. His only assets – furniture and clothing – amounted to £8. These, too, were very modest compared with the average in 1876 of £337.¹⁵ Relatively poor, Randall had clearly been forced to live above his means. Whether the furniture was sold and the proceeds distributed amongst the creditors is unknown, as is exactly how they managed to survive with no possessions other than their clothes which, in accordance with Burton's explanation of the insolvency law above, they were able to retain. It is

¹³ *MM*, 17 & 19 September 1863.

¹⁴ *ABS, Catalogue of Australian Statistical Publications, 1804 to 1901*, p.429. The section 'Wealth and Progress in New South Wales' by T.A. Coghlan, Government Statistician, Table 260 gives the Number of Insolvencies in the Colony, with Amount of Liabilities, Assets, etc. for the years 1876-86.

¹⁵ *ABS, Catalogue of Australian Statistical Publications, 1804 to 1901*, p.429.

possible that the couple's older children were in a position to help them through this crisis: Robert, 22, and Charles, Jnr 18, were both cabinetmakers.

Nonetheless, Randall may have been forced to look for other means for support. As historian Ann O'Brien notes, during the 19th century 'charity was the main institutional assistance protecting poor people from starvation and homelessness'.¹⁶ While in 1862 the colonial government had 'assumed full responsibility for housing the poor who were aged and infirm',¹⁷ at least one public charity existed in Maitland in the 1860s: the Maitland Benevolent Society, which was founded in 1867 after £170 had been raised in donations.¹⁸ O'Brien states that the purpose of the society was to help those in need by means of the provision of 'outdoor relief or rations', also claiming that 'most nineteenth-century public charities were imbued with a Protestant ethos and run by committees of Protestants'.¹⁹ Maitland had become an Anglican parish in 1838 and, according to church data, the early settlers lived by a 'high moral code'.²⁰ Presumably, parishioners of the church provided aid to the town's needy. It was also not uncommon for people in the local community to provide charity in a more informal

¹⁶ Ann O'Brien, *Charity and Philanthropy*, Dictionary of Sydney website: http://www.dictionaryofsydney.org/entry/charity_and_philanthropy. O'Brien also maintains that the terms charity and philanthropy were used interchangeably for most of the 19th century. She presently holds the position of Associate Professor in the School of History and Philosophy at the University of New South Wales.

¹⁷ Ann O'Brien, *Charity and Philanthropy*, Dictionary of Sydney website.

¹⁸ These details were included in a speech to the N.S.W. Legislative Assembly by the member for Maitland, Frank Terenzini. See *Hansard* details at: <http://www.parliament.nsw.gov.au/Prod/parliament/hansart.nsf/V3Key/LA20071116009>. The Benevolent Society, established in 1813, was the earliest charitable entity in Australia. It was then known as the New South Wales Society for Promoting Christian Knowledge and Benevolence in These Territories and the Neighbouring Islands. By 1818 the name had been changed to the Benevolent Society of New South Wales. At that time its main aim was to relieve poverty in Sydney.

¹⁹ Ann O'Brien, *Charity and Philanthropy*, Dictionary of Sydney website.

²⁰ Anglian church website: <http://www.maitlandanglican.com.au/St-Mary's.php>

way. According to an account from the church ‘tradesmen waived debts, landladies did not always insist on rent and neighbours minded children and shared food’.²¹

Other forms of aid were available. Fourteen years before Randall’s bankruptcy, an act licensing pawnbrokers in New South Wales had been passed²² and, within two years, at least one pawnbroker had set up a business in Maitland²³ although Randall had few assets to pawn.

The news of Randall’s bankruptcy was immediately reported upon in the local press and on subsequent occasions.²⁴ Inevitably, then, many people in the town – the population was about 7,500 for both East and West Maitland in 1861²⁵ – were privy to Randall’s financial circumstances. His bankruptcy and seemingly penniless

²¹ Anglian church website.

²² This was in 1849 and was entitled The Act for Regulating the Trade or Business of Pawnbrokers in New South Wales. Persons applying for a licensee under the Act were required to produce testimonies from five people living in the district in which they planned to establish their business. If approved the applicant paid £10 per annum for the license. See <http://www.legislation.nsw.gov.au/sessionalview/sessional/act/1849-37a.pdf>. In *The Maitland Mercury* dated 3 November 1849 it was reported that a J. King Heydon of King Street was the first person to receive a pawn broking license in Sydney. In Melbourne, the first license was granted to a woman, Ann Wills, who established a business in Bourke Street. By 1859, there were 39 such businesses in Melbourne and suburbs. See web site: <http://www.emelbourne.net.au/biogs/EM01124b.htm>.

²³ On 24 December, 1851 it was reported in *The Maitland Mercury* that one William Prain was up before the Maitland Quarter Sessions charged with a breach of the Prawnbroking Act. It was also reported in the *Maitland Mercury* that a Mr Ingram’s licence had been renewed. *MM* 3 June 1865. 1860 saw a further prawnbroking act which remained in force until 1984.

²⁴ *MM*, 17 September 1863.

²⁵ According to the Australian Data Archive, *NSW 1861 Census, Conjugal and Domestic Condition*, p. 49, the inhabitants numbered 7, 647. There are discrepancies, however, in the numbers between this source and two others accessed. A *SMH* web site shows about the same figure of 7,694 for 1866, that is, five years later. See <http://www.smh.com.au/news/New-South-Wales/Maitland/2005/02/17/1108500197615.html>. Another, the ABS’ *Colonial Statistics, Catalogue of Australian Statistical Publications, 1804 to 1900*, p.144. states the population to be only 7,301 in 1881. Both these figures seem to be too low when considering the findings of N.G. Butlin in *Investment in Australian Economic Development 1861-1900*, Cambridge University Press, 1964, p. 185, which give a table of Intercensal Population Increase in which is shown that the Other Urban (urban other than Sydney urban) increased from 46,585 in 1861-71 to 92,987 in 1871-1881 i.e. it doubled in this time. According to this report, Maitland had the third highest Other Urban population, preceded only by Newcastle and Parramatta.

circumstances did not deter him from attending meetings of the West Maitland School of Arts and he continued to play an active role in the school's activities for at least three years. He was obviously not shunned by the members of the community who visited the school.

The Bankruptcy Act was passed in 1841, not long before Collins and his wife Margaret had arrived in Warwick, a town in the fertile Darling Downs to the west of Moreton Bay.²⁶ Collins and his wife settled in Warwick sometime between 1845 and the early 1850s when he and a business partner set up a cartage business.²⁷ He also became a licensed spirit merchant and bought land in the town and the countryside. After Margaret died in an accident in 1863, Collins married the mother of his five children, Elizabeth Sarah Ward, and together they went on to have a further seven.²⁸ Two of Collins' sons later became insolvent (as did a grandson). The first was James Ward Collins, his second son, who became insolvent in 1885.²⁹ James was a labourer who had accumulated personal debts. The other was the Collins' first born, Edward Ward Collins, who was 'adjudicated Insolvent in forma pauperis' in 1907.³⁰ The insolvencies were reported regularly in the local papers which would indicate that it was a commonplace occurrence although whether those named were shunned as a result is

²⁶ Moreton Bay was on the coast in north-east New South Wales at this time. Brisbane was established on this site.

²⁷ The exact date at which Collins arrived in Warwick cannot be established.

²⁸ Unfortunately four of their children died.

²⁹ *WA*, 29 October 1895; *BC*, 28 October 1895; *WET*, 30 October 1895.

³⁰ Letter from the Deputy Official Trustee to the District Receiver, In Insolvency, Roma. QSA, ID 1062981 (Series ID 15200), Insolvency Files. Being declared Insolvent in forma pauperis allowed filing fees to be waived.

uncertain. There are certainly examples to be found, however, where bankruptcy did not hinder the progress of emancipists, albeit earlier in the colony's history.³¹

Free settlers were not immune from bankruptcy. The most notable was Australia's father of Federation, Sir Henry Parkes, who was bankrupted twice: first in 1858 with total debts of around £54,000 then in 1870 with debts of over £35,000 and assets of only £11,456.³² When first bankrupted, his beloved newspaper, the *Empire*, was forced to close³³ and he immediately resigned from parliament. With his family he then reluctantly moved from his 'splendid two-story Georgian house [in Sydney] ... on 160 acres of land beside the Parramatta River' to a rented farm at Werrington to the west of Sydney while, at the same time, losing all the family's possessions other than 'household furniture, library and wearing apparel'.³⁴ Adding insult to injury the bankruptcy and 'other circumstances connected with it' prevented his planned admission to the Bar.³⁵ It took three years for Parkes' estate to be released from sequestration³⁶ during which time his friends and political allies stuck by him. On one occasion, much to his surprise, his standing in the community was given a boost when the *Empire*, revived in May, 1859 and under different ownership, printed a rousing

³¹ See for example the biographies of James Bloodworth and Thomas Wells on <http://adbonline.anu.edu.au/biogs/A010112b.htm?hilite=bloodsworth> and : <http://adbonline.anu.edu.au/biogs/A020527b.htm?hilite=thomas%3Bwells>

³² A.W. Martin, *Henry Parkes. A Biography*. Melbourne University Press, Carlton, Victoria, 1980, p 258.

³³ The *Empire* had been founded in late 1850. See Parkes' biography on web site: <http://adbonline.anu.edu.au/biogs/A050455b.htm?hilite=parkes%3Bhenry>

³⁴ *SMH*, 4 November 1858. Parkes wrote in his diary, however, that the 'furniture [was] all in heaps' and that there was 'the uncertainty of being able to retain possession of it.' A.W. Martin, *Henry Parkes*, pp. 152, 157.

³⁵ Reece, R.H.W., 'Henry Parkes as "Parliamentary Martyr for the Working Classes" in 1859', *Labour History*, No. 13, November 1967, p. 12.

³⁶ A.W. Martin, *Henry Parkes*, p. 179.

editorial.³⁷ Notwithstanding subsequent financial vicissitudes, Parkes' political career and reputation survived.

And so, did people in the community care that Randall and Collins' sons had been bankrupted? Probably not. Newspapers such as the *Maitland Mercury* and *The Queenslander* carried regular columns that reported the names of those declared bankrupt, frequently following these up with notices of debtors meetings. In addition, newspapers such as the *Brisbane Courier*, the *Warwick Argus* and the *Warwick Examiner and Times*, covered the insolvencies of residents in Warwick where the Collins' sons and grandson were declared insolvent. Although statistics for Queensland are not available, in New South Wales there were at least 23,108 people bankrupted between 1842 and 1887 – an average of 514 each year or 5 per cent of the population.³⁸ It was not an uncommon occurrence.

But how did Randall and Collins' two sons and his grandson fare? Although community members may not have been shocked by bankruptcy, the case of Collins and his progeny is complicated by criminality. His first son, Edward Ward Collins, was prosecuted for stealing his horses before he was bankrupted, and Collins lived long enough to see his second son suffer the same fate. Whether he knew that a grandson was already going down the same path is unlikely. When his wife Margaret died in 1898, a year after Collins himself, her will was probated – we can only speculate that it

³⁷ A.W. Martin, *Henry Parkes*, pp. 171-172. For another example see George Alfred Lloyd's biography: <http://www.adb.online.anu.edu.au/biogs/A050112b.htm?hilite=lloyd%3Bgeorge%3Balfred>.

³⁸ SRNSW, *Supreme Court Insolvency Index, 1842-1887*, NRS 13656, Reel 38. The percentage was calculated by using the statistics for the number of people in New South Wales during these years. See web site: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3105.0.65.0012006?OpenDocument>

was because she had significant funds and possessions available for distribution.³⁹

That Margaret included neither her sons James nor Edward indicates her possible disenchantment with them. Collins, however, had worked hard since arriving in Queensland in approximately 1850 and had thrown off his criminal past. Randall, as we have seen, although he had lost two businesses,⁴⁰ continued his involvement in the School of Arts for three years after his bankruptcy in 1863 and, in addition, was still involved in the St John's Total Abstinence Society in 1866.⁴¹

While only four cases of bankruptcy and ruin have been found in the families of the 15 men in our sample, what can this limited information tell us about the subject in the colony? Randall's bankruptcy did not prevent him from continuing to establish businesses and pursue his activities in the community – clearly his salvation. And, as shown, he was not stigmatised because of his bankruptcy. With regard to Collins' sons, very little has been found about their lives after insolvency although, according to a family account, Edward Ward Collins was 'a broken man' in his later life.⁴² Evidently his life was in ruins.

Although, by contrast, one of Diogenes Herring's brothers-in-law went on to become Australia's richest land-holder at the time, it seems that Herring must have scrimped and saved in order to provide for himself, his wife and an ever increasing number of daughters. Given his known occupations over the years – labourer, carter, and

³⁹ Margaret left the whole of her estate to her fourth daughter, Stella Blanche.

⁴⁰ The flood in Maitland of 1857 may have contributed to the loss of his businesses. The Hunter River which flowed close by the main street, reached a peak at a height of 30 feet at that time.

⁴¹ *MM*, 19 June 1866.

⁴² Personal communication from Bradley Collins in 2009.

teamster – it seems unlikely that they had money to obtain anything other than their daily needs.⁴³ Just how he managed in his later life is unknown. It is known, however, that salvation touched his life when his four surviving girls were left part of their Uncle James' massive fortune.

On another note, two in our sample may have been better off had they not been transported. The first is Thomas Goodman, the son of the elderly convict James Goodman. Thomas was a bullock driver who married in 1851, with three children born in rapid succession. Around 10 years after his emancipated father, James Goodman, returned to England, Thomas was found dead on a river bank: the official cause of death was apoplexy. However, family history implies the death was suspicious and, given his circumstances, the possibility he took his own life cannot be ruled out. He may well have been better off in England and away from the influence of his twice-convicted father during his formative years. The other is Patrick Hoyle from Ireland who never seemed to escape his convict identity. A perpetual escapee, he was always apprehended. After finally being given his ticket of leave he was involved in an assault, convicted and gaoled again, and his ticket of leave revoked. Later, with his ticket renewed and married with four young children, he died at the age of 40. With his wife left destitute, two of his children were placed in orphanages. For Patrick and for his family, transportation to Australia may have been the worst outcome.

⁴³ None of these occupations were in great demand unlike skilled trades and craftsmen that were used in areas such as construction, farriery and butchery, etc. See Brian Knight, 'Evolution of Apprenticeships and Traineeships in Australia: An Unfinished History. Occasional Paper.' National Centre for Vocational Education Research Ltd. Adelaide.

Finally, success again. First, Irishman Patrick McNally, former policeman, convict and emancipist at the AACo, was valued as the company's veterinary surgeon/horse doctor, and managed to acquire valuable property thereby helping to secure the future of his family. Second, Englishman James Goodman, who was severely crippled, managed to earn enough money, not to spend on property, but on a ticket for his journey home to Staffordshire in the English Midlands. From the evidence available he arrived back in time to be with his wife not long before she died. His was a different kind of success.

CONCLUSION

Attempting to rescue convict lives has been an exciting journey. One minute an inert file lay before me and the next it revealed an image of two country magistrates arguing bitterly in 1849 over the renewal of a liquor licence for an emancipist innkeeper in New South Wales. It was difficult to avoid an emotional connection to this scene, but I sought to constantly remind myself of the danger of doing so. I have attempted to place the biographies of these 15 convicts within their own cultural and material contexts and to leave my present-day assumptions and what Inga Clendinnen has called 'current obsessions'¹ behind me. Fortunately the archives have been kind by allowing me to compile many fragments of information that these characters unwittingly left behind – more than I anticipated. The focus of the method of micro-prosopography is not in the first instance on the biographies of the individuals as such but on their commonalities and contrasts. Nevertheless, I hope I have offered a glimpse of their lives when they became convicts and of their trajectories (and those of their families) after they ceased to be convicts. Fifteen is a very small sample but by collecting every snippet of information it was possible to build a detailed portrait of their lives in aggregate as well as bringing to light features of the world in which they lived. Indeed, I believe that the approach employed here highlights potential revisions about convicts' lives worthy of further examination.

I have suggested that the nature and length of the period between trial and arrival in the colony should be reconsidered. For these 15 convicts the period before they sailed

¹ Inga Clendinnen, 'The History Question. Why Owns the Past?', *Quarterly Essay*, Black Inc., Melbourne, Issue 23, 2006, pp. 27-28.

was harsh (perhaps more so than has been recognized) but the journey itself less fraught. After conviction they were not sent straight to the hulks or even to large 'holding' gaols such as Millbank or Pentonville in London, as is sometimes thought;² instead they spent time in their local gaol, although the amount of time varied significantly. Then, the transportation vessel often stayed in British waters for a considerable time. On the voyage itself, where the boredom was sometimes relieved by exercises and dancing on the deck, the surgeons seemed generally solicitous of the convicts rather than harsh. And last of all, after the ship arrived in Port Jackson harbour, the convicts were forced to stay on board the ship, sometimes for several days. It is clear that convicts were confined on the transportation vessels for far longer than is generally thought. What does this matter? If the experience of these 15 was more common it is surely worth asking whether or not it affected the expectations and attitudes of the convicts for the life ahead of them.

Other conclusions concern the lives of the convicts after their arrival in the colony and before emancipation. The nature of the crimes committed in the colony ranged widely – from absconding (sometimes the same convict absconded on many occasions) to alcohol abuse and robbery – and the number that reoffended is higher than we might have expected. Approximately half of the men in the sample committed crimes after they arrived. Timing is important, however. While still convicts, some of them fitted the 'official and unofficial presumptions that [they] were "always ready to do wrong, to rebel, and then deceive"'³ after emancipation, with the exception of one, they

² Unless they came from London or immediate surrounds.

³ W. Ullathorne, *The Horrors of Transportation Briefly Unfolded to the People*, Dublin, 1838, p. 9, quoted in Raymond Evans & Bill Thorpe, 'Commanding men: Masculinities and the convict system', *Journal of Australian Studies*, Vol. 22, Issue 56, 1998, p. 17.

turned out to be men who led unremarkable and law-abiding lives.⁴ Having said that, in two cases at least one member of their families in the first three generations committed a crime. That there was criminality within these families is significant and the rate is perhaps well above what we might have expected in such a small sample. And another point to be noted: the generally accepted view that there was a problem with alcohol consumption in the colony of New South Wales appears to be correct.

The increase in height of our convicts in the colony was possibly attributable, in part at least, to their healthy diet. In contrast to the usual conclusions that emancipists did not become proprietors and those that did, often failed,⁵ we have seen that success in business and the acquisition of land was not uncommon and that financial ruin was low. Although a little less than one-third of children born to our convicts died before they reached adulthood this was still less than for New South Wales as a whole and much lower than in Great Britain. The convicts themselves lived far longer than those in Britain. Most stayed in the location in which they had initially settled rather than moving from place to place – an indication of their prosperity. Only one of the 15 ever returned to England – this too is not what we would expect when we read general histories of the convict experience. Finally here, our convicts had more success in finding a wife than those in the general population of New South Wales.

⁴ See also Brian Patrick Walsh, *Heartbreak and Hope, Deference and Defiance on the Yimmang: Tocal's convicts 1822-1840*, Doctoral Thesis, University of Newcastle, September 2007, p.284. The exception here was James Stephenson who died just before his trial for manslaughter. He and his second wife had neglected their youngest child to the extent that she died from malnutrition.

⁵ For example, John Hirst has argued that 'most ex-convicts did not want to become petty proprietors and that those who did frequently failed was of profound significance for New South Wales. It meant that employers were not usually deprived of a labourer by the expiry of a convict's sentence.' J.B. Hirst, *Convict society and its enemies. A history of early New South Wales*. George Allen & Unwin, Sydney, 1983, p. 100.

The biographies of the 15 men reveal some intriguing stories reminding us of the complexity of people's lives. But many questions remain unanswered that may, in some cases, suggest lines for further work. How rewarding it would have been to know whether Hampton was eventually surrounded and cared for by at least some of the disparate family members who followed him to the colony as free settlers. What had happened to Thomas Goodman when he was found dead in suspicious circumstances on the bank of a river? To what extent did these men suffer from what we would nowadays call post-traumatic stress after transportation? Surely Herring was profoundly psychologically damaged when confined for five years (between ages 12 to 17) on the notorious hulks.

Uncovering the lives of these men has raised ethical questions especially when incidents are revealed that seem to discredit the individual and/or their descendants. . While not feeling exactly like a 'post-mortem exploiter' as biographers have been described by novelist Henry James,⁶ I still have feelings of intrusiveness. Pondering this question, I wondered whether I had become 'dangerously entangled' in the lives of these men in my quest to understand them. On balance I do not believe this happened.⁷ Notwithstanding the use of micro-prosopography, although I have attempted to write about them as living human beings and not 'abstractions of men',⁸

⁶ See Mark McKenna, *An Eye for Eternity. The Life of Manning Clark*, Miegunyah Press, Melbourne, 2011, p.28.

⁷ Tanya Evans & Robert Reynolds contend that the 'new' historians point to the tendency of dangerous entanglement with the subjects of biographers, a tendency they deny. They instance Sheridan Palmer, biographer of Bernard Smith, the late Australian art historian, as reflecting on the 'imperative for the biographer to keep an objective distance from her subject without forfeiting empathy'. Tanya Evans & Robert Reynolds, 'Introduction to this Special Issue on Biography and Life-Writing, *Australian Historical Studies*, Volume 43, Issue No. 1, 2012, pp. 1-8.

⁸ Thomas Carlyle, 'Sir Walter Scott', *Critical and Miscellaneous Essays*, Vol. 4, Chapman & Hall, London, 1899, pp. 77-78, quoted in Alan Atkinson, 'Do good historians have feelings', Stuart Macintyre, (Ed.), *The Historian's Conscience. Australian historians on the ethics of history*, Melbourne University Press,

in the back of my mind was always the knowledge that I could never do justice to their biographies from my stance in the present. On the other hand, at the very least, 15 ordinary men have been remembered who might otherwise have remained anonymous and on the margins of history.

Finally, the use of micro-prosopography in my thesis highlights a new way of thinking about convicts, one that can be used by others interested in this area of Australian colonial history. Given that 162,000 convicts were transported to Australia, it is obvious that the biographies of 15 convicts represent only a tiny scratch the surface of this subject. While throughout I have acknowledged that the size of my sample means that any inferences regarding the wider convict population should be made with extreme caution, my attempt to compile an exhaustive number of fragments about these men – more than has been previously attempted – has shown that there are still many new and fascinating details in our history to be revealed. The noted exponent of prosopography, Lawrence Stone, has argued that that ‘history is never boring’ but his subjects were invariably at the opposite end of British society than those studied.⁹ In this thesis I hope I have shown that ordinary lives are also not boring in Stone’s terms; indeed that they deserve a place on the public record.

Melbourne, 2004, p. 26. For a discussion on the art of storytelling, see Joan W. Evans, ‘Storytelling’, *History and Theory*, Vol. 50, Issue 2, May 2011, pp. 203-209; for observations on understanding the past while in the present, see Ann Curthoys, ‘Harry Potter and historical consciousness. Reflections on history and fiction’, *History Australia*, Vol. 8, No. 1, and Ann Curthoys and John Docker, *Is History Fiction?* 2nd Edition, UNSW Press, Sydney, 2011.

⁹ From Lawrence Stone’s Obituary in *The Guardian*, 5 July 1999. See web site: <http://www.theguardian.com/news/1999/jul/05/guardianobituaries1>

APPENDIX

BIOGRAPHICAL INFORMATION FOR CONVICTS IN SAMPLE (in alphabetical order):

Data available on arrival in colony and Principal participants

THOMAS BRAY

Data available on arrival in colony¹⁰

Arrived in Sydney on the Norfolk February 1837¹¹

Age, date and place of birth: 28, c1816, London, England

Education: could read and write

Religion: Protestant

Marital status and children: single

Occupation: labourer

Crime, punishment, prior offences: burglary, Life, no prior offences

Known physical characteristics: 5'7", ruddy complexion, freckled face, brown hair, hazel eyes, scars on right thumb, fore and middle fingers of left hand, and right shin.

Principal participants

Thomas Bray (convict). Alias Leo Hartley; born London 1816, died Pambula, NSW 1894; UK offence was first, absconded multiple times in NSW; father of nine plus two adoptees, helped build family house, farmer on own land, Clydesdale breeder, first emancipist Justice of the Peace¹², gave land to sons, established NSW south coast dynasty with wife Johanna.

Johanna Bray née O'Rourke. Free settler, wife of Thomas, born Ireland, died 1912 Pambula.

¹⁰ SRNSW, *Annotated Printed Indents*, NRS 12189, Item [X640], Microfiche 726.

¹² Personal communication with Pam Stewart in March 2009.

SAMUEL BROADHEAD

Data available on arrival in colony¹³

Arrived in Sydney on the Minerva I November, 1824:14

Date and place of birth: c1798, Yorkshire, England

Education: not included

Religion: Protestant

Marital status and children: not included

Occupation: soldier and labourer

Crime, punishment, prior offences: highway robbery, Life, prior offences not included

Known physical characteristics: 5'4", fresh complexion, brown hair, blue eyes.

Principal participants

Samuel Broadhead (convict) born Yorkshire c. 1798, died 1863 Maitland. Soldier, labourer, rural overseer, rural agent, bullocky, publican. Committed crime in the colony. Married convict Maria Davis. Owned town land.

Ronald Adamson Rodd, owner 'Tremayne', Wollombi, Lower Hunter Valley. Employed Broadhead as overseer.

Joseph Drew (convict), a problem for Rodd.

Maria Broadhead née Davis (convict) born in London, died in Maitland. Left husband, three children in England. Committed multiple small-scale colonial crimes. Married Broadhead 1846. One child.

Ellen Rebecca Broadhead, only child of Samuel and Maria. Married Charles Randall, Jnr. Died aged 20 possibly during child birth.

¹³ SRNSW, *Bound manuscript indents*, 1788-1842, NRS 1218, Item 4/4009A, Microfiche 654.

EDWARD AND JOHN COLLINS

Data available on arrival in colony¹⁵

Both arrived in Sydney in the *Nithsdale* in May 1830:

EDWARD:

Age, date and place of birth: 18, c1812, Stafford, England

Education: could read

Religion: Protestant

Marital status and children: single

Occupation: ploughs, reaps, shears and milks

Crime, punishment, prior offences: stealing a donkey, 7 years, no prior offences

Known physical characteristics: 5'3 1/2", ruddy pock-marked face, brown hair, dark grey eyes, circular scar on top of head

Assigned to AACo on arrival.

JOHN:

Age, date and place of birth: 25, c1805, Stafford, England

Education: could read & write

Religion: Protestant

Marital status and children: single

Occupation: ploughs, reaps, shears, milks and shepherds

Crime, punishment, prior offences: stealing a donkey, 7 years, 2 prior offences

Known physical characteristics: 5'6", dark ruddy freckled face, brown hair, grey eyes, scars on top of head and over right eye, tattoos of woman and anchor, right arm

Assigned to AACo on arrival.

Principal participants

Edward Collins (convict) born Stafford, England, 1812 died Allora, Queensland 1898.

First offence UK, two offences NSW – one as an emancipist. Father of 12, farm labourer, bullocky, wine merchant, farmer and grazier with own land. Victim of crime committed by first son.

¹⁵ SRNSW, *Bound Manuscript Indents*, NRS 12188, 4/4015, 675; AJCP Roll 89, HO11/1, p. 274.I

John Collins (convict) brother of Edward, transported together. Born Stafford, England 1805. Last heard of Sydney 1838.

Margaret Collins née Lane (convict) first wife of Edward, born Ireland 1805, Ireland, died 'Mother Collins' Pinch', Queensland in horrific circumstances.

Elizabeth Sarah Collins née Ward (free settler) mistress then second wife of Edward, born UK 1839, died Allora, Queensland 1899.

Jacob Ward (free settler) father-in-law Edward, born UK. Several violent, alcohol related offences in colony. Raised Edward, Jnr. first son of Edward. Last heard of in Queensland, 1867.

Edward Ward Collins (Edward, Jnr) (several aliases). Born colony, first son of Edward, farm hand, 'dunny man', wood cutter. Stole from father: cycle of crime continued. Filed for Insolvency. Still living in 1913, address Canning Street, Ipswich.

James Ward Collins, born in colony, son of Edward. Filed for Insolvency.

David Thornton Collins, born in colony, son of Edward. Stole horse.

Martel (Mark) Clarence Collins, born in Queensland, grandson of Edward. Pig farmer and possibly a rodeo rider. Filed for Insolvency.

WILLIAM EARP

Data available on arrival in colony¹⁶

Arrived in Sydney on *Minerva* 1 November, 1824:

Date and place of birth: c1801, Derbyshire, England

Occupation: tailor

¹⁶ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4009A, Microfiche 654.

Crime and punishment: burglary, life

Known physical characteristics: 5'9 ½", grey eyes, brown hair, pale complexion

Behaved well on ship.

Principal participants

William Earp (convict) born Derbyshire c1801. Died aged 31 in Newcastle, NSW, 1832 while still a convict. Recidivist in England and the colony.

John Earp, Snr. Father of William. Free citizen in Derbyshire, England. Reported his son to the authorities for burglary. Later regretted decision.

George Frederick Earp. Great nephew of William. Emigrated to New South Wales in 1883. Settled in Newcastle where he established successful businesses. Became a politician and participated in community affairs. Left a fortune.

JAMES AND THOMAS GOODMAN

Data available on arrival in colony

Both arrived in Sydney on *York* February, 1831

JAMES¹⁷

Age: 61

Education: could read

Religion: Catholic

Marital status and children: married, four children

Occupation: Carter and soldier

Crime, punishment, prior offences: buying stolen property, 14 years, one prior offence

¹⁷ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4016, Microfiche 677.

Known physical characteristics: 5'3", dark ruddy face, dark brown greying hair, grey eyes, blind in right eye, almost blind in left eye, right arm wholly disabled.

Deemed unfit for assignment

THOMAS¹⁸

Age: 16

Education: could neither read nor write

Religion: Protestant

Marital status: single

Occupation: carter

Crime, punishment, prior offences: buying stolen property, 14 years, no prior offences

Known physical characteristics: 5'4", ruddy face, brown hair, hazel grey eyes, small scar under outer corner right eye, dark mole on upper part right arm, dark raised mole on left side of neck

Assigned to Mr Little in the Upper Hunter.

Principal participants

James (convict) father of Thomas (and three others) Born Worchestershire c 1700, died near Birmingham 1860. Returned to England after emancipation despite severe disabilities.

Thomas (convict) son of James. Born Staffordshire c 1815, died in suspicious circumstances on river a bank in 1856. Married 1836.

Ann Goodman (née McDevit) free settler from Ireland, wife of James. 3 children. Remarried year after James' death. 3 more children.

WILLIAM HAMPTON

Data available on arrival in colony¹⁹

¹⁸ SRNSW, *Bound manuscript indents, 1788-1842*, NRS 12188, 4/4016, Microfiche 677.

¹⁹ SRNSW, *Annotated Printed Indents*, Series NRS 12189, Item X640, Microfiche 728.

Arrived in Sydney on the *Lloyds* July 1837:

Age, date and place of birth: 46, c1791, Kent, England

Education: could read.

Religion: Methodist

Marital status and children: married, 11 children

Occupation: labourer

Crime, punishment, prior offences: stealing firewood, 7 years, two prior offences
SRNSW, *Annotated Printed Indents*, Series NRS 12189, Item X640, Microfiche 728.

Known physical characteristics: 5'3 3/4" dark, sallow, (*sic*) slightly pockmarked skin,
brown hair, grey eyes, receding hairline, front of head bald, scar back of third finger
right hand, two scars back of top of third finger left hand.

Principal participants

William Hampton (convict) born Kent, Eng. 1791, died of asthma in Maitland, NSW 1859. Third offence UK, none NSW. Petitioned successfully for wife and 11 children to join him. Gardener. Rented farm Raymond Terrace. Some evidence that cycle of crime continued in relation to his son and grandsons.

Mary Ann Muckaway wife of Hampton. Did not respond to petition to join husband in colony. Officially a pauper. Died Kent 1855. Six children came to NSW independently.

Colonel Snodgrass & Constable Johnston. In Newcastle Court of Requests dispute with Hampton.

Benjamin Hampton (assisted emigrant) brother of William Hampton. Arrived NSW 1839 with wife and four children. He, sons and grandsons prospered in Hunter region, NSW. Remarried after death of first wife. Died 1882, Stroud.

Daughters of Benjamin, Diana and Recebba (assisted emigrants). Both married Michael Brazel, convict. Diana died in childbirth, Rebecca died ironing when struck by lightning.

Michael Brazel (convict) transported 1833 housebreaking. Four children with Rebecca and three with Diana. Prospered in NSW. Died 1885 Taree, north of the Hunter Valley.

Alfred Brazel (born in colony) son of Michael and Diana. Committed crime NSW against property of grandfather Benjamin and great-uncle. There is thus evidence that the cycle of crime continued.

James Hampton (assisted emigrant) born Kent 1822. Son of Hampton. Arrived NSW 1839. Married Bridget Spencer (convict). Seven children. Moved south-west from Sydney to Tuena, NSW to find gold. Unsuccessful. Bought land Tuena. Tried for petty crime several occasions. Cycle of crime continued. Died intestate 1890 near Tuena. Affairs settled after 19 years, £5 awarded to bank.

Bridget Spencer (convict) transported 1839 stealing clothes. Recidivist. Tried for petty crime NSW three occasions. Died 1883 Tuena.

Male children of James and Bridget (born in colony) including:

William Hampton grandson of Hampton. Committed crimes NSW. Thus evidence of a cycle of crime. Married three times. Bought land Tuena. Excruciating death 1913.

Alfred Hampton grandson of Hampton. Committed crimes NSW. The cycle of crime continued. Husband of Alice Peck, 12 children, last known abode, Croockwell 1899.

Charles Hampton grandson of Hampton no known crimes. Last known abode Benevolent Asylum in Sydney.

Female children of James and Bridget (born in colony) including Selina married William Thurlow; Lavinia married Lum Tim, 4 daughters who married men of Chinese descent; Angelina whose shopping bag was supposedly carried to town by bushranger Ben Hall.

Mary Ann Hampton (assisted emigrant) daughter of Hampton. Born c. 1816, came with husband William Knight, baby died on voyage. William Knight last seen 1841. Married John Royle/Riley 1845 Raymond Terrace. 15 children, eldest son also 15 children.

John Royle/Riley (convict) 1822 Breaking and entering with intent, life. Committed crime NSW. Bought land Scone/Aberdeen.

Thomas, Edmund and Selina Hampton (assisted emigrants) children of Hampton, born respectively 1816, 1829 and 1832 and William Muckaway (assisted immigrant) step-son of Hampton, born in Poor House 1812. Muckaway changed surname to Mackaway. Arrived together 1855 with 12 members of their families.

ADIOGENES HERRING

Data available on arrival in colony²⁰

Arrived in Sydney on the *Mellish* April 1829:

Age, date and place of birth: 17, c 1812, Thames Ditton, Surrey, England

Education: could read and writ

Religion: Protestant

Marital status: single

Occupation: farm and tailor's boy

Crime, punishment, prior offences: stealing watch, 7 years, no prior offences

Known physical characteristics: 4'11 ½", ruddy, freckled, slightly pockmarked face, brown hair, hazel eyes, blue stops tattooed on tops of each thumb

²⁰ SRNSW, *Bound manuscript indents*, NRS 12188, Item 4/4014, Microfiche: 671.

Assigned to AACo

Principal participants

Diogenes Herring (convict) born Surrey, England 1812. Died near Mittagong 1874. Spent 5 years imprisoned on hulks in England. Married 1838. Later known as William.

Barbara Herring (née Tyson). Born in the colony 1821. Marriage to Herring produced 8 girls, 4 of whom died. Died in childbirth 1857.

Isobella Tyson (convict) Mother of Barbara Herring. Arrived in the colony with husband William and 1 child in 1809. Received Certificate of Freedom in 1815. Bore 9 children. Married Thomas Clements 1829 when carrying his child. Bore 13 children in total.

William Tyson. Grenadier with Royal Cumberland Militia. Came to colony with convict wife Isobella. Family settled on land in isolation in East Bargo, south of Sydney. Died 1827.

Thomas Clements. Before emancipation worked for Isobella and William in Bargo. Married Isobella two years after William's death. Involved in disputes with influential neighbour.

William Tyson Jnr. Eldest son of Isobella and William. Successful in claiming 50 acres allocated to father by Governor Macquarie and 60 acres allocated to father by Governor Darling. With brothers acquired licence to depasture stock beyond the limits of location.

James Tyson. Another son. By age of 26 acquired a considerable amount of land. Drove cattle to Bendigo with William, setting up slaughter yards and a butcher shop for gold diggers. Sold for £80,000. Became richest man in the colony, politician, philanthropist and widely-known misogynist. Died 1898 leaving estate of £2.36 million.

PATRICK HOYLE²¹

Data available on arrival in colony²²

Arrived in Sydney on the *Isobella* 1 March 1822:

Age, date and place of birth: 22, 1800, Louth, Ireland

Occupation: reaper

Crime and punishment: stealing calico, 7 years

Known physical characteristics: 5'6 1/2", freckles, brown hair, blue eyes.

Principal participants

Patrick Hoyle (convict) born in County Louth, Ireland 1800. Died Sydney 1840.

Chequered history as a convict. Certificate of freedom revoked after charged with crime. Married 1836 in Sydney. Basket maker. Buried with youngest child and the two children of his surviving wife Hannah and her second husband.

Hannah Hoyle (née Garden) (convict) Born Scotland, transported for stealing clothes.

She and Hoyle had four children in four years, one of whom died while young. All children given the surname Hall. In 1843, three years after death of Hoyle, she petitioned for orphanage places for children. Married another convict in 1844. Five more children, two of whom died.

Charles Patrick Hall. Born in colony to Hoyle and Hannah. Placed in Male Orphan School aged seven. Married, ten children. Highly respected boot maker in town south of Wellington, New South Wales.

²¹ Although seemingly not having used an alias at any time, Hoyle's name has been recorded variously as Hoy, Hoyer, Heoy, Hoyle and Hall throughout his time in the colony, due either to misinterpretation of his accent or to evasive tactics on his part. Be this as it may, the name Hoyle has been used in this biography as the name under which he arrived in Port Jackson and the name by which he was most commonly known. In the County of Louth, however, with a population of only 119,129 in 1821 when Hoyle was transported, by far the most common version of the alternatives mentioned above was Hoey. See web site: http://www.jbhall.freesevers.com/a_brief_history.htm#POPULATION.

²² SRNSW, *Bound manuscript indents*, 1788-1842, NRS 12188, 4/4008, Microfiche 647.

Sarah Olford. Born in colony to Hoyle and Hannah. Placed in Female Orphan School aged five. Married and lived in Wellington. Died in Mental Hospital for the Insane, Parramatta.

Bridget Maxwell. Born in colony to Hoyle and Hannah. Married and lived in Wellington and Bathurst. Much respected in community. Moved father's remains from Old Devonshire Street (Sandhills) Cemetery to Rookwood and arranged for headstone to be made and inscribed.

JAMES HYDE

Data available on arrival in colony²³

Arrived in Sydney on the *Prince George* May 1837:

Age, date and place of birth: 19, c1818, Shropshire, England

Education: could neither read nor write

Religion: Protestant

Marital status: single

Occupation: collier

Crime, punishment, prior offences: highway robbery, Life, no prior offences

Known physical characteristics: 5'2 ¼" ruddy much freckled, brown hair, hazel grey eyes, lost a front upper tooth and top of middle finger on right hand, tattoos N.HHR.H TH inside, JoH sun outside right wrist, mermaid's tail on upper, two women, two birds, MH, anchor, pipe, jug, glass lower left arm, star TJHH back left hand, ring third finger of same.

Principal participants

James Hyde (convict) born 1818. Drowned 1899 Toronto, NSW. Convict transport survivor of gales and a hurricane. While at AACo committed three crimes. Lived with Charlotte after application to marry refused. Gaoled and fined for felonies. After

²³ SRNSW, *Annotated Printed Indents*, NRS 12189, X640, Microfiche 727.

Charlotte died lived with 'Janet' from 1872 until she died in 1876. Only known occupation bushman.

Charlotte Hyde (née Preston) Daughter of British convict John Preston and indigenous mother Walcotte. Born 1831, Died 1871 from tuberculosis. Ten children, tragic death of one. Charged with stealing.

John Preston Wright (convict). Father of Charlotte. Arrived in 1821. Gaoled for several colonial crimes. Co-habited with Walcotte for an unknown period. Two applications for marriage to convict women refused. 1857 accidental drowning of six-year-old daughter.

FRANCIS MC NALLY

Data available on arrival in colony²⁴

Arrived in Sydney on the Mangles February, 1826:25

Age, date and place of birth: 35, 1791, Louth, Ireland

Education: could read and write

Religion: once Catholic now Protestant

Marital status and children: married, 3 children

Occupation: policeman

Crime, punishment, prior offences: shooting with intent to kill, Life, no prior offences

Known physical characteristics: 5'7 ½", pale sallow skin, light brown hair, grey eyes. 2 scars above left eye.

Principal participants

Francis McNally (McAnally) (convict) born 1791 Co. Louth, Ireland. Died Port Stephens, 1868. Assigned to AACo 1826 and stayed until death. Worked as groom, farrier, master of stud, horse doctor, 'veterinary surgeon'. Avoided dismissal by company. Bought land. Given cottage by company.

²⁴ SRNSW, *Bound Manuscript Indents*, Series NRS 12188, Item 4/4011, Microfiche: 660.

Rachel McNally (née Glover) Gained free passage for herself and three children to join husband. Four additional children born in colony. Worked as unofficial nurse, midwife and doctor for the district.

JAMES MULHOLLAND

Data available on arrival in colony²⁶

Arrived in Sydney Fergusson March 1829:27

Age, date and place of birth: 18, c 1810, Balbriggan, Ireland

Education: could read and write

Religion: Roman Catholic

Marital status and children: single

Occupation: barber

Crime, punishment, prior offences: house robbery, Life, two prior offences

Known physical characteristics: 5'7", ruddy freckled face, brown hair, blue eyes, mole at top of nose, one over left eye, scar in centre of forehead, small scar in centre of chin

Assigned to AACo from ship.

Principal participants

James Mulholland (convict) born Balbriggan, Dublin c1810. No record of death found. Barber, shearer, blacksmith. Several crimes in colony. Married 1847. Bought land from AACo. Became interested in phrenology.

Mary Mulholland (née Moyles, Mottram)(convict) arrived in colony in 1836 with four-year-old son. First husband Peter Mottram died in disastrous accident. Three children to Mottram and three to Mulholland. Died aged 48. Hotel built over her grave in main street of Newcastle.

²⁶ SRNSW, *Bound Manuscript Indents*, NRS 12188, Item 4/4014, Microfiche 671.

CHARLES RANDALL

Data available on arrival in colony²⁸

Arrived in Sydney on the Florentia January 1828:29

Age, place of birth: 19, London, England

Religion: Protestant

Marital status and children: single

Occupation: hairdresser/barber

Crime, punishment, prior offences: robbing employer, Life, no prior offences

Known physical characteristics: 5'3 ¼", ruddy freckled complexion, hazel eyes, light brown hair, small horizontal scar in centre of forehead

Principal participants

Charles Randall (convict) born c1808 London. Died 1875 Maitland. Married 1839. Dealer, hawker, hairdresser, lodging house owner, sawyer, fruit shop owner, collector of bottles. One minor offence as emancipist. Community minded: active in West Maitland School of Arts, St John's Total Abstinence Society, Maitland Loyal Good Design Lodge of Odd Fellows and the Maitland Hospital General Committee. Loved music and debating. Suffered devastating accidents.

Esther Randall (née Skelton). Free settler from Gloucestershire. Arrived in colony 1839 married Randall same year. 13 children with only five surviving after the age of five. Epilepsy sufferer.

Robert Randall. First of the 13 children of Esther and Charles. Born in colony 1841. Cabinet maker in Maitland and Penrith. After marriage settled in Newcastle and later Penrith. Twice victim of serious accidents.

Charles Randall, Jnr. Third child of Esther and Charles. Born in colony 1845. In court case aged 10. Started apprenticeship for cabinet maker aged 13. Secretary Band of Hope 1862-1863. 1865 Married Ellen Broadhead, daughter of Samuel Broadhead –

²⁸ SRNSW, *Bound Manuscript Indents*, NRS 12188, Item 4/4013, Microfiche 668.

ended in tragedy. After remarriage settled Penrith. Engine driver. Survivor of horrifying accident. Local Alderman. 'Chip off the old block.'

Jane Anne. Eleventh child of Esther and Charles. Born in colony 1856. After marriage settled in Sydney.

William. Twelfth child of Esther and Charles. Born in colony in 1858. Settled in Penrith. Victim of fatal cricketing accident. Memorial to him erected.

Frederick Randall. Thirteenth and last child Esther and Charles. Born in colony in 1860. Became a highly regarded piccolo player.

JAMES STEPHENSON

Data available on arrival in colony³⁰

Arrived in Sydney on the *Midas* February 1827:³¹

Age and place of birth: 22, Derbyshire, England

Education: could read

Religion: Protestant

Marital status: single

Occupation: stockinger and bargeman

Crime, punishment, prior offences: stealing handkerchiefs, 14 years, no prior offences

Known physical characteristics: 5'6 1/2", ruddy complexion, light brown hair, hazel eyes, cut in right eyebrow and upper part of forehead, scar left forefinger

Assigned from ship to AACo.

Principal participants

³⁰ SRNSW, *Bound Manuscript Indents*, Series NRS 12188, Item 4/4012, Microfiche 664.

James Stephenson (convict) born c. 1805 Cornwall, died 1865 Dungog. Stockinger, bargeman, waterman, publican, mill owner, livestock owner, entrepreneur. Owned town land, built and owned Dungog Inn, popular with patrons. Married twice, 6 children. Became an alcoholic. Tried for manslaughter in colony after emancipation.

Isobella McLaren, free settler from Scotland, died 1854 Dungog. Married Stephenson 1840, 3 children. Active in running Inn, respected member of community.

Sarah Fitt, free settler from England, married Stephenson 1855, 3 children. Became an alcoholic. Charged with manslaughter.

BIBLIOGRAPHY

ARCHIVAL SOURCES

AUSTRALIAN BUREAU OF STATISTICS

Colonial statistics

AUSTRALIAN DATA ARCHIVES (ADA)

Colonial data includes NSW Census data

ARCHIVES OF THE UNIVERSITY OF NEWCASTLE (AUN)

Land Purchases from AACo, 1852-1856

BRITISH HOUSE OF COMMONS PARLIAMENTARY PAPERS

1812, 1815, 1817, 1830, 1831, 1835 and 1847.

HISTORICAL RECORDS OF AUSTRALIA (HRA)

Series I, Volumes II, VII, VIII, X, XI, XII, XVIII, XIX and XXVI.

HISTORICAL RECORDS OF NEWCASTLE

Includes Newcastle penal settlement data

NEW SOUTH WALES GOVERNMENT

Principally registrations of Births, Deaths and Marriages

NEW SOUTH WALES LAND TITLES OFFICE

Includes AACo land sales

THE NATIONAL ARCHIVES (TNA) (FORMERLY PRO - PUBLIC RECORD OFFICE)

England Census data and other data includes:

HO 11 Home Office: Convict Transportation Registers

HO 26 Home Office: Criminal Registers, Middlesex

HO 27 Home Office: Criminal Registers, England and Wales

NOEL BUTLIN ARCHIVES CENTRE (NBAC), ANU

AACo dispatches and deposits, 1841-1853

QUEENSLAND STATE ARCHIVES (QSA)

Application to select a homestead, 1872-1875

Deed of grant recommendation, 1882

Index to lands sold, 1851

Index to register of lands, 1851-1855

Insolvency files, 1895-1938

Other data includes Land selection files

STATE RECORDS OF NEW SOUTH WALES (SRNSW)

Archives Investigator data includes

Carters' Barracks – Debtors' Prison.

Corrective Services.

Archives in Brief includes

2 - Convict records

4 - Inquest and coronial records

22 - Occupation of Crown Land prior to 1856

26 - Schools, 1788-c1979

29 - Deceased estate files, 1880-1958

32 - Quarter Session records

34 - Convicts' families

53 - Curator of Intestate Estate Case papers

58 - Bankruptcy and insolvency records

65 - Colonial Secretary's Correspondence, 1826-1966

82 - Records of gaol inmates

84 - Probate packets

Other data includes principally

Annotated Printed Indents, 1834-1838

Australian Birth Registers

Australian Death Registers

Australian Marriage Registers

Bound Manuscript Indents, 1808-1833

Census 1828

Certificates for Depasturing Licenses (Revenue Branch)

Certificates of Freedom butts

Colonial Prison Hulks

Colonial Transportation

Main series of letters received (Colonial Secretary)

Special Bundles (Colonial Secretary)

Colonial Secretary's Correspondence

Colonial Secretary's Index Registers

Colonial Secretary's Letters

Colonial Secretary's Letters relating to Land

Colonial Secretary's Papers

Curator of Intestate Estate: Case Papers

Dungog papers

Entitlement certificates for persons on bounty ships

Entrance books for Newcastle Gaol

Entrance Books for Sydney and Newcastle Gaols

Entrance Books for Sydney and Darlinghurst Gaols

Female Protestant Orphan School Admission Book

Gaol Description Books Sydney Gaol

Grant upon purchase of improved crown lands, 1879

Hulks – Miscellaneous Convict Prison Registers, 1824-1837

Index to bounty immigrants

Index to miscellaneous Immigrants

Index to Quarter session cases

Insolvency Index

Journals of the Surgeon Superintendents *en route* for the Australasian Colonies
(Admiralty Dept) – 1824-1837

Letters of Petition

Letters received by Colonial Secretary

Letters to Colonial Secretary

Letters to PS of convicts (Hoyle, Wm Howe)

Letter to Sheriff from Colonial Office

Magistrates, Newcastle Bench Books

Medical Certificate to accompany order or request for reception into an Hospital of
Licensed House (Lunacy Act of 1898 – Second Schedule)

Musters, NSW and Tasmania 1806-1849

Muster 1825

Pardons and Tickets of leave

Persons on Bounty Ships (Agent's Immigration List)

Petition to Governor Darling

Police Gazettes

Probate Packet

Publicans Licenses

Register of convicts recommended for Conditional Pardons

Registers of convicts' application to marry

Registers of Land Grants and Leases

Registers of Coroner's Inquests Magisterial Inquiries

Returns of the colony (Blue Books)

Settlers and Convicts, NSW and Tasmania

Special bundles (Colonial Secretary)

Ticket of leave butts

Tickets of leave passports

Warrants to pay to convicts sums to their credit in the Savings Bank of NSW

NEWSPAPERS – SELECTED ISSUES

BRITAIN

The Connaught Journal, 1824-1825

The Guardian, 1999

London Gazette, 1823-1825

Northampton Mercury, 1826

AUSTRALIA

New South Wales

Australasian Chronicle, 1842

Empire, 1854, 1859

Evening News, 1899

Forbes Times, 1914

Goulburn Herald, 1882

Nepean Times, 1882-1908

Newcastle Herald, 2001

Newcastle Morning Herald & Miners' Advocate, 1876-1954

New South Wales Government Gazette, 1831, 1838, 1840-1841, 1843, 1847-1848, 1850, 1852, 1854-1855

Orange Leader, 1916

Queanbeyan Age, 1879

Southern Argus, 1876

Sydney Gazette and NSW Advertiser, 1810, 1822-1827, 1829-1832, 1834-1835, 1837, 1839-1842, 1877

Sunday Times, 1899

The Australian, 1824-1842, & 2009

The Maitland Mercury & Hunter River General Advertiser, 1843-1867, 1872, 1874-1876, 1878, 1889

The Maitland Mercury, 2013

Southern Argus, 1876

The Sydney Herald, 1831, 1834-1835, 1837

The Sydney Monitor, 1835, 1837

The Sydney Morning Herald, 1842-1844, 1846-1847, 1849-1850, 1854, 1857-1858, 1866, 1876, 1878, 1889, 1890, 1899, 1900, 1938, 1943, 1949, 1953, 1965, 1983, 1987

Queensland

The Brisbane Courier, 1869, 1874, 1876, 1882, 1889, 1890, 1893, 1895, 1899, 1906-1907, 1919, 1930

The Courier, 1861

The Courier-Mail, 1938

The Moreton Bay Courier, 1858-1860

The North Australia, Ipswich and General Advertiser, 1861

The Queenslander, 1875, 1889-90, 1895, 1938

Warwick Argus, 1881, 1886-1887, 1891, 1893

Warwick Examiner & Times, 1867-1868, 1876, 1881, 1886-7, 1890, 1893, 1895, 1904, 1907

Victoria

The Age, 2006

Geelong Advertiser, 1851

JOURNALS

Alexander, Alison, 'A Reply to Babette Smith', in 'Discussion Forum. Beyond "the Stain": Rethinking the Nature and Impact of the Anti-Transportation Movement', *Journal of Australian Colonial History*, Vol. 14, January 2012.

Allan, Susan R., 'Irish Convicts – Hampdens or Hardened Criminals? A Review of the Work of Lloyd Robson and John Williams: A Comparative Case Study,' *Tasmanian Historical Studies*, Vol. 7, No. 2, 2001.

Andrews, Shirley, 'When Australian Folk Danced so Expertly and Energetically', *Australian Folklore*, 12, 1997.

Atkinson, Alan, 'Writing about convicts: Our escape from the one big gaol', *Tasmanian Historical Studies*, Vol. 6, No. 2, 1999.

Atkinson, A., 'The Moral Basis of Marriage', *The Push from the Bush*, No. 2, 1978.

Bagnall, Kate, 'Rewriting the History of Chinese Families in Nineteenth Century Australia', *Australian Historical Studies*, Vol. 42, Issue 1, 2011.

Baxter, Carol J., (Ed.), '1822 General Muster and Land and Stock of NSW, 1822', *Australian Biographical & Genealogical Record*, Society of Australian Genealogists, Sydney, 1988.

Baxter, Carol J., Ed., '1823, 1824, 1825 General Muster List of New South Wales', *Australian Biographical & Genealogical Record*, Society of Australian Genealogists, Sydney, 2000.

Beever, A., 'From a Place of 'Horrible Destitution' to a Paradise of the Working Class. The Transformation of British Working Class Attitudes to Australia, 1841-1851', *Labour History*, No. 40, May 1981

Bradley, James, 'Ships Surgeons and convict medicine,' *Chainletter*, Issue 10, April 2012, a publication of the Founders and Survivors Organization.

Bulst, Neithard. "Prosopography and the computer: problems and possibilities." *History and computing*, Vol. 2, 1989

Casella, Eleanor Conlin, 'Prisoner of His Majesty: Postcoloniality and Archaeology of British Penal Transportation', *World archaeology*, Vol. 37, No. 3, Historical Archaeology, September, 2005.

Cathro, Warwick S., 'Transforming access to Australia's documentary history: the 2007 Ferguson Memorial Lecture', *Journal of the Royal Australian Historical Society*, Vol. 93, No. 2, November 2007.

Causer, Tim, 'Australia's Birthstain: The Startling Legacy of the Convict Era', *Reviews in Australian Studies*, Vol. 3, No. 7, 2008.

Coote, Anne, ' "This is the people's golden day": Anniversary Day Press Coverage and National Consciousness in New South Wales', *Journal of Australian Colonial History*, Vol. 12, 2010.

Crawford, Robert, 'Celebration of Another Nation?: Australia's Bicentenary in Britain,' *History Compass*, Volume 6, Issue No. 4, 2008.

Curthoys, Ann, 'Harry Potter and historical consciousness. Reflections on history and fiction', *History Australia*, Vol. 8, No. 1, 2011.

Dingle, A.E., 'Drink and Drinking in Nineteenth Century Australia: A Statistical Commentary', *Monash Papers in Economic History*, No. 6, 1978.

Dingle, A.E., ' "The Truly Magnificent Thirst": An Historical Survey of Australian Drinking Habits', *Historical Studies*, Vol. 19, No. 75, 1980.

Elliott, Jane, 'Was There a Convict Dandy? Convict Consumer Interests in Sydney, 1788-1815', *Australian Historical Studies*, Vol. 26, Issue 104, April, 1995.

Evans, Joan W., 'Storytelling', *History and Theory*, Vol. 50, Issue 2, May 2011.

Evans, Raymond and Thorpe, Bill, 'Commanding men: Masculinities and the convict system', *Journal of Australian Studies*, Vol. 22, Issue 56, 1998.

Evans, Tanya and Reynolds, Robert, 'Introduction to this Special Issue on Biography and Life-Writing', *Australian Historical Studies*, Volume 43, Issue No.1, 2012.

Finch, Lynette, 'Caring for Colonial Infants: Parenting on the Frontiers.' *Australian Historical Studies*, 110, 1998.

Forbes, T.R., 'Coroner's Inquisitions on the Deaths of Prisoners in the Hulks at Portsmouth, England, in 1817-1827', *Journal of the History of Medicine and Allied Sciences*, vol. 33, no. 3, 1978.

- Gandevia, Bryan, 'A Comparison of the Heights of Boys Transported to Australia from England, Scotland and Ireland, c. 1840, with Later British and Australian Developments', *Australian Paediatrics Journal*, Vol. 13, 1977.
- Gilchrist, Catie, '“A life of noisy riot, of filth, indecency and profaneness”: the convict voice and the bourgeois imagination', *Journal of the Royal Australian Historical Society*, Vol. 92, Issue 1, June, 2006.
- Gilchrist, Catie, 'This Relic of the Cities of the Plains: Colonial Flogging, Convict Morality and the Colonial Imagination', *Journal of Australian Colonial History*, Vol. 9, 2007.
- Gladwin, Michael, 'The Journalist in the Rectory. Anglican Clergymen and Australian Intellectual Life, 1788-1850', *History Australia*, Volume 7, Number 3, 2010.
- Gojak, Denis, 'Convict archaeology in New South Wales: An overview of the investigation, analysis and conservation of convict heritage sites', *Australian Historical Archaeology*, Vol. 19, 2001.
- Guilford, Elizabeth, 'Hunter Valley Inns and Innkeepers, 1823-1850: Part I, The 1820s', *Journal of Hunter Valley History* 2, No.1, 1986.
- Henderson, Ian, 'Review: “Chain Letters: Narrating Convict Lives”', *Journal of the Association for the Study of Australian Literature*, 1, 2002.
- Jordan, Thomas E., 'Transported to Van Diemen's Land: The Boys of the “Francis Charlotte” (1832) and “Lord Goderich” (1841)', *Child Development*, Vol. 56, No. 4, August 1985.
- Karskens, Grace, 'Death was in his Face: Dying, Burial and Remembrance in Early Sydney', *Labour History*, Vol. 74, May 1998.
- Karskens, Grace, 'Defiance, Deference and Diligence: Three Views of Convicts in New South Wales Road Gangs', *Australian Historical Archaeology*, Vol. 4, 1986
- Kent, David, 'Decorative bodies: The significance of convicts' tattoos', *Journal of Australian Studies*, Volume 21, Issue 53, 1997.
- Kent, David and Townsend, Norma, 'Some Aspects of Colonial Marriage: A Case Study of the Swing Protesters', *Labour History*, No. 74, May 1998.
- Kippen, Rebecca and Lucas, David, Sources for Australian Historical Demography, *Working Papers in Demography*, No. 93, Research School of Social Sciences, ANU., March 2004.
- Lewis, Milton and MacLeod, Roy, 'A Workingman's Paradise? Reflections on Urban Mortality in Colonial Australia 1860-1900', *Medical History*, Vol. 31, 1987

Lohan, Rena, 'Sources in the National Archives for research into the transportation of Irish convicts to Australia (1791-1853)', *Journal of the Irish Society for Archives*, Spring, 1996. n.p.

MacLeod, Christine and Nuvolari, Alessandro, 'The Pitfalls of Prosopography: Inventors in the *Dictionary of National Biography*', *Technology and Culture*, Vol. 47, No. 4, October 2006.

Maxwell-Stewart, Hamish, 'The search for the convict voice', *Tasmanian Historical Studies*, Vol. 6, Issue 1, 1998.

Maxwell-Stewart, Hamish, 'Australia's Birthstain: The Startling Legacy of the Convict Era' [Book Review], *Journal of Australian Colonial History*, Vol. 11, 2009.

McCabe, Kristine, 'Discipline and punishment: Female convicts on the Hunter River, 1830-1840: "What can we do with her?"', *Journal of Australian Colonial History*, Vol. 1, no. 1, April 1999.

McQueen, H., 'Convicts and Rebels', *Labour History*, No. 15, November 1968.

Melleuish, Greg and Salusinszky, Imre, 'A Broad but Not Infinite Church', *Policy*, Vol. 20, No. 2, Winter 2004.

Mills, Kerry, 'Lawmakers, Select Committees and the Birth of Democracy in New South Wales, 1843-1855', *Journal of Australian Colonial History*, Vol. 14, January 2012.

Mugglestone, Lynda, 'The Fallacy of the Cockney Rhyme: From Keats and Earlier to Auden', *RES New Series*, Vol. XLII, No. 165, 1991.

Mutch, Stephen, 'Public Policy Revolt: Saving the 2001 Australian Census', *Archives and Manuscripts*, Vol. 30, No. 2, November 2002.

Nicholson, Dav., 'Mortality of Convict Prisons', *The British Medical Journal* 1, no. 538, April 22, 1871, p. 435.

O'Brien, Anne, '"Kitchen Fragments and Garden Stuff". Poor Law Discourse and Indigenous People in Early Colonial New South Wales', *Australian Historical Studies*, 39, 2008.

Parsons, T.G., 'Obituary. Some thoughts on the Sydney years: A.G.L. Shaw (1916-2012)', *Journal of the Royal Australian Historical Society*, Vol. 98, Part 2, December 2012.

Peel, Dawn, 'Death and community in a colonial settlement', *Journal of the Royal Australian Historical Society*, Vol. 88, No.2, Dec 2002.

Pemberton, Pennie, 'Australian Agricultural Company Peel River Land & Mineral Company', *ABLative*, No. 1, Autumn 1985.

Prentis, Malcolm D., 'What do we know about the Scottish convicts?', *Journal of the Royal Australian Historical Society*, Vol. 90, Part I, June 2004.

Prescott, Tony and Wilson, Ross, 'Manly Ferries. Balgowlah, Barrenjoey and Baragoola', *The Log*, Vol. 12, No. 3, New Series, 25 August 1879.

Reece, R.H.W., 'Henry Parkes as "Parliamentary Martyr for the Working Classes" in 1859', *Labour History*, No. 13, November 1967.

Richards, Eric, 'How did poor people emigrate from the British Isles to Australia in the Nineteenth Century?', *Journal of British Studies*, Vol. 32, No. 3, July 1993

Roberts, David, 'Australia's changing attitude to its convict heritage', *News and Events*, University of New England, 16 January 2007.

Roberts, David, 'The "Knotted Hands that Set Us High": Labour History and the Study of Convict Australia Author(s)', *Labour History*, No. 100, May 2011.

Roberts, David, 'Russell Ward and the Convict Legend', *Journal of Australian Colonial History*, Vol. 10, No.2, 2008.

Roberts, David, 'Remembering "Australia's glorious League", The Historiography of Anti-Transportation Movement', in 'Discussion Forum. Beyond "the Stain": Rethinking the Nature and Impact of the Anti-Transportation Movement', *Journal of Australian Colonial History*, Vol. 14, January 2012.

Roberts, David, 'Review Article. Bearing Australia's "beloved burden": recent offerings in Australian convict history', *Journal of Australian Studies*, Vol. 33, No. 2, June 2009.

Roberts, David, ' "A sort of inland Norfolk Island?" Isolation, Coercion and Resistance on the Wellington Valley Convict Station, 1823-26', *Journal of Australian Colonial History*, Vol.2, No.1, April 2000.

Robinson, Shirleene and Townsend, Emily, 'Preserving the Traditions of a 'great race': youth and national character in Queensland, 1859-1918, *Journal of the Royal Australian Historical Society*, Vol. 94, Part 2, December 2008.

Robson, Lloyd, 'The Convict Cargo Re-inspected', *Bulletin of the Centre for Tasmanian Historical Studies* 2, no. 1, 1988.

Roe, Jill, 'Biography Today: A Commentary', *Australian Historical Studies*, Vol. 43, No. 1, 2012.

Santipolo, Matteo, 'On the Opposite Sides of the Continuum: Standard British English and Cockney. A Historical Outline of the Parallel Developments of the Two Varieties', *Studi Linguistici e Filologici* [Online], Vol 1, 2003.

Singley, Blake, "'Hardly anything fit for Man to eat". Food and colonialism in Australia', *History Australia*, Vol. 9, No. 3, December 2012.

Smith, Babette, 'Comments on Tasmania's Convicts (2010)' in 'Discussion Forum. Beyond "the Stain": Rethinking the Nature and Impact of the Anti-Transportation Movement', *Journal of Australian Colonial History*, Vol. 14, January 2012.

Spurway, John, 'The Growth of Family History in Australia', *The Push. A Journal of early Australian social history*, University of New England, No. 27, 1989.

Stone, Lawrence, 'Prosopography', *Daedalus, Historical Studies Today*, American Academy of Arts & Sciences, Vol. 100, No. 1, Winter, 1971.

Taylor, Brian, 'Englishes in Sydney Around 1850', *Australian Journal of Linguistics*, Vol. 23, No. 2, 2003.

Tranter, Bruce and Donoghue, Jed, 'Convict ancestry: a neglected aspect of Australian identity,' *Nations and Nationalism*, Volume 9, Issue No. 4, 2003.

Wahlqvist, Mark L., 'Asian migration to Australia: food and health consequences', *Asia Pacific Journal of Clinical Nutrition*, Vol. 11 (Suppl), 2002.

Waterhouse, Richard, 'Locating the New Social History: transnational historiography and Australian local history', *Journal of the Royal Australian Historical Society*, Vol. 95, Part 1, 2009.

White, Hayden, 'Introduction: Historical Fiction, Fictional History, and Historical Reality', *Rethinking History*, Vol. 9, No. 2/3, June/September 2005,

Wood, G.A., 'Convicts', *Royal Australian Historical Society, Journal and Proceedings* 8, No. 4, 1922.

BOOKS PUBLISHED PRIOR TO 1910

An Emigrant Mechanic [Harris, Alexander], *Settlers and Convicts. Recollections of Sixteen Years' Labour in the Australian Backwoods*, First published by G. Cox, London, 1847.

Ashton, William, *A Lecture in the Evils of Immigration and Transportation*, delivered at the Town Hall, Sheffield, 23 July, 1838, J. Lingard, Sheffield, 1838.

Bigge, J.T., *Report of the Commissioner of Inquiry into the State of the Colony of New South Wales*, British Parliamentary Papers, London, 1822.

Burton, William, *Observations on a Bill now before the Legislative Council of New South Wales entitled A Bill for giving Relief to Insolvent Persons, and providing for the Due Collection, Administration, and Distribution of Insolvent Estates Within the Colony of New South Wales and for the Prevention of Frauds Affecting the Same; Addressed To*

Burton, William Westbrooke, *Insolvent Law of New South Wales, with practical directions and forms*, Wm. Moffitt, Pitt Street, Sydney, 1842.

Carlyle, Thomas, 'Sir Walter Scott', *Critical and Miscellaneous Essays*, Vol. 4, Chapman & Hall, London, 1899.

Chesterton, George Laval, *Revelations of prison life: with an enquiry into prison discipline and secondary punishment*, Hurst and Blackett, London, 1857.

Clarke, Marcus, *For the Term of His Natural Life*, First published by Angus and Robertson, Cremorne, New South Wales, 1874.

Colquhoun, Patrick, *A Treatise on the Police of the Metropolis; containing a detail of the various crimes and misdemeanors... and suggesting remedies for their prevention*, London, 1797.

Crane, J.T., *Popular Amusements*, Walden & Stowe, Cincinnati, 1869

Cunningham, P.M., *Two Years in New South Wales: a Series of Letters comprising Sketches of the Actual State of Society in that Colony; of its Peculiar Advantages to Emigrants; of its Topography, Natural History, etc. etc.*, Vol. II, Henry Colburn, London, 1827.

Derricourt, William, *Old Convict Days*, Louice Belke, (Ed.), First published by T. Fisher Unwin, London, 1899.

Dunmore Lang, John, *An Historical and Statistical Account of New South Wales and as a Penal Settlement and as a British Colony*, Cocrane & McCrone, London, 1834.

Dunstan, David, (Ed.), *Owen Suffolk's Days of Crime and Years of Suffering*, first published in the weekly Australasian in instalments from January to October 1867 and currently published by Australian Scholarly Publishing, Kew, Victoria, 2000.

Egerton, Hugh Edward, (Ed.), *Selected Speeches of Sir William Molesworth on Questions relating to Colonial Policy*, John Murray, London, 1903.

Frost, John, *The Horrors of Convict Life*, Two Lectures. Holyoake & Co., London, 1856.

Henderson, John, *Observations on the Colonies of NSW and VDL*, Baptist Mission Press, Calcutta, 1832.

Hoyle, William, *Crime in England and Wales in the Nineteenth Century: an Historical and Critical Retrospect*, Effingham, Wilson & Co., London, c. 1876.

Marjoribanks, Alexander. *Travels in New South Wales*. Oliver and Boyd, 1847.

Mayhew, H. and Binney, C., *Criminal Prisons of London*, Charles Griffin, London, c1862.

Mayhew, Henry, *London Labour and the London Poor*, Vol. IV, Dover Publications, New York, 1861-1862.

Molesworth, William, *Report from the Select Committee of the House of Commons on Transportation; Together with A Letter from the Archbishop of Dublin on the Same Subject; and Notes*, Henry Hopper, London, 1838.

Morrison, W. Frederic, *The Aldine Centennial History of New South Wales*, Vol. 2, The Aldine Publishing Company, Sydney, 1888.

Mossman, Samuel and Banister, Thomas, *Australia Visited and Revisited. A Narrative of Recent Travels and Old Experiences in Victoria and New South Wales*, Addey and Co., London, 1853.

Mudie, James, *The Felonry of New South Wales being a faithful picture of the real romance of life in Botany Bay: with anecdotes of Botany Bay society and a plan of Sydney*, First published for the author by Whaley & Co., London, 1837.

Parry, William Edward, Sir, *In the Service of the Company*, Letters of Sir Edward Parry, Commissioner of the Australian Agricultural Company, Vol. I, December 1829-June 1832. Cambridge Press, Newcastle, n.d.

Page, Thomas, *The Horrors of transportation: containing the life, and sufferings of Thomas Page, who was transported for 21 years, with an account of the hardships he endured, and his happy return to his native country*, London, 1846?

Pike, Luke Owen, *A History of Crime in England illustrating the Changes of the Laws in the Progress of Civilisation*, Vol. II Written from the Public Records and Other Contemporary Evidence, Smith, Elder, & Co., London, 1876.

Randall, Fred, Piccolo recording of '*Silver Birds*', National Phonograph Co. of Australia, Ltd., Australia Record No.38, National Film and Sound Archives, Australia. NFSA Collection No. 683373. (Now digitized)

Ritchie, J. Ewing, *An Australian Ramble*, T. Onwin Fisher, London, 1890.J

Roderick, Colin, *John Katchbull from Quarterdeck to Gallows. Including the Narrative M*Published from the Original Manuscript with Retrospect of His Life. Angus and Robertson, Sydney, 1963.

The Members of the Legislative Council, The Merchants, Traders, And Others, of New South Wales, The "Herald" Office, Lower George Street, Sydney, 1838.

Therry, Roger, *Reminiscences of thirty years' residence of New South Wales and Victoria; with a supplementary chapter on transportation and the ticket-of-leave system*, Sampson Low, London, 1863.

Tucker, James, Ralph Rashleigh, c1840, eBooks@Adelaide, University of Adelaide, last updated 2002.

Ullathorne, W., *The Horrors of Transportation briefly unfolded to The People*, Richard Coyne, Dublin, 1838.

Unknown author, *Some Reminiscences of Dungog, from 1842*, an extract from an eye-witness account of the opening of the Dungog Inn in 1840, [BR. W.H.].

Watson, Frederick, (Ed.), *Historical Records of Australia*, Series I, Vols. II, VII, VIII, X, XI, XII, XVIII, XIX, XXVI (1797-1848), The Library Committee of the Commonwealth Parliament, 1914-1925.

Wentworth, W.C., *A Statistical, Historical, and Political Description of the Colony of New South Wales and Its Dependent Settlements in Van Diemen's Land, With a Particular Enumeration of the Advantages Which These Colonies Offer for Emigration and Their Superiority in Many Respects Over Those Possessed by the United States of America*, G. and W.D. Whittaker, London, 1840.

Wilson, John M., *The imperial gazetteer of England and Wales : embracing recent changes in counties, dioceses, parishes, and boroughs : general statistics : postal arrangements : railway systems, & co., and farming a complete description of the country*, Pullarton, Edinburgh, 1866.

Wright, Joseph, (Ed.), *The English dialect dictionary, being the complete vocabulary of all dialect words still in use, or known to have been in use during the last two hundred years; founded on the publications of the English dialect society and on a large amount of material never before printed*, Vols. I and VI, Henry Frowde, Oxford, 1905.

BOOKS PUBLISHED AFTER 1910

2012 Allan Martin Lecture, 'Shifting the Shape of Australian History: Convicts, the early colonial period and the making of Australia', Grace Karskens, School of History, ANU, 15 May 2012.

Alexander, Alison, *Tasmania's Convicts: how felons built a free society*, Allen & Unwin, Sydney, 2010.

Atkinson, Alan and Aveling, Marian, (Eds.), *Australians 1838*, Fairfax, Syme & Weldon, Sydney, 1987.

Atkinson, Alan, *The Europeans in Australia: A History. Democracy*, Vol. II, Oxford University Press, Melbourne, 1998.

Atkinson, Alan, *Camden*, Oxford University Press, Melbourne, 1988.

Australian Bureau of Statistics, *Catalogue of Australian Statistical Publications, 1804 to 1901: statistics collected by the six colonial statistical bureaus from 1804 to 1901*, Canberra, 1989.

Bairstow, Damaris, *A Milion Pounds, A Million Acres. The Pioneer Settlement of the Australian Agricultural Company*, Published by the Author, Cremorne, NSW, 2003. Baker, Sidney J., *The Australian Language*, The Currawong Press, Milson's Point, 1978.

Bateson, Charles, *Convict Ships 1787-1868*, Brown, Son & Ferguson, Glasgow, 1959.

Bennett, J.M., *Portraits of the Chief Justices of New South Wales 1824-1977*, John Fergusson, Sydney, 1977.

Bennett, J.M., *Sir Francis Forbes. First Chief Justice of New South Wales 1823-1837*, Sydney, The Federation Press, 2001.

Bennett, J.M. and Castles, Alex C., (Eds.), *A Source Book of Australian Legal History. Source Materials from the Eighteenth to the Twentieth Centuries*, The Law Book Company, Sydney, 1979.

Blainey, Geoffrey, *Black Kettle and Full Moon. Daily Life in a Vanished Australia*. Viking, Victoria, 2003.

Blainey, Geoffrey, *The Tyranny of Distance*, Sun Books, Melbourne, 1966.

Branch-Johnson, W., *The English Prison Hulks*, Christopher Johnson, London, 1957.

Burnett, John, *Plenty and Want. A social history of diet in England from 1815 to the present day*, Thomas Nelson and Sons Ltd., London, 1966.

Butler, Susan, *The Dinkum Dictionary. The Origins of Australian Words*, The Text Publishing Company, Melbourne, 2001.

Butlin, N.G., *Investment in Australian Economic Development 1861-1900*, Cambridge University Press, Cambridge, 1964.

Cannon, Geoff, (Compiler), *First title holders of land in the Counties of Camden, Cook, Hunter, Durham, Gloucester* [electronic resource], Greenhills, N.S.W., 2004.

Clarke, C.M.H., *A History of Australia*, Melbourne University Press, Vols. I & II, Melbourne, 1961.

Clements, Frederick W, *A History of Human Nutrition in Australia*, Longman Cheshire, Melbourne, 1986.

Clendinnen, Inga, *The History Question. Who Owns the Past?*, Quarterly Essay, Issue 23, Black Inc., Melbourne, 2006.

Collins, Peter and Blair, David, (Eds.), *Australian English: the language of a new society*, University of Queensland Press, St Lucia, Queensland, 1989.

Conlon, Anne, *The other side of the mountain. An investigation of eyewitness accounts of New South Wales and Van Dieman's Land published principally between 1815 and 1950*, University of Sydney, Sydney, 1969. (Microfilm).

Curthoys, Ann, *For and Against Feminism. A personal journal into feminist theory and history*, Allen & Unwin, Sydney, 1988.

Curthoys, Ann and Docker, John, *Is History Fiction?*, University of New South Wales Press, Sydney, 2010.

Damousi, Joy, *Colonial Voices. A Cultural History of English in Australia 1840-1940*, Cambridge University Press, New York, 2010.

Davis, M.T. and P.A. Pickering, P.A., (Eds), *Unrespectable Radicals: Popular Politics in the Age of Reform*, Ashgate Publishing, Aldershot, 2008.

Deacon, Desley, Russell, Penny, and Woollacott, Angela, (Eds.), *Transnational Ties: Australian Lives in the World*, ANU EPress, Canberra, 2008.

Denholm, Zita, T.Y.S.O.N.: *The life and times of James Tyson, Pastoral Pioneer, 1819-1898*, Triple D Books, Wagga Wagga, New South Wales, 2002.

Dial, Marie and Fraser, Yvonne, *Convicts of the Australian Agricultural Company 1825-1850*, Port Stephens Family History Society, Tanilba Bay, New South Wales, 2004.

Donohue, James H., *Paracensus of Australia 1788-1828* (Interim), J.S. Shaw North Publishing, Sydney, 1998.

Duffield, Ian and Bradley, James, (Eds.), *Representing Convicts. New Perspectives on Convict Forced Labour Migration*, Leicester University Press, London, 1997.

Dyster, Barrie, (Ed.), *Beyond Convict Workers*, Department of Economic History, University of New South Wales, Sydney, 1996.

Earp, Rod W., *A History of Earp Bros & Co. Pty. Limited Newcastle New South Wales, to mark the Company's Centenary Year 1883-1983: including biographical notes on the Earp family and an account of the company's connection with the East Greta Coal Mining Co. Ltd. and South Maitland Railways Proprietary Ltd*, The Earp Brothers, Newcastle, 1983.

Emsley, Clive, *Crime and society in England, 1750-1900*, Longman, London, 1996.

Fisher, Chay and Kent, Christopher, *Two Depressions, One Banking Collapse*. Research Discussion Paper 1999-06, System Stability Department, Reserve Bank of Australia, June 1999.

Fitzgerald, Ross and Jordan, Trevor L., *Under the Influence. A history of alcohol in Australia*, Harper Collins Publishers Australia, Sydney, 2009.

Fletcher, Marion, *Costume in Australia 1788-1901*, Oxford University Press, Melbourne, 1984.

Foucault, Michel, *Discipline and Punish: the Birth of the Prison*, Pantheon Books, New York, 1973.

Franklyn, Julian, *A Dictionary of Rhyming Slang*, Routledge and Kegan Paul, London, 1960.

Frost, Lucy and Maxwell-Stewart, Hamish, (Eds.), *Chain Letters. Narrating Convict Lives*, Melbourne University Press, Melbourne, 2001.

Gandevia, Bryan, *Tears Often Shed*, Pergamon Press, Sydney, 1978.

Gascoigne, John, *The Enlightenment and the Origins of European Australia*, Cambridge University Press, Cambridge, 2002.

Gilmore, Mary, *Old Days, Old Ways. A book of Recollections*, Angus and Robertson, Sydney, 1934.

Godfrey, Barry S., Cox, David J., and Farrall, Stephen D., *Criminal Lives. Family Life, Employment, and Offending*. Oxford University Press, Oxford, 2007.

Görlach, Manfred, *English in Nineteenth-Century England*, Cambridge University Press, UK, 1999.

Hancock, W.K., *Australia*, Ernest Benn, London, 1930.

Harrison, Brian, *Drink and the Victorians, The Temperance Question in England 1815-1872*, University of Pittsburgh Press, Pittsburgh, 1971.

Hibbert, Christopher, *The Roots of Evil. A Social History of Crime and Punishment*, Weidenfeld & Nicolson, London, 1963.

Hirst, John, *Sense and Nonsense in Australian History*, Black Inc. Agenda, Melbourne, 2006.

Horne, Gerald, *The White Pacific: U.S. Imperialism and Black Slavery in the South Seas after the Civil War*, University of Hawaii Press, 2007.

Hirst, J.B., *Convict Society and its Enemies: A History of early New South Wales*, George Allen & Unwin, Sydney, 1983.

Howell, David and Gildart, Keith (Eds), *The Dictionary of Labour Biography*, Vol. 13, Palgrave Macmillan, Basingstoke, UK, 2010.

Hughes, Arthur, *English accents and dialects: an introduction to social and regional varieties of British English*, Edward Arnold (Publishers) Ltd., London, 1979.

Jalland, Pat, *Australian Ways of Death, A Social and Cultural History, 1840-1918*, Oxford University Press, Melbourne, 2002.

Kable, Paul and Whittaker, June, *Damned Rascals? A Chronicle of Henry & Susannah Kable 1764-1846*, Paul Kable, Sutton, NSW, 2007.

Karskens, Grace, *The Colony: A History of Early Sydney*, Allen & Unwin, Sydney, 2009.

Keats-Rohan, K.S.B. (Ed.), *Prosopography Approaches and Applications. A Handbook*, Prosopographica et Genealogica, 2011, pp. 139-181.

Keneally, Thomas, *Australians. Origins to Eureka*, Vol. I, Allen & Unwin, Crow's Nest, N.S.W.. 2009.

Keneally, Thomas, *Australians. From Eureka to the Diggers*, Vol. II, Allen & Unwin, Crow's Nest, N.S.W., 2011.

Kent, David and Townsend, Norma, *Convicts of the Eleanor. Protest in Rural England, New Lives in Australia*, The Merlin Press Ltd., London, 2002.

Kercher, Bruce, *An Unruly Child. A History of Law in Australia*, Allen & Unwin, 1995.

Kilcommins, Shane, *Crime, Punishment and the Search for Order in Ireland*, Institute of Public Affairs, Dublin, 2004.

Kirkpatrick, Rod, *Country conscience: a History of the New South Wales Provincial Press*, Infinite Harvest Publishing, Canberra, 2000.

Kociumbas, Jan, *Australian Children. A History*, Allen & Unwin, St Leonards, Sydney, 1997.

Lester, Ian H, *Australia's Food & Nutrition*, AGPS, Canberra, 1994.

Macintyre, Stuart, (Ed.), *The Historian's Conscience. Australian historians on the ethics of history*, Melbourne University Press, Melbourne, 2004.

Malcolm, Elizabeth, *'Ireland Sober, Ireland Free'. Drink and Temperance in Nineteenth-Century Ireland*, Gill and Macmillan, Dublin, 1986.

Martin, A.W., *Henry Parkes. A Biography*. Melbourne University Press, Carlton, Victoria, 1980.

McDonald, Roger, *The Ballard of Desmond Kale*, Random House Australia, Sydney, 2005.

McKenna, Mark, *An Eye for Eternity. The life of Manning Clark*, The Miegunyah Press, Melbourne, 2011.

McLachlan, Iain, *Place of Banishment: Port Macquarie 1818 to 1832*, Hale & Iremonger, Sydney, c1988.

Mews, Hazel, *Frail Vessels. Women's Role in Women's Novels from Fanny Burney to George Eliot*, Bloomsbury Academic, London, 1969.

Nestel, Paul J., (Ed.), *Diet, Health and Disease in Australia*, Harper & Row, Sydney, 1987.

Nicholas, Stephen, (Ed.), *Convict Workers. Reinterpreting Australia's Past*, Cambridge University Press, Cambridge, 1988.

O'Brien, Eris, *The Foundation of Australia (1786-1800)*, Greenwood Press, Connecticut, 1950.

O'Keefe, Mamie, *Convicts at Moreton Bay 1824-1859*, Royal Historical Society of Queensland, Brisbane, 2001.

Oliver, Mason, *The gazetteer of England: England's cities, towns, villages and hamlets: a comprehensive list with basic details on each*, David and Charles, Newton Abbott, England, 1972.

Pemberton, P.A., *Pure Merinos and Others: The 'Shipping Lists' of the Australian Agricultural Company*, Archives of Business and Labour, Australian National University, Canberra, 1986.

Philips, David and Davies, Susanne, (Eds.), *A Nation of Rogues? Crime, Law and Punishment in Colonial Australia*, Melbourne University Press, Melbourne, 1994.

Pickering, Paul A., *Chartism and the Chartists in Manchester and Salford*, Macmillan Press Ltd., London, 1995.

Pickering, Paul A., *Historical Reenactment. From Realism to the Affective Turn*, Palgrave MacMillan, Basingstoke, England, 2010.

Pickering, Paul A., 'Review: *The Europeans in Australia: Volume 2, Democracy* by Alan Atkinson', *Network Review of Books*, Australian Public Intellectual Network, Perth, March 2005.

Pickering, Paul A., "A Wider Field in a New Country: Chartist in Colonial Australia", M. Sawyer (ed.), *Elections, Full, Free & Fair*, Federation Press, Sydney, 2001

Powell, Keith C., *Drinking and Alcohol in Colonial Australia 1788-1901 for the Eastern Colonies*, National Campaign Against Drug Abuse, Monograph Series No. 3, AGPS, Canberra, 1988.

Ramson, William Stanley, *Australian English: an historical study of the vocabulary, 1788-1898*, Australian National University Press, Canberra, 1966.

Redford, Arthur, *Labour Migration in England 1800-1850*, University Press, Manchester, 1926.

Robson, L.L., *The Convict Settlers of Australia*, Melbourne University Press, Melbourne, 1965.

Rose, Lionel, *Drink and Drugs*, Batsford Academic and Educational, London, 1984.

Rudé, George, *Protest and Punishment: The Story of the Social and Political Protestors transported to Australia 1788-1868*, Oxford University Press, Melbourne, 1978.

Rudé, George, *Criminal and Victim. Crime and Society in Early Nineteenth-Century England*, Clarendon Press, Oxford, 1985.

Rudé, George, *Crowd in the French Revolution*, Clarendon Press, Oxford, 1959.

Russell, Penny and White, Richard, (Eds.), *Pastiche I. Reflections on 19th century Australia*, Allen & Unwin, St. Leonards, New South Wales, 1994.

Sainty, Malcolm and Johnson, Keith, (Eds.), *1828 Census of New South Wales*, Revised edition, Library of Australian History, Sydney, 2008 (CD-ROM); Book Entry No. H2662.

Shaw, A.G.L., *Convicts and the Colonies. A Study of Penal Transportation from Great Britain and Ireland to Australia & Other Parts of the British Empire*, Faber and Faber, London, 1966.

Simes, Gary, *A Dictionary of Australian Underworld Slang*, Oxford University Press, Melbourne, 1993.

Smith, Babette, *Australia's Birthstain. The Startling Legacy of the Convict Era*, Allen Unwin, Sydney, 2010.

Smith, Babette, *A Cargo of Women: Susannah Watson and the Convicts of the Princess Royal*, New South Wales University Press, Kensington, N.S.W., 1988.

Stacker, Lorraine, *Chained to the soil of the Plains at Emu: a history of the Emu Plains Government Agricultural Establishment 1819-1832*, Nepean District Historical Society, Penrith, 2000.

Sturma, Michael, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales*, University of Queensland Press, St. Lucia, Queensland, 1983.

'The Captain', *Inhumanity. Historical Tales of Old Convict Days from Millbank Prison (England) to Norfolk Island Macquarie Harbour Port Arthur*, J. Walsh & Sons, Hobart, 1932.

Tobias, J.J., *Crime and Police in England 1700-1900*, Gill and Macmillan, Dublin, 1979.

Tobias, J.J., *Nineteenth-century Crime: Prevention and Punishment*, David & Charles, Newton Abbot, England, 1972.

Truswell, A. Stewart and Wahlqvist, Mark L., (Eds.), *Food Habits in Australia*, René Gordon, Victoria, 1988.

Tyrrell, Alex, *Joseph Sturge and the Moral Radical Party*, London, 1987.

Vernon, James, *Politics and the People. A study in English political culture, c. 1815-1867*, Cambridge University Press, Cambridge, 1993.

Wahlqvist, M.L., King, R.W.F., McNeil, J.J. and Sewell, R., (Eds.), *Food and Health. Issues and Directions*, John Libbey, London, 1987.

Walkley, Christina and Foster, Vanda, *Crinolines and Crimping Irons. Victorian clothes: how they were cleaned and cared for*, Peter Owen, London, 1978.

Walsh, Kay and Hooton, Joy, *Australian Autobiographical Narratives, An Annotated Bibliography*, Volume I: To 1850, Australian Scholarly Editions Centre, University College, Australian Defence Force Academy and the National Library of Australia, Canberra, 1993.

Ward, Russell, *The Australian Legend*, Oxford University Press, Melbourne, 1978.

Woolf, Virginia, 'The New Biography' in *Essays of Virginia Woolf*, Andrew McNeillie, (ed.), Vol. 4, The Hogarth Press, London, 1994.

THESES

Bubacz, Beryl, *The Female and Male Orphan Schools in New South Wales 1801 – 1850*, PhD Thesis, University of Sydney, 2007, p. 200.

Evans, Ian Joseph, *Touching Magic. Deliberately concealed objects in old Australian houses and buildings*, Doctor of Philosophy – History, University of Newcastle, October 2010.

Shell, Sandra Carolyn Teresa Rowoldt, *From slavery to freedom: the Oromo slave children of Lovedale, prosopography and profiles*, Dissertation submitted for Doctor of Philosophy in Historical Studies, University of Cape Town, 2013.

Walsh, Brian Patrick, *Heartbreak and Hope, Deference and Defiance on the Yimmang: Tocal's convicts 1822-1840*, Doctoral Thesis, University of Newcastle, September 2007.

WEBSITES

ABC interview with

Milton Lewis:

<http://www.abc.net.au/rn/rearvision/stories/2008/2269913.htm>

Richard Midford, National Drug Research Institute, Dr Milton Lewis, Australian Health Policy Institute and Professor Robin Room, Turning Point Alcohol and Drug Centre:

<http://www.abc.net.au/rn/rearvision/stories/2008/2269913.htm>

Accor Hotels web site. The Accor Hotel in Newcastle is the location under which the remains of convict Mulholland's wife are buried:

<http://www.accorhotels.com/gb/hotel-3236-ibis-newcastle/index.shtml>

Ancestry genealogy site: www.ancestry.com.au

AustLit website for details about

convict narratives project being conducted by Dr Nathan Garvey:

<http://www.austlit.edu.au/austlit/page/5979855>

Mark McKenna's essay 'Writing the Past: History, Literature and the Public Sphere in Australia': <http://www.austlit.edu.au/austlit/page/C567314>

Australian Agricultural Company, Article by Pennie Pemberton:

http://www.heritageaustralia.com.au/pdfs/Heritage%200309_Agricultural%20Co.pdf
[f.](#)

Australian Biography's transcript of interview with novelist Thomas Keneally:
<http://www.australianbiography.gov.au/subjects/keneally/interview11.html>

Australian Bureau of Statistics (ABS) website for details of:

the major droughts that affected the convicts in the sample:
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/1301.0Feature%20Article151988>

a time series spread sheet from 1788 on the Labour force, Australia, in particular 'Table 01. Labour force status by sex - trend', time series spread sheet, cat. no. 6202.0.55.001, 2004:

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3105.0.65.0012006?OpenDocument>

Australian Historical Population Statistics, cat. no. 3105.0.65.001, Table 1:
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/3105.0.65.0012006?OpenDocument>

Australian Data Archive (ADA) website for Historical Census and Colonial Data, in particular NSW 1836 and 1841 Census: www.hccda.ada.edu.au Details of data accessed included with Archival Sources.

Australian Dictionary of Biography website:

Sidney Baker's biography: <http://adb.anu.edu.au/biography/baker-sidney-john-9411>

Seventh Earl of Beauchamp's biography:
<http://adb.anu.edu.au/biography/beauchamp-seventh-earl-5174>

James Bloodworth's biography:
<http://adbonline.anu.edu.au/biogs/A010112b.htm?hilit=bloodsworth>

Sir Richard Bourke's biography:
<http://adbonline.anu.edu.au/biogs/A010120b.htm?hilit=bourke>

David Buchanan's biography: <http://adb.anu.edu.au/biography/buchanan-david-3099>

Robert Cran's biography: <http://adb.anu.edu.au/biography/cran-robert-5808>

George Earp's biography: <http://adb.anu.edu.au/biography/earp-george-frederick-6078>

John Frost's biography:

<http://www.adb.online.anu.edu.au/biogs/A010385b.htm>

Lewis Wolfe Levy's biography: <http://adb.anu.edu.au/biography/levy-lewis-wolfe-4017>

George Alfred Lloyd's biography

<http://www.adb.online.anu.edu.au/biogs/A050112b.htm?hilite=lloyd%3BGeorge%3Balfred>

Patrick Logan's biography: <http://adb.anu.edu.au/biography/logan-patrick-2367>

William Augustus Miles at web site: <http://adb.anu.edu.au/biography/miles-william-augustus-2452>

John Joseph William Molesworth Oxley's biography:

<http://adbonline.anu.edu.au/biogs/A020273b.htm?hilite=oxley>

George Robert Nichols' biography:

<http://adb.anu.edu.au/biography/nichols-george-robert-bob-4296>

Henry Parkes' biography:

<http://adbonline.anu.edu.au/biogs/A050455b.htm?hilite=parkes%3Bhenry>

James Tyson's biography: <http://adb.anu.edu.au/biography/tyson-james-985>

Thomas Wells' biography:

<http://adbonline.anu.edu.au/biogs/A020527b.htm?hilite=thomas%3Bwells>

Elias Carpenter Weeks' biography: <http://adb.anu.edu.au/biography/weekes-elias-carpenter-4826>

Australasian Federation of Family History Organizations' publication of Stephen Mutch's account of how the 2001 Australian Census papers were saved from destruction: <http://www.affho.org/projects/Mutch.pdf>

Australian Historical Association's website includes award win by the novel *Chain Letters. Narrating Convict Lives*: <http://www.theaha.org.au/awards-prizes.html>

Australian Institute of Family Studies website for article 'The Changing Shape of Australia's Population': <http://www.aifs.gov.au/institute/pubs/briefing10.pdf>

BBC website for Clive Emsley's article 'Crime and the Victorians':

http://www.bbc.co.uk/history/british/victorians/crime_01.shtml#top

Babette Smith, Speech to the Independent Scholars of Australia Association, 'Out of Sight, the civic heritage of convict transportation', reproduced on Smith's website:

http://www.babettesmith.com/index.php?option=com_content&view=article&id=8&Itemid=10

Band of Hope website: <http://www.spartacus.schoolnet.co.uk/REhope.htm>

British House of Commons web site:

<http://parlipapers.chadwyck.co.uk.rp.nla.gov.au/home.do> for the following:

House of Commons Parliamentary Papers, Third Report from the Committee on the Laws relating to Penitentiary Houses. Great Britain, 27 June 1812.

The House of Commons Parliamentary Papers, Papers relating to the convict establishment at Woolwich, Sheerness, and Portsmouth;--viz. two reports of John Henry Capper, Esq. superintendent of the several ships and vessels for the confinement of offenders under sentence of transportation, 1815.

In 1815 these Papers also include 'Instructions from the Secretary of State's Office, to the said Superintendent, dated 23 August 1815', Great Britain, 1815.

In 1817 these Papers also include a Report from T. Price, Chaplain to J.H. Capper. House of Commons Parliamentary Papers, Papers relating **to** the Convict Establishment at Woolwich, Sheerness and Portsmouth.

House of Commons Parliamentary Papers, Criminals. England and Wales. Summary statements of persons, charged with criminal offences, committed to the different gaols in England and Wales, and in London and Middlesex, for trial at the assizes and sessions, during the last seven years; 1823-1829, Great Britain, 1830.

The House of Commons Parliamentary Papers, Convicts. Two reports of John Henry Capper, Esq. superintendent of ships and vessels employed for the confinement of offenders under sentence of transportation; relating to the convict establishments at Devonport, Portsmouth, Tipnor, Sheerness, Chatham, Woolwich, Deptford; and at Bermuda. Great Britain, 1831. Report of John Henry Capper, Esq., Superintendent of Ships and Vessels employed for the Confinement of Offenders sentenced for Transportation, 25 July 1831 to the Right Hon. Viscount Melbourne.

House of Commons Papers, First report from the Select Committee of the House of Lords appointed to inquire into the present state of the several gaols

and houses of correction in England and Wales; with the minutes of evidence and an appendix, Great Britain, 1835.

House of Commons Parliamentary Papers. Inquiry into the State of the Convict Establishment at Woolwich. Report and Minutes of Evidence taken upon an Inquiry into the General Treatment and Condition of the Convicts in the Hulks at Woolwich. Presented to both Houses of Parliament by Command of Her Majesty, William Clowes & Sons, London, for Her Majesty's Stationery Office, 1847. The author of The Report was William John Williams, Inspector of Prisons.

Database of Australia website for historical statistical details: <http://www.bdal-online.org/index.html>

Definition of sequestration: <https://www.scotcourts.gov.uk/taking-action/bankruptcy>

Dog and Goat Act 1866:
http://www.austlii.edu.au/au/legis/nsw/num_act/dagao1866n4145.pdf

Dictionary of Sydney website for Ann O'Brien's article 'Charity and Philanthropy':
http://www.dictionaryofsydney.org/entry/charity_and_philanthropy

Dulwich Centre interview with Dr Milton Lewis, 'Alcohol in Australia: the intertwining of social and personal histories': <http://www.dulwichcentre.com.au/alcohol-in-australia.html>

Find My Past genealogy site: www.findmypast.com.au

Founders and Survivors website:

for information about their convict project as an example of mass prosopography: <http://foundersandsurvivors.org/>

for article 'Reformation and Recidivism: The London Refuge for the Destitute, c. 1806-1849': <http://foundersandsurvivors.org/node/92142>

Historical Records of Australia, Watson, Frederick, (Ed.), Series I, The Library Committee of the Commonwealth Parliament, 1914-1925:
<http://archive.org/search.php?query=historical%20records%20of%20australia>

Gold discoveries website: http://www.egold.net.au/browse_.htm

Irish Dictionary for all Gaelic words used in this thesis:
<http://www.irishdictionary.ie/home>

Leslie Uebel's Claim a Convict website used for selection of sample used for this thesis.
<http://www.claimaconvict.net/index.htm>

Lincolnshire County Council website for Thomas Bray's Trial record:
http://www.lincolnshire.gov.uk/ConvictsDetails.aspx?convict_id=3324

Macquarie University website for

the case of convict Lookaye *alias* Edwards heard in 1828 before the Supreme Court:
http://www.law.mq.edu.au/research/colonial_case_law/nsw/cases/case_in_dex/1828/in_re_lookaye_alias_edwards/

Roger McDonald's talk on his novel the *Ballad of Desmond Kale*:
http://www.mq.edu.au/about_us/faculties_and_departments/faculty_of_art_s/departments_of_english/multimedia/

Monaro Pioneer's Project website with details of convict William Bryant:
<http://wc.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=monaropioneers&id=I80310>

Museum of Democracy website for the New South Wales Crown Lands Alienation Act of 1861: <http://foundingdocs.gov.au/item-sdid-80.html>

National Library of Australia's account of the Australian Joint Copying Project (AJCP):
<http://www.nla.gov.au/research-guides/australian-joint-copying-project>

New South Wales Government web site for:

article on Alcohol and Tobacco in NSW:
[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/\\$File/07-97.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/0/969ABFE557B2F844CA256ECF00079B7F/$File/07-97.pdf)

NSW Government website for: Birth, Deaths and Marriages:
http://www.bdm.nsw.gov.au/bdm_fh.html

New South Wales Crown Lands information:
http://www.lpi.nsw.gov.au/land_titles/land_ownership/crown_land

The Maitland Municipal Library's quarterly publication, 'Connections':
<http://www.maitland.nsw.gov.au/UserFiles/File/Edition2kasp.pdf>

Noel Butlin Archives Centre (Eds.), Early Days of Port Stephens: extracts from the **diary** of Sir Edward Parry, see ANU E Press book website:
<http://epress.anu.edu.au?p=25701>

Old Bailey, London, website principally for Charles Randall's trial on 19 May 1829:
<http://www.oldbaileyonline.org/browse.jsp?id=t18270531-47-defend385&div=t18270531-47#highlight>

O'Lincoln, Tom, *Sex, class and the road to women's suffrage*. Website:
<http://www.anu.edu.au/polsci/marx/interventions/suffrage.htm>

Parliament of New South Wales website for:

Frank Terenzini's speech in the N.S.W. Legislative Assembly:
<http://www.parliament.nsw.gov.au/Prod/parlment/hansart.nsf/V3Key/LA20071116009>

The 1849 Act for Regulating the Trade or Business of Pawnbrokers in New South Wales:
<http://www.legislation.nsw.gov.au/sessionalview/sessional/act/1849-37a.pdf>

Penrith Council website for listing of Aldermen between 1900 and 1908:
<http://www.penrithcity.nsw.gov.au/templates/StandardTemplate.aspx?id=38403>

Power House Museum web site re male convict clothing 1814 site:
<http://www.powerhousemuseum.com/collection/database/?irn=205558>

Port Arthur web site: <http://www.portarthur.org.au/index.aspx?base=1471>

Productivity Commission website for information about floods in Warwick area, Queensland: http://www.pc.gov.au/data/assets/pdf_file/0008/86282/06-chapter3.pdf

Queensland Government website for:

details of floods in the Warwick area:
http://www.bom.gov.au/qld/flood/fld_history/floodsum_1880.shtml

an article on Moreton Bay convict settlement:
<http://www.archives.qld.gov.au/Researchers/History/HistoricalEssays/Pages/moretonbay-convict-settlement.aspx>

Queensland Institute of Technology website for:

an article Reform of the Real Property Acts in Queensland:

access point for article 'Early Australian Land Grants and Reservations: Any Lessons for the Sustainability Challenge to Land Ownership':
<http://eprints.qut.edu.au/>

Queensland State Archives website for Insolvency information:

<http://www.archives.qld.gov.au/downloads/BriefGuides/BG17Insolvency.pdf>

Sands Sydney, Suburban and Country Commercial Directory, 1858-1933. See website:

<http://www.cityofsydney.nsw.gov.au/learn/history/search-our-collections/sands-directory>

Sydney Aldermen website: <http://www.sydneyaldermen.com.au/alderman/elias-weekes>

Society of Utah Genealogical Society website: <https://familysearch.org/>

State Library of Western Australia's account of the AJCP:

http://www.slwa.wa.gov.au/find/guides/family_history/australian_joint_copying_project/using_the_ajcp_handbooks

State Records New South Wales (SRNSW) websites for numerous pieces of information including:

definition of bankruptcy and insolvency:

<http://www.records.nsw.gov.au/state-archives/indexes-online/indexes-online#bankruptcy> and <http://www.records.nsw.gov.au/state-archives/indexes-online/indexes-online#insolvency>

Corrective Services information: <http://search.records.nsw.gov.au/activities/2>

(The other SRNSW data available on the internet is included under Archival Sources)

State Records Archives Investigator website for details of the 1841 Bankruptcy Act:

<http://investigator.records.nsw.gov.au/Entity.aspx?Path=\Activity\8>

The Age website for:

article concerning Kate Grenville's novel *The Secret River*:

<http://www.theage.com.au/news/books/making-a-fiction-of-history/2006/10/19/1160851069362.html?page=2>

article concerning Roger McDonald's novel the *Ballard of Desmond Kale*:

<http://www.theage.com.au/news/books/convict-tale-wins-over-judges/2006/06/22/1150845313557.html?page=fullpage>

The Australian article entitled 'Nation Under the influence':

<http://www.theaustralian.com.au/news/features/nation-under-the-influence/story-e6frg6z6-1225767196595>

The Guardian website for Lawrence Stone's Obituary:

<http://www.theguardian.com/news/1999/jul/05/guardianobituaries1>

The Morning News website for Peter Carey interview about the inclusion of historical characters in his novels:

http://www.themorningnews.org/archives/personalities/birnbaum_v_peter_carey.php

The National Archives (TNA), Britain website:

<http://www.nationalarchives.gov.uk/records/research-guides/transportation-australia.htm>

University of the Highlands and Islands website for Kirsty Reid's forthcoming books: 'It cuts me even to the hart: letters from convict Australia, 1787-1868' and 'Australia bound: convict voyaging, 1787-1868': <http://www.uhi.ac.uk/en/research-enterprise/cultural/centre-for-history/staff/dr-kirsty-reid>

University of Melbourne's website for the first pawn broking license issued in Melbourne: <http://www.emelbourne.net.au/biogs/EM01124b.htm>

University of Newcastle's website for article entitled 'Edward Capper: Hardware and Society':

http://www.newcastle.edu.au/Resources/Divisions/Academic/Library/Cultural%20Collections/pdf/IanBowrey_1977.pdf

University of Tasmania's website for Matthew Mauger's discussion of the literary origins of Australian convict narratives:

<http://iccs.arts.utas.edu.au/abstracts2.html#mauger>

Victorian Government website for Peter Carey discussing the application of his imagination to historical facts: <http://www.cv.vic.gov.au/stories/ned-kelly/9618/imagining-ned-kelly-interview-with-peter-carey/>

Vital records genealogy site: www.worldvitalrecords.com