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The State, Convicts and Longitudinal Analysis

HAMISH MAXWELL-STEWART 

In 2006 the Records of the Tasmanian Convict Department were inscribed on the UNESCO Memory of the World Register. This extraordinarily intact collection of records document the lives of 73,000 male and female prisoners transported to Van Diemen's Land. This article examines ways in which this information can be used to explore the impact of forced labour migration on the lives of convicts. It focuses in particular on the assembly of cradle-to-grave datasets. Such longitudinal approaches to the past can be powerful, especially where they involve the analysis of multiple life course events for a large number of individuals. The first part of the article explores ways in which quantitative approaches can be used to reconstruct the circumstances that shaped the creation of record groups. The second part examines the way in which longitudinal analysis can be used to analyse the impact of state action on the lives of convicts.

The rise of the prison as an institution of mass incarceration for offenders has long fascinated historians. Since the 1970s a series of influential works have explored the shift in punishment from the body to the mind that accompanied the increased use of imprisonment as an instrument of justice. Much of this literature has focused on the role prisons played in the shaping of a new form of relationship between the state and its citizens.¹ Important as these works are, there have been fewer attempts to describe the impact of imprisonment and punishment on the lives of prisoners and their families, or to use the data recorded in prison registers and related criminal justice record series to explore conditions experienced by working-class populations.

It is often the most marginalised members of society who are targeted by states and, as a result, have their lives documented in archival collections. This is especially true of those who run afoul of the law. From the late eighteenth century, prisons and court systems started to maintain ever more detailed registers of offenders. As a record of prior conviction was one of the factors that judges took into consideration when determining sentencing options, it became increasingly important to document offending histories. As a result, information was routinely circulated between courts, prisons and other institutions. A striking feature of this was the speed with which such record-keeping systems were adopted across jurisdictions, including colonial societies.

For background on this Forum on Big Data and the articles in this issue please see the free-to-access editorial in this issue, <http://dx.doi.org/10.1080/1031461X.2016.1208728>

¹ See, in particular, Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1977); and Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1705–1850* (New York: Pantheon, 1978).

Because they were interested in tracking offenders, criminal justice records often included information absent in other series. Details of offenders, heights, their scars, tattoos and other physical deformities, the names of next of kin, place of birth and literacy, were all routinely collected by nineteenth-century police, prison and other penal institutions. Such records are particularly useful because they include information for women as well as men. This article reviews a range of ways in which the data employed to regulate the lives of the 73,000 or so convicts who were sentenced to penal servitude in Van Diemen's Land between 1803 and 1853 can be used to shed light on convict lived experience.

Perhaps because of the detailed nature of the record groups assembled to regulate their lives, convicts transported to Australia have been the subject of a number of previous quantitative exercises. Early studies focused on the criminality of transportees, attempting to establish the extent to which they had a record of offending prior to being sentenced to penal labour in Australia.² Subsequent re-assessments placed much greater emphasis on the skills that convicts brought to the Australian colonies.³ Detailed studies of the convicts transported on individual ships have helped to considerably flesh out this picture.⁴ There have also been a number of pioneering explorations of the manner in which convict labour was organised, punished and rewarded.⁵

The data employed in this article was assembled in order to explore the impact of transportation on health, socio-economic wellbeing and rates of offending. This work forms part of a larger investigation into the relative impacts that penal transportation and incarceration in nineteenth-century British institutions had on the lives of prisoners.⁶ Rather than targeting a single record group, the aim has been to link many series that contain information about the same individual. In the case of transported convicts this includes British hulk records, the surgeons' journals compiled during the voyage to Australia, convict indents and description lists compiled on disembarkation and conduct records containing summaries of

² L. L. Robson, *Convict Settlers of Australia* (Melbourne: Melbourne University Press, 1967); and James F. H. Moore, *Convicts of Van Diemen's Land* (Hobart: Cat & Fiddle Press, 1976).

³ S. Nicholas, ed., *Convict Workers: Reinterpreting Australia's Past* (Cambridge: Cambridge University Press, 1988); D. Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge: Cambridge University Press, 1996); and N. J. Meinzer, 'The Western Australian Convicts', *Australian Economic History Review* 55, no. 2 (2015): 163–86.

⁴ B. Smith, *A Cargo of Women: Susannah Watson and the Convicts of the Princess Royal* (Sydney: University of New South Wales Press, 1988); D. Kent and N. Townsend, *The Convicts of the Eleanor: Protest in Rural England, New Lives in Australia* (London: Pluto Press, 2002); and Lucy Frost, *Abandoned Women: Scottish Convicts Exiled Beyond the Seas* (Sydney: Allen and Unwin, 2012).

⁵ D. Meredith and D. Oxley, 'Contracting Convicts: The Convict Labour Market in Van Diemen's Land, 1840–1857', *Australian Economic History Review* 45, no. 1 (2005): 45–72; D. Roberts, 'A "Change of Place": Illegal Movement on the Bathurst Frontier, 1822–1825', *Journal of Australian Colonial History* 7 (2005): 97–122; and C. Nunn, 'Juveniles as Human Capital: Re-evaluating the Economic Value of Juvenile Male Convict Labour', *Labour History* 108 (2015): 53–69.

⁶ See 'The Digital Panopticon: The Global Impact of London Punishments', www.digitalpanopticon.org (accessed 25 May 2016).

court appearances and punishments for convicts under sentence in Van Diemen's Land.

Since these records contain a series of internal identifiers this process is laborious, but otherwise not technically difficult. Tasmanian convict records regularly include the ship of arrival in the colony and the convict's police number. Information about age and date and court of trial can be used to link these series to records compiled by British and Irish criminal justice systems.

The process of connecting prisoners with information about their pre-transportation families or details of their lives post-release is more complicated but is assisted by the nature of the data assembled to regulate their institutional lives. Record linkage to nineteenth-century British census data, for example, is facilitated by knowledge of the convict's next of kin recorded on arrival in Australia. Information about post-release offending can be retrieved from a number of record sources including the colonial police gazettes, a series of weekly publications that printed details of convicted criminals including the ship that brought them to the colony. Such longitudinal approaches can be powerful, especially where they involve the analysis of multiple life-course events for a large number of individuals.⁷ They also offer the potential to explore the intergenerational impact of forced labour migration. They are not, however, unproblematic.

The legal document that held a convict in place was an indenture. It was this that conferred charge of the convict to the master of the vessel for the duration of the voyage to Australia. Upon landing, property rights in the body of the prisoner passed back to the state, although it was common practice for these to be subsequently assigned, loaned or hired out to private masters and mistresses. The close relationship between the state and the private sector shaped the colonial archive. The use of architectural restraints was impractical in a colony where the economy depended upon the flexible deployment of unfree labour. As a result, record systems largely substituted for cell walls. Without paperwork there was no way of separating those members of the colonial working class who were bound by a sentence from those that were not. The descriptions of runaway prisoners circulated in the pages of the *Government Gazette* and other colonial newspapers helped to determine who was government lost property.

It was not just important to punish those whose indiscretions landed them in a colonial courtroom. The stain of conviction had to be made indelible. Every quarter each magistrates' bench was tasked with drawing up a summary of all charges that had been brought against convicts and former convicts. It was these that were laboriously transcribed into the conduct registers. The volumes that made up this series contained the information that the colonial state used to fix the severity of sanctions applied to convict bodies and select those considered worthy of indulgence. Like colonial archives these record groups were not 'dead matter' in the sense that they were shelved and forgotten.⁸ They

⁷ J. Bradley, R. Kippen, H. Maxwell-Stewart, J. McCalman and S. Silcot, 'Research Note: The Founders and Survivors Project', *The History of the Family* 15, no. 4 (2010): 470.

⁸ A. L. Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 3.

remained live records for many years after their creation; some even contain notes entered in the early twentieth century.

The point was forcibly impressed on each cohort of fresh arrivals. Mustered in the yard of the penitentiary or female factory they were informed that henceforth their wellbeing would depend upon their conduct. While the wicked risked painful encounters with road and chain gangs, penal stations and female factories, those that worked hard and without complaint could expect to be recipients of the state's largesse.⁹ In order to translate knowledge into power, convicts had to believe in the infallibility of the state's bureaucratic engine.

Records were used to tie convicts to the interests of the state in other ways too. Those in hulks awaiting transportation were set to work at tasks such as dredging and constructing jetties and breakwaters. The value of the labour they performed was carefully calculated. As a reward for diligent service every convict was entitled to keep one penny out of each shilling's worth of work they completed for the government. At the end of every week the prisoners received one-third of their accumulated savings while the remainder was left in hand until they were discharged.¹⁰

Many convicts also had opportunities to earn money while under sentence in Australia. When they passed the threshold of an institution, cash found on their person was taken from them and added to any sums already banked on their behalf. As well as incentivising labour, bank accounts provided a handy reserve from which fines could be deducted. Even the value of the labour power of absconded convicts was monetised. The reward of £2 advertised for the recapture of every male runaway provided the opportunity for some to make a sizeable deposit into their account. The cost of the reward, however, was subtracted from the accumulated assets of the absconder. While physical coercion was used to chastise those who did not bend their will to state and master, positive inducements were also an important labour extraction tool.

There has been some criticism of previous attempts to use quantitative techniques to explore Australia's convict past precisely because of the role that records played in underpinning state power. There is certainly a danger that mining the colonial archive might merely succeed in reproducing nineteenth-century dominant views about convicts.¹¹ Convict record series are rich in data precisely because they functioned as important governmental technologies.¹² This is certainly not an issue that is unique to colonial Australia. All systems of labour exploitation justify the unequal distribution of power relations on the basis of the perceived shortcomings or failures said to be characteristic of subaltern populations.¹³ A good illustration of this is provided by Governor George Arthur's

⁹ C. Pybus and H. Maxwell-Stewart, *American Citizens, British Slaves: Yankee Political Prisoners in an Australian Penal Colony 1839–1850* (Melbourne: Melbourne University Press, 2002), 76–7.

¹⁰ 'The Hulks at Woolwich', *Oxford Journal*, 29 December 1832.

¹¹ R. Evans and W. Thorpe, 'Power, Punishment and Penal Labour: *Convict Workers* and Moreton Bay', *Australian Historical Studies* 25, no. 98 (1992): 90–111.

¹² A. Stoler, 'Colonial Archives and the Arts of Governance', *Archival Science* 2 (2002): 87–8.

¹³ H. Maxwell-Stewart, "'Like Poor Galley Slaves': Slavery and Convict Transportation', in *Legacies of Slavery: Comparative Perspectives*, ed. Marie Suzette Fernandes Dias (Newcastle: Cambridge Scholars Publishing, 2007), 56–7.

comparison of the operation of 'convictism' in colonial Australia and plantation racism in the Caribbean. He argued that, while convicts were not black, 'they are *criminals*, and the master ... may draw, from his knowledge of their crimes, a sanction, quite as satisfactory as that arising from difference of colour, for any severity he would practice against them'.¹⁴ It was record-keeping systems that disseminated knowledge of convict 'crimes', ensuring that any attempt to challenge the circumstances in which a prisoner found themselves merely increased the number of damning entries recorded against their name. Any act of protest thus risked strengthening the bureaucratic shackles that held the convict in place.

While some have cautioned against the naive use of state archives, others have questioned the extent to which information that was at least in part elicited from convicts can be trusted.¹⁵ In this sense, the information contained in convict records might be regarded as the product of a cat and mouse game, where the state attempted to gather the information that it needed to control and effectively exploit its charges, whereas the convict tried to conceal and obfuscate as much as possible.

State records are problematic in other ways too. Much of the data collected about transported convicts has a snapshot quality – it represents a particular moment when that individual was interrogated or otherwise described.¹⁶ These very public encounters tell us little about private life. Those who avoided run-ins with magistrates' benches as they negotiated a route to freedom are far less documented than others who frequently appeared in court. The moments when a convict was publicly shamed are invariably present in the archive, while other life achievements went largely undocumented. It is not just convict history that suffers from this problem. Since most records are generated by encounters with the state, the individual only enters the archive when a public intermediary, such as a census enumerator, knocks at the door or in other ways interrupts the flow of private life. Yet, this problem is a particular characteristic of archival series produced by surveillance systems. Convicts may be extraordinarily well documented compared to other lower-order citizens, but a lot of government-generated paperwork cannot substitute for a convict voice – or at least not an unproblematic one. It is right to be sceptical about claims that transported convicts can speak to us, not in words, but out of the dry dust of the statistics used to regulate their lives.¹⁷ This does not necessarily mean that they are rendered mute however.¹⁸

¹⁴ George Arthur, *Defence of Transportation in Reply to the Remarks of the Archbishop of Dublin in his Second Letter to Early Grey by Colonel George Arthur* (London: George Cowie, 1835), 18.

¹⁵ Robson, 181–2; Frost, 26.

¹⁶ Alan Atkinson, 'Writing about Convicts: Our Escape from the One Big Gaol', *Tasmanian Historical Studies* 6, no. 2 (1999): 24–5.

¹⁷ S. Nicholas and P. Shergold, 'Convicts as Migrants', in *Convict Workers*, ed. Nicholas, 45.

¹⁸ Ian Duffield, '"Stated This Offence": High-Density Convict Micro-Narratives', in *Chain Letters: Narrating Convict Lives*, eds L. Frost and H. Maxwell-Stewart (Melbourne: Melbourne University Press, 2001), 119–35.

All historical data is a product of the cultural, political and social forces that shaped the creation and subsequent use of record series. Access to a lot of information is useful, however, in that it can be used to explore those processes in some detail. Quantitative approaches can be particularly important in that they can help to flesh out variations in recording practice. A lot of information is also useful in that it can help to reconstruct the historical moment in which the record was first drawn up.

On arrival in Van Diemen's Land convicts were asked to provide details of their previous conviction history, but were informed that their colonial interrogators already had access to detailed information about their prior lives extracted from metropolitan gaol and hulk reports. Those detected lying or concealing information risked punishment. As George Arthur put it:

The man perceives at once that the officer who is examining him does know something of his history; and not being quite conscious how much of it is known, he reveals, I should think, generally a very fair statement of his past life, apprehensive of being detected in stating what is untrue.¹⁹

It is possible to collectively test the outcome of encounters between convict and state. On balance, convicts confessed to more offences than were officially recorded against their name. Over 20 per cent of male convicts with gaol reports describing them as 'unknown' admitted to having been convicted at least once before.²⁰ The evidence suggests that the state won this particular tussle, tricking convicts into coughing up details of prior offending of which the colonial establishment had no prior knowledge. Resort to British criminal justice record series reveals, however, that they tended to conceal the severity of former encounters with the law. Serious charges of assault, for example, were often passed off as 'rows' – a description that made them sound as though the offence was no more than a barroom scuffle.²¹

If convicts were not always forthcoming about the nature of the offence that they had committed, it is also possible that they attempted to conceal or invent other details of their past lives. There is a great deal of variation in the manner in which convict occupations are described in various record groups. Not only are post-embarkation records more detailed than those compiled in British and Irish gaols and hulks, they also tend to credit convicts with greater levels of skills. Whereas 45 per cent of male prisoners housed in two British hulks in the period 1837–43 are recorded as having unskilled occupations, only 26 per cent of male convicts convicted in England, Scotland and Wales and landed in Van Diemen's Land over the same period confessed to having such low-skilled trades (see Table 1).

¹⁹ Cited by P. R. Eldershaw, *Public Records of Tasmania. Section Three. Convict Department* (Hobart: Archives Office of Tasmania, 2003), 7.

²⁰ A total of 3,637 male convicts have gaol records that describe them as 'unknown'. Of these 674 confessed to having been convicted once before. Tasmanian Archive and Heritage Office (hereafter TAHO), Con 31, Conduct Registers of Male Convicts Arriving in the Assignment Period, and Con 33, Conduct Registers of Male Convicts Arriving in the Period of the Probation System.

²¹ H. Rogers, "'A Very Fair Statement of His Past Life": Transported Convicts, Former Lives and Previous Offences', *Open Library of Humanities* 1, no. 1 (2015): e3, <http://doi.org/10.16995/olh.27>

Table 1. Distribution of convict occupations (%).

	Hulk	Embarked	Arrived
Professional	1.5	1.2	1.1
Semi-professional	1.4	1.3	1.1
Skilled	44.2	44.7	40.0
Semi-skilled	7.8	8.1	32.7
Unskilled	45.1	44.8	26.1
N =	9,353	6,890	11,812

Sources: The National Archive (TNA), HO 9, *York* and *Fortitude*.

It is unlikely, however, that convict lying can explain the scale of the discrepancy in occupational recording between metropolitan and colonial records. Indeed, if convicts attempted to conceal information it would be logical for them to be consistent about the answers that they gave. Inventing an occupation mid-voyage would seem to be a poor strategy, especially as each transportee was told that information collected in the hulks had been forwarded with them.

There are a number of different ways in which it is possible to check the quality of the occupational information elicited from convicts. There are for example distinct regional patterns embedded in the data that are consistent with the geography of employment in nineteenth-century Britain. Over three-quarters of the potters transported to Van Diemen's Land were tried in the county of Staffordshire, the centre of the British pottery industry. The same proportion of button makers were convicted in Warwickshire, and cotton factory workers in Lancashire and Cheshire. These distributions are very similar to those reported by Nicholas and Shergold for New South Wales.²² If convicts systematically lied about the skills they brought to Australia they did so in ways that matched the regional distribution of occupations in the land from which they had been deported.

Many also bore signs on their body that were consistent with their claimed prior occupation. Well-sinkers and colliers arrived with blue marks on their heads. These 'miner's tattoos' were an occupational hazard – the product of underground cuts that had been contaminated with dirt and coal dust.²³ Others arrived with the signs of injuries that support occupational claims. Clerks were heavily scarred on their left hand – all nineteenth-century clerical workers used razor-sharp implements to cut goose quills.²⁴ A high proportion of cotton spinners had mutilated or broken fingers. It was common for cotton factory workers to clean lint and other detritus from clogged gears, leading to high rates of injury.²⁵

²² S. Nicholas and P. R. Shergold, 'Convicts as Workers', in *Convict Workers*, ed. Nicholas, 65.

²³ Chris Winder, 'Occupational Skin Diseases', in *Occupational Toxicology*, eds Chris Winder and Neill Stacey (London: CRC Press, 2004), 128.

²⁴ H. Maxwell-Stewart and J. Bradley, "'Behold the Man": Power, Observation and the Tattooed Convict', *Australian Studies* 12, no. 1 (1997): 81.

²⁵ *Reasons in Favour of Sir Robert Peel's Bill, for Ameliorating the Condition of Children Employed in Cotton Factories* (London: W. Clowes, 1819), 61; and J. D. Schmidt, *Industrial Violence and the Legal Origins of Child Labor* (Cambridge: Cambridge University Press, 2010), 85.

Rather than the product of lies, variations in the information recorded about convicts reflect the different institutional settings in which each record group was drawn up. The most noticeable difference between the hulk records and the occupational information elicited from convicts on arrival in Australia, for example, is the relatively small proportion of agricultural workers listed in the hulk registers. As there was no ready use that could be made of convicts with rural skills in British dockyards, it made sense to record them as labourers. By contrast agricultural skills were at a premium in the Australian colonies. It was not unusual for the convicts with experience of farm work to list the range of agricultural tasks they could perform. The ability to sow, reap, mow, shear, and handle livestock were all important skills, the possession of which increased the potential utility of the prisoner.²⁶

Rather than eliciting information about occupation in order to place an individual in the class structure – a common preoccupation of courts – the colonial state sought to record sufficient information to ensure that convict labour could be efficiently utilised. This is almost certainly why many convicts listed more than one occupation. Rather than reporting the trade they had followed most recently, they provided information about past employment. This helps to explain why so many female convicts are recorded as domestic servants.²⁷ Domestic service has been called a ‘life-cycle’ occupation.²⁸ It was what most working-class girls did before graduating to other work such as employment in a factory. Even if they were not formally employed as servants, many had experience of tasks such as laundry work.²⁹ Thus, convict records differ from census data in that they do not record details of employment at the point of arrest, but are instead abbreviated *curricula vitae* listing the most important skills a prisoner brought to the colony. This is why it is rare for no trade to be listed against a convict’s name.

Not all convicts sentenced to transportation were actually sent; it is thus possible that those arriving in Australia were not representative of those entering the hulks – the most skilled being sent to supply labour to the penal colonies.³⁰ Analysis of the hulk registers suggests that occupational selection on these lines was not routinely practised. Those transported to Bermuda, Gibraltar, New South Wales and Van Diemen’s Land had a range of skills that were broadly reflective of those entering the hulks. There was a difference in age structure however. Convicts who served out their sentence in the British Isles had a mean recorded age of 29.6 on arrival in the hulk, compared to 24.9 for those who were transported. Convicts who were thought unlikely to survive the voyage were not embarked. Since morbidity rates were correlated with age, a selection process focused on fitness tended to favour the young.

²⁶ See in particular TAHO, Con 27, Appropriation Lists of Convicts.

²⁷ Oxley, 139–41, 164–6, 236.

²⁸ P. Laslett, *The World We Have Lost* (London: Methuen, 1971), 36–7.

²⁹ A. Fauve-Chamoux, ‘Introduction’, in *Domestic Service and the Formation of European Identity*, ed. Antoinette Fauve-Chamoux (Bern: Peter Lang, 2004), 8.

³⁰ Oxley, 236.

Table 2. Literacy rates for male convicts (%).

	Hulk	Arrival in VDL
Neither read nor write	29.53	16.85
Read only	26.88	26.55
Read and write	43.59	56.60
	100.00	100.00
N =	9,392	23,532

Sources: TNA, HO 9, *York* and *Fortitude*.

Men were less literate when they entered the hulks than when disembarked in Van Diemen’s Land (see Table 2). Yet, this difference should perhaps not be unexpected in a system that placed great emphasis on schooling. Reading and writing classes were held in both the hulks and on board convict vessels.³¹ Literacy data can also be used as a further check on the integrity of occupational information. The most literate convicts were those with professional skills, followed closely by shopkeepers and dealers. The least literate were labourers, miners and agricultural workers. Some trades considered to be low-skilled had fairly high literacy rates, reflecting the requirements of the job. Errand boys and messengers, for example, needed to be able to read addresses (see Table 3).

There are other ways of testing the integrity of literacy data. While average literacy increased with age, convicts who claimed to be twenty, thirty, forty and fifty years old were less likely to be able to read and write. This was particularly the case with female convicts and those born in Ireland. There is a well-established relationship between lower levels of literacy and age rounding. This can be measured using Whipple’s index.³² The closer a Whipple score is to 100, the least evidence there is for age heaping within that population. As can be seen from Table 3, convicts with occupations associated with higher levels of reported literacy had significantly lower Whipple scores than those with occupations associated with poor literacy rates.

In summary there is nothing to suggest that convict records are a particularly inaccurate source of data. Checks on the answers that convicts provided to their colonial interrogators do not provide evidence of large-scale systematic bias. Comparisons with hulk data reveal many differences in the recording of information about prisoners, but these can be explained by the different contexts in which the data was captured and the impact of state interventions like compulsory schooling.

³¹ Rosalind Crone, ‘Attempts to (Re)shape Common Reading Habits: Bible Reading on the Nineteenth-Century Convict Ship’, in *A Return to the Common Reader: Print Culture and the Novel, 1850–1900*, eds Beth Palmer and Adelene Buckland (Farnham: Ashgate, 2011), 103–20.

³² A Whipple index score is calculated by summing the number of individuals aged 23 and 62 who report ages ending in 0 and 5 and then dividing that sum by the total number of individuals aged 23 to 62 and multiplying by five.

Table 3. Literacy and Whipple scores for male convicts reporting different occupations.

Recorded occupation	Literacy score	Whipple index
Professional	4.95	104
Shopkeepers and dealers	4.45	104
Workers in wood	4.24	109
Food and drink	4.18	111
Clothing	4.17	110
Errand boys, messengers and porters	4.10	109
Domestic service	4.02	120
Military	3.75	112
Marine transport	3.72	117
Labourers	3.28	117
Quarrying and mining	3.20	121
Agricultural workers	3.07	123

N = 26,530.

Literacy scored as 1 = neither read nor write, 2 = read a little, 3 = read only, 4 = read and write a little, 5 = read and write.

Sources: TAHO Con 18 Description Lists of Male Convicts, Con 23 Alphabetical Register of Male Convicts, and Con 33 Conduct Registers of Male Convicts Arriving in the Period of the Probation System.

Quantitative techniques can also be used to read the archive against its grain, that is, to deploy data in ways that were not originally envisaged by its creators. The whole purpose of compiling a record of life-course offending was to use the power of paperwork to control convict labour. When many convict lives are read in parallel, however, it is the state that is placed in the spotlight. Rather than individual failings, the analysis of collective lives reveals the impact of state actions. Morbidity and mortality rates, the distributions of punishments and rewards, reconviction and family formation can all be used to explore ways in which transportation policy shaped the collective experience of convicts.

Detailed mortality data is available for male convicts from the moment they entered the hulk. The experience of death can be reconstructed for both male and female convicts from the point where they were embarked on a convict vessel. Death rates amongst convicts at sea were strikingly low. It was much safer to travel as a convict to Australia in the first half of the nineteenth century than it was to take a steerage passage across the Atlantic (see [Table 4](#)). The risk of death amongst male convicts was greatest in the hulk. It fell dramatically post-embarkation, but rose over the course of the four-month voyage to Australia (excluding deaths from shipwrecks). Arrival in the Antipodes did not bring immediate relief. Convicts died in greater numbers in the first two months on shore than they did during the last month of the voyage. Thereafter the risk of death declined to levels that compare favourably with those for nineteenth-century non-institutionalised populations (see [Figure 1](#)). Male convicts under sentence in Van Diemen's Land were four times less likely to die than prisoners

Table 4. Age-specific mortality rates.

Age	Transatlantic migrants 1836–53 ^a	Convicts hulk 1837–43	Convicts at sea 1817–53	England and Wales 1843–47 ^b
15–24	2.53	2.63	2.19	0.69
25–34	4.40	3.12	2.48	0.82
35–44	5.07	4.61	2.58	1.07

^aR. L. Cohen, 'Determinants of Individual Immigrant Mortality on Sailing Ships, 1836–1853', *Explorations in Economic History* 24, no. 4 (1987): 371–91.

^bRoderick Floud and Bernard Harris, 'Health, Height, and Welfare: Britain, 1700–1980', in *Health and Welfare during Industrialization*, eds Richard H. Steckel and Roderick Floud (Chicago: University of Chicago Press, 1997), 98.

undergoing 'separate treatment' in Millbank prison, London.³³ While female convicts were at greater risk of death than male convicts at sea, post-disembarkation the relative fortunes of the two populations were reversed.

Such longitudinal mortality profiles provide startling evidence of the effectiveness of pre-voyage screening. In an era before germ theory when there was little understanding of disease vectors, surgeon superintendents and the hulk administration were nevertheless able to ensure that onshore experience of death was not transmitted on board transport vessels. Differing outcomes can be partially explained by the changes in the demands placed on convict bodies – it was impossible to work convicts at sea in the same way as they were tasked on land. The variation in age between convicts who were not transported and those who were embarked for the long voyage to Australia was also significant. Table 4 shows that older convicts were at greater risk of mortality, especially in the hulks. The death rate in port was further lowered through the practice of discharging sick convicts back onto land.

The experience of surgeon superintendents on convict vessels helps to explain why it took so long for miasma theory to lose its appeal. The measures taken to stop the sources of decaying matter thought to spread disease from entering convict vessels appeared to work. The constant scrubbing and washing of bodies, clothes and decks cut rates of infection. It was only when convict vessels ventured into the southern oceans that mortality rates started to climb back towards those experienced in hulks. Pitching decks disrupted daily cleaning routines and increased the rate of accidents, while dwindling supplies of fresh stores increased the risk of death from scurvy.³⁴

³³ House of Commons. 'Report from the Surveyor-General on the discipline and management of prisons with appendix 1847–53', *British Parliamentary Papers, Crime and Punishment, Prisons*, 14 (Shannon: Irish University Press, 1970), 60–1.

³⁴ R. Kippen and H. Maxwell-Stewart, 'Morbidity and Mortality on Convict Voyages to Australia', in *Lives in Transition: Longitudinal Analysis from Historical Sources*, eds P. Baskerville and K. Inwood (Montreal: McGill-Queens University Press, 2015), 43–70.

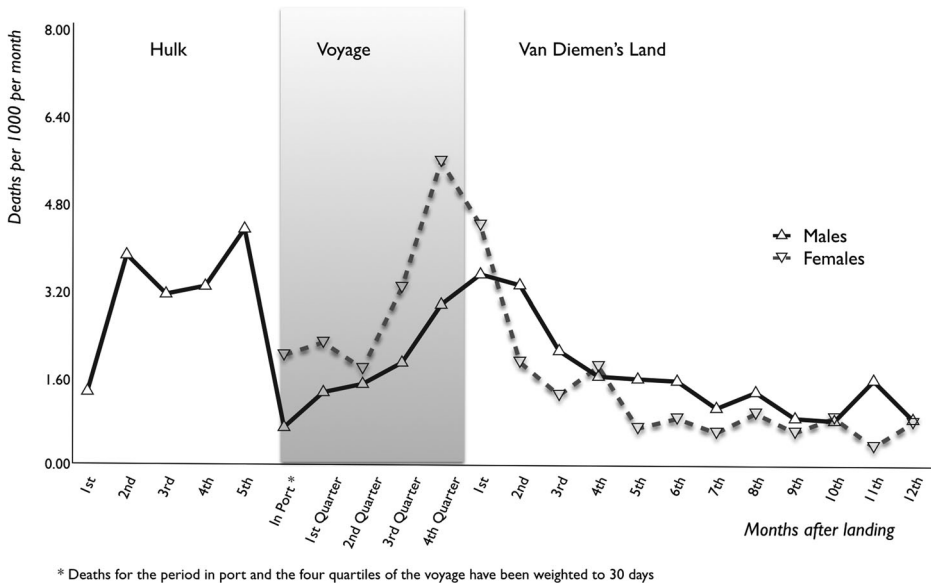


Figure 1. Death rates in the hulks at sea and during the first year in the colony for male and female convicts arriving on voyages to Van Diemen's Land, 1830–53.

Perhaps surprisingly, arrival in Australia provided scant relief. Mortality rates increased after disembarkation due to a combination of knock-on effects from the long voyage and exposure to new sources of infection. Newly arrived convicts were processed in large barracks where they rubbed shoulders with old hands. Female convicts made a quicker post-voyage adjustment because the labour demands imposed upon them were physically less demanding and the female factory was less crowded than the male penitentiary. Within six months the mean death rate for both male and female convicts had fallen to levels that were not much greater than those experienced by the same age cohorts in England and Wales. In fact, the risk of death amongst convicts was less than that for the soldiers who guarded them.³⁵ This decline coincided with the shift of the bulk of the convict population from public sector barracks to accommodation provided by the private sector masters to whom they were either assigned, loaned or hired.

There is a temptation to read such health outcomes as a sign that the experience of being transported as a convict was relatively benign. While it is true that death rates in convict Australia were insignificant compared to the experience of mortality in other penal colonies, this does not mean that the experience of being transported to Australia was not coercive.³⁶ The reduction in mortality rates at sea

³⁵ H. Maxwell-Stewart, 'Revisiting Linus Miller's "Dark Picture of Van Diemen's Land"', *Australasian Canadian Studies* 29, nos. 1–2 (2012): 113.

³⁶ H. Maxwell-Stewart, 'Isles of the Dead: Convict Death Rates in Comparative Perspective', *Historic Environment* 24, no. 3 (2012): 26–34.

was only possible because of the degree of control state officials exercised over their convict charges. It is no accident that mortality rates declined first on vessels used to transport slaves and convicts. Because of their status as unfree passengers, measures designed to improve hygiene could be imposed upon bonded workers.³⁷

Despite the low overall death rates, the variations in health outcomes for convicts in Van Diemen's Land were marked. All convicts who worked in gangs were at a greater risk of death. This was partially because ganged convicts were accommodated in barracks, but it was also because they were coerced in ways that were uncommon in the private sector. Ganged convicts were punished at a much higher rate than non-ganged convicts.³⁸ Some forms of punishment seem to have been particularly pernicious. Kippen and McCalman found evidence that solitary confinement exposure shortened life expectancy, although they could find no evidence that flogging had a similar effect.³⁹

Oscillations in the overall male convict death rate were correlated with the number of convicts sentenced to ganged labour. This in turn appears to have been driven by colonial labour market conditions. It was most advantageous for masters to employ convict labour when the costs of feeding and clothing an unfree worker were relatively low compared to the cost of free wages.⁴⁰ As the annual maintenance bill rose, the number of convicts sentenced to hard labour in road and chain gangs by magistrates' benches also increased.⁴¹ The effect was to shift the costs of maintaining convicts from the private to the public sector at the points when it became most advantageous to disinvest in unfree workers.

The trend exposes an important issue. Conduct records are not the complete list of all indiscretions, as claimed by some.⁴² They are instead the product of a complex set of factors culminating in a decision to prosecute.⁴³ That decision could be affected by many things including the worth of the convict; thus convicts with skills that were not in demand in the colonial economy were at a greater risk of punishment than others. This is why the number of charges brought against serving prisoners was inversely correlated with colonial wage rates. The easier

³⁷ R. Haines and R. Shlomowitz, 'Explaining the Mortality Decline in the Eighteenth-Century British Slave Trade', *Economic History Review* 53, no. 2 (2000): 273; and J. McDonald and R. Shlomowitz, 'Mortality on Convict Voyages to Australia, 1788–1868', *Social Science History* 13, no. 3 (1989): 291.

³⁸ H. Maxwell-Stewart, 'The Rise and Fall of John Longworth: Work and Punishment in Early Port Arthur', *Tasmanian Historical Studies* 6, no. 2 (1999): 104–5.

³⁹ R. Kippen and J. McCalman, 'Mortality Under and After Sentence of Male Convicts Transported to Van Diemen's Land (Tasmania), 1840–1852', *History of the Family* 20, no. 3 (2015): 345–65.

⁴⁰ Meredith and Oxley.

⁴¹ H. Maxwell-Stewart, 'Convict Labour Extraction and Transportation from Britain and Ireland 1615–1870', in *Convict Labour: A Global Regime*, eds C. Vito and A. Lichtenstein (Leiden: Brill, 2015), 191–3.

⁴² R. Kippen and J. McCalman, 'A Test of Character: A Case Study of Male Convicts Transported to Van Diemen's Land, 1826–38', in *Lives in Transition*, eds Baskerville and Inwood, 21–2.

⁴³ See P. King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750–1800', *The Historical Journal* 27, no. 1 (1984): 25–58.

it was to get a replacement for a convict worker, the more likely they were to be charged with an offence.⁴⁴

The ability to link convict records to other archival series enables an exploration of post-sentence lives. Some have argued that the emphasis colonial transportation systems placed on punishment through labour extraction helped former prisoners to integrate into the free economy, resulting in lower offending rates than those generally characteristic of ex-inmate populations.⁴⁵ Others are more sceptical.⁴⁶ The post-1865 practice of circulating the details of released offenders in the pages of the *Tasmanian Police Gazette* has enabled a detailed analysis of those former convicts who failed to desist from offending. The picture that emerges is complex.

Former female convicts were less likely to be rearrested than men. This is significant since they confessed to a worse record of prior offending on arrival in Australia. On the whole, transportation seems to have been effective at breaking cycles of female offending. There was a noticeable relationship between stature and offending amongst male convicts, but not female. Male convicts who were short compared to others born in the same region of the British Isles were more likely to be reconvicted subsequent to their release from the convict system.⁴⁷

Other trends are also discernible. There was a relationship between the levels of punishment received by male convicts under sentence and the probability that they would subsequently reoffend. Rather than deterring convicts, increasing severity inhibited their ability to 'go straight'.⁴⁸ This is particularly noteworthy since much of what is recorded in conduct records might be described as 'status offending'. This is a term employed by criminologists to describe charges that can only be brought against an individual as a result of conditions imposed upon them. Convict movement offences are a good example. It was not possible to prosecute free workers for being out after hours. As we have already seen, the level of prosecution for such offences was driven by many factors including the operation of local labour markets. Despite the trivial nature of such offences, prosecution and punishment increased the probability of post-release offending.

Convicts were at particular risk from charges relating to sexual conduct. This included childbirth outside of wedlock, although it should be remembered that marriage amongst female convicts was discouraged in order to ensure the supply of domestic servants.⁴⁹ The result was that most convict women did not

⁴⁴ Maxwell-Stewart, 'Convict Labour Extraction', 189–92.

⁴⁵ J. Braithwaite, 'Crime in the Convict Republic', *The Modern Law Review* 64 (2001): 16–17, 19–21.

⁴⁶ B. Godfrey and D. J. Cox, "'The Last Fleet': Crime, Reformation, and Punishment in Western Australia after 1868", *Australian and New Zealand Journal of Criminology* 41, no. 2 (2008): 236–58.

⁴⁷ H. Maxwell-Stewart, K. Inwood and M. Cracknell, 'Height, Crime and Colonial History', *Law, Crime and History* 5, no. 1 (2015): 25–42.

⁴⁸ R. Kippen and H. Maxwell-Stewart, "'What Is a Man That Is a Bolter to Do? I Would Steal the Governor's Axe Rather Than Starve': Old Lags and Recidivism in the Tasmanian Penal Colony", in *Transnational Penal Cultures*, eds J. Campbell and V. Miller (London: Routledge, 2014), 165–83.

⁴⁹ K. Reid, *Gender, Crime and Empire: Convicts, Settlers and the State in Early Colonial Australia* (Manchester: Manchester University Press, 2007), 123–60.

embark on colonial family formation until late in their sentence or after the point they had become free. This appears to have resulted in some peculiar intergenerational effects.

A comparison of the heights of colonially born offenders recorded in the descriptions circulated in the *Tasmanian Police Gazette* in the period after 1865 confirms that the native born were significantly taller than transported convicts – a product of improved childhood nutrition and a disease environment that was benign compared to that of those brought up in industrialising Britain. A significant number of these colonially born prisoners had one or more parents who had been a convict. This provides an opportunity to explore the extent to which the slur of convict transportation was intergenerationally transmitted. The surprise is that not only are there no indications that the children of convicts were stunted, but those that could be traced to a convict mother were taller than average.⁵⁰

This statistically significant result is likely to reflect the way in which state coercion impacted upon convict family formation. Because the point at which convict women could fall pregnant without risk of prosecution was delayed by a sentence, they had low fertility rates compared to other colonial women. As others have demonstrated, net gains in the height of adult populations were almost certainly influenced by declining family size.⁵¹ Smaller families meant that there were fewer mouths to feed and as a result pay packets went further. The difference with convict families is that this did not reflect choice, but the impact of state policing designed to ensure the supply of convict domestic servants.

The purpose of criminal justice record systems was to accumulate sufficient information about an individual to control or otherwise influence their actions. This included assembling the necessary data to inform sentencing policy and the awarding of indulgences. Entries in record series such as the conduct registers were intended to be read in isolation. It has taken considerable time and effort to convert cross-sectional samples of these records into machine-readable form so they can be analysed as a series, rather than as a collection of individual records. Access to large amounts of sentencing data enables historians to examine the timing of prosecutions and explore changes in sentencing strategy in relation to other data series, such as information on prices and wages. The effect of this is to decentralise the role of the prisoner. In this sense quantitative analysis provides the opportunity to turn the archive inside out, making the state the subject of panoptic power.

By reading such archives in ways not intended by their creators it is possible to explore the influence that factors other than personal failings had on life-course outcomes. Linking records in order to piece together something of the

⁵⁰ K. Inwood, H. Maxwell-Stewart and J. Stankovich, 'The Prison and the Colonial Family', *History of the Family* 20, no. 2 (2015): 12–14.

⁵¹ R. E. Bailey, T. J. Hatton and K. Inwood, 'Health, Height, and the Household at the Turn of the Twentieth Century', *The Economic History Review* 69, no. 1 (2016): 35–53.

lives of convicts before and after sentence can further enhance this approach. The results of this work reveal ways in which state intervention may have benefited prisoners and their families. Health regimes imposed during the voyage to Australia reduced mortality. There is also evidence that convict transportation helped some prisoners to cease offending, especially women. Others who attracted the ire of the colonial administration while under sentence continued to be persons of interest to police post-release. State policy also appears to have impacted upon the children of convicts, although there is little evidence that they were disadvantaged as a result of the forced migration of their parents. Further research promises to extend understandings of the complex ways in which penal transportation helped to shape the lives of the transported and their descendants. While imprisonment and convict transportation may not be 'family friendly' processes, the datasets generated by linking criminal justice systems promise to shed considerable light on the role of the state in shaping life in colonial Australia and elsewhere.

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