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Convict Colonies

There were two major convict colonies: New South Wales (1788-1840) and Van Diemen’s Land (later Tasmania, 1803-1853). Eventually, Swan River (Western Australia) would become a third penal colony when the failing settlement requested an injection of convict labourers (1850-1868). The country of origin, colonial distribution and gender breakdown of convicts are given in the adjacent figure.

The premier site in convict Australia was Sydney, NSW. The First Fleet sailed into Botany Bay on the 18th January 1788 but quickly assessed conditions as unsuitable and shifted north to Port Jackson (Sydney Harbour) on 26th January, now marked as Australia Day/Invasion Day, depending upon perspective. A satellite colony was also established over 1,000 miles away at Norfolk Island, both for strategic imperial reasons and increasingly as a food basket in an attempt to overcome insipient famine in the early years at Sydney Cove.

In Van Diemen’s Land, a second major convict colony followed at Sullivans Cove (Hobart) with a further outpost at Patersonia (Launceston) in the north of the island. An initial complement of convicts was sent in 1804 but convicts did not start to arrive regularly in Hobart until 1818, by which time the colony had its own Lieutenant Governor (from 1813).

Origins and destinations of Australia's Convicts

Other, smaller, convict establishments developed across the continent. NSW then stretched along the eastern coast of Australia encompassing territories that would later become the modern-day states of Queensland and Victoria, and smaller convict establishments were developed at Moreton Bay (now Brisbane), and at Port Phillip (now Melbourne) effectively from 1835. While the latter is sometimes seen as ‘convict-free’, it received convicts landed via Sydney and directly received convict ‘Exiles’ between 1846-50. [This was an experiment whereby a convict who had completed part of their sentence in a British prison was then granted a Conditional Pardon or Ticket-of-Leave and sent to the colony.]

Moreton Bay functioned as a place of ‘secondary punishment’. Colonial reoffending could be punished with transportation, and several such dedicated penal settlements were dotted around the colonies. They came to include Norfolk Island (resettled for this purpose in 1825), Newcastle (1804), Port Macquarie (1821), Macquarie Harbour (1822) Maria Island (1825, later a Probation Station), the latter two replaced by the iconic Port Arthur on the Tasman Peninsula (1830). There were many experiments and penal innovations made in the Australian convict colonies, and of particular note is the [Point Puer](https://www.digitalpanopticon.org/Transportation) establishment at Port Arthur for the reformation of criminal boys, marking a fundamental shift in the conceptualisation of juvenile offenders and in the rehabilitation of criminals.

South Australia (1834-) received no convicts directly. However, there was a Newgate connection as the colony’s development was shaped by the ‘art of colonisation’ enunciated by Edward Gibbon Wakefield, politician and scoundrel imprisoned for the Shrigley abduction. The territories (Northern, and Australian Capital) gained independent existences much later.

Convict Workers

Three-quarters of convicts were transported for non-violent property crimes, more than half exiled for their first offence, at least according to the [Convict Indents](https://www.digitalpanopticon.org/Convict_Indents_(Ship_and_Arrival_Registers)_1788-1868). The proportion of first offenders changed over time with alterations in English law which increasingly punished recidivism.

Sketch by Col. Mundy

Convicts arrived in the colonies having experienced a multiplicity of trades consistent with the diversity of labour markets in the United Kingdom. Between them they had been employed at thousands of different jobs. Several predominated: labourers, farm labourers and farm servants, ploughmen, grooms, shoemakers and tailors, butchers, cooks and housemaids, to name a few (Meredith and Oxley, 2015). There were over 1000 shepherds, immediately useful to a sheep run.

In the colonies, all convicts had to work. Convicts appear in the 1828 NSW Census in very familiar roles, as labourers, servants, farm servants, ploughmen, shoemakers, shepherds, stockmen, constables and wives. Note that even under sentence convicts edged towards greater independence and control over their own labour, including who they worked for doing what, as they secured Tickets-of-Leave, Conditional (sometimes Absolute) Pardons, and at the conclusion of their sentences Certificates of Freedom. In the same census, Ticket holders and Emancipists - who could pick their employment - were engaged in the same mix of jobs as the convicts, suggesting a fairly well-functioning convict labour market: had they been inappropriately allocated, you would expect them to shift when they could (Nicholas, 1988).

Other sections on [Transportation as punishment](https://www.digitalpanopticon.org/Transportation) and [VDL Labour Contracts](https://www.digitalpanopticon.org/VDL_Convict_Labour_Contracts_1848-1857) outline how labour allocation and management evolved, from a surprisingly free and flexible labour system in the early decades of NSW, with much Government employment, to more formal systems of assignment to mainly private employers and private companies. It was in VDL where the most disciplinary arrangements were imposed, with punitive gang labour a prerequisite to progressive release into the labour market. Each revision of the convict labour system was intended to crank up of the deterrence value of transportation by emphasising coercion, without slipping into something that might actually be deemed slavery.

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Being Coerced

Unknown artist reprinted as postcard c.1938

Convicts were coerced workers and coercion invited resistance. There were clear patterns of convict protest ranging from union-style action to more subtle malingering. The colonial discipline to which they were subjected criminalised behaviour that amongst free workers would prompt mild rebuke, putting convicts at greater risk of amassing colonial sentences (‘status crimes’). They were subject to onerous physical punishment, like the lash, part artefact of the naval context of transportation, later practice favouring further detention and solitary confinement. But they were also offered incentives. In particular, they were extraordinarily well fed, with the convict ration delivering daily calories more than twice those English labourers hoped to receive. Canny employers offered even more. Over time, allowing convicts to earn remission revealed itself as the most powerful labour management tool of all.

Becoming Free

The First Fleet arrived in Sydney in 1788. Within a year convicts were becoming free as sentences started to expire. Within five years, 85% of this cohort were emancipated, and once emancipated they could qualify for land grants. At its heart, convict society contained this central dynamic driving it towards freedom and normality. Most of those transported would spend far more of their lives at liberty than in chains, real or metaphorical. And for much of the time, freedom meant working for good wages.

Much was done with this liberty. There was money to be had, and ways of spending it. The society convicts and emancipists created was highly urban. If not for the power of the colonial government to direct convict labour to rural employment, very few colonists would ever have ventured into the bush. Towns offered work, housing, and pleasures – amusements, gambling – and access to sex, with or without marriage.

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Mitigation was only found among ‘the currency’, the colonial born children of Europeans. Yet, constrained by the small number of women, their numbers were insufficient to counteract the ongoing masculinity of new arrivals. Attempts were made to bolster the immigration of free women, and Government migration schemes delivered a much more even balance. However, these were matched by the unassisted, which were again mainly male. Colonial Australia’s white population smelt largely of testosterone.

governed them.

There was something of an irony here, in emphasising family as a solution, as the woman shortage meant most men could never marry a white woman. Only a few married Aboriginal women, as did Jonathan Goldspink when he and Margaret Read wed, pictured. Denying men legitimate family can be seen as one of the defining features of transportation as punishment.

Bigge Changes

'Squatter of N.S.Wales Monarch of more than all he Surveys 1863'. Mitchell Library, State Library of New South Wales.

The Bigge Report of 1822 is notable for resetting the nature of convict Australia. It signalled a significant reduction in the British state subsidy and provided a blue-print for colonial self-sufficiency. The new agenda promoted the private sector and fostered an export-based economy supplying wool to Britain, making good use of a mainly male population. Wealthy immigrants were to be attracted with large land grants and free convict labour. Places of secondary punishment were to be established for discipling the large coerced workforce. For Britain, this was win-win: it reduced cost, and increased terror, deterring crime at home and setting the scene that would allow wholesale retrenchment of the death penalty in the following decade; and wool from Australia supported an important British industry.

The creation of Australia as a sheep-run took a little time, but it worked, based on monied men, merinos, convict shepherds, and a lot of land – a very big lot of land. Pickings of grass were thin on Australian soil, and it took 6 acres to support one sheep. The land grab that ensued brought intensified conflict with Australia’s First Nations.

Black & White

Aboriginal Australians perhaps numbered over one million in 1787 (Butlin 1986). They possessed a very long-standing claim to the land. Theirs is Deep History. Habitation of the continent stretches back at least 40,000 years, the world's oldest outside Africa. European visitors were awed by indigenous land management, creating ‘’The Biggest Estate on Earth’’ (Gammage, 2011).

Without war or treaty the great continent of Eastern Australia was claimed for Britain in 1770 by Captain James Cook, with unending ramifications. The European evaluation that the land could be put to better economic use was justification enough in contemporary British politico-legal thought. The status of the Aboriginal Nations was left undefined, opening the door to the legal fiction of ‘terra nullius’ meaning Australia was No Man’s Land before British occupation. Native title was not recognised in law until the Mabo Judgement of 1992.

British imperial expansion meant invasion to the indigenous peoples in Australia. The invaders brought with them deadly diseases, especially smallpox – accidentally or possibly deliberately; individual renegades – bushrangers and sealers – guilty of violence, abduction and sexual slavery; cloven footed animals that would support economic growth but deplete the environment and disrupt traditional food supplies; and a voracious appetite for Aboriginal land. What accommodation had been reached between some of the Aboriginal First Nations and the Europeans in the early years was shattered when the penal settlements transformed into pastoral capitalist economies from the 1830s swallowing vast tracks of land. (Karskens; Boyce). What ensued were massacres and Black Wars, inherently uneven conflicts (the ‘black armband’ view of Australian history) or the peaceful European settlement of largely empty lands (the ‘white blindfold’ account).

Convict Colonisers

The role of convicts in dispossession is complex. Some convict absconders integrated into Aboriginal society, while bands of convict bushrangers are known to have formed working alliances. Sexual relations sometimes meant local women exploiting new options; at other times (more frequently?), it meant men exploiting them. Infamously, in VDL Aboriginal women were either forcibly taken by sealers or exchanged as part of negotiations with Aboriginal groups and were subjected to sexual slavery. Most of Tasmania’s current Aboriginal population traces descent from mixed unions. The perceived threat of miscegenation later created the opportunity of assimilation, becoming formal policy in the 20th century.

Convict attitudes to locals readily turned negative. In New South Wales Aboriginal peoples were rewarded for returning runaway convicts. There and in Van Diemen’s Land runaways often clashed with indigenous Australians over food resources. When a party of Tasmanian Aborigines were temporarily housed in the bottom level of the convict barracks at Macquarie Harbour the convicts urinated through the floorboards on them. When Aboriginal hunters took sheep that replaced kangaroos, convict shepherds anticipated the punishment their loss of flock entailed. Violence erupted.

Frontier Violence

Much colonial conflict was between Aboriginal Australians and convict and former convict stockmen operating beyond the frontiers of settlement in lands illegally occupied by the Squattocracy, the richest and most powerful political group in the country (McMichael, 1984). Stolen land had to be ‘cleared’, and they didn’t mean trees. This was the eviction by various means of long-term inhabitants, of people who used land in a very different way, and it was rarely accomplished in a single act. What was created was a venue for violence.

Responsibility for colonial violence rested at multiple levels. Individual actors were clearly culpable, but so were private employers who formally or informally sanctioned brutality. The latter had an acute and unwavering belief in the validity of their newly if often illegally acquired property rights, and the legitimacy of any action that guaranteed them. The Squatters’ newspaper made their position clear. The Sydney Herald responded vehemently when the state prosecuted the alleged perpetrators of the Myall Creek massacre of 1838, urging the jury to acquit. It engaged in ‘fake news’, accusing the government of failing to protect white settlers under threat from ferocious savages with ‘wandering and predatory habits’ (‘The Blacks’, The Sydney Herald, 5/10/1838 p.3). This was a complete red herring, as ‘Waterloo’ Creek was an entirely unprovoked attack on an unsuspecting gathering of Aboriginal men, women and children (Milliss 1994). Chillingly, the paper told colonists, when besieged ‘protect yourselves – SHOOT THEM DEAD’ (Wed 14 Nov 1838 p.2).

The Colonial State & Genocide

The colonial state had a duty of care and, as in the case of Myall Creek did act to prosecute under the auspices of new Governor George Gipps. They persevered to a second trial that convicted and executed seven men – ‘judicial murder’ in the eyes of the Squatters. Notably, prosecution of whites for killing Aborigines was not repeated.

Military Operations against the Aboriginal Inhabitants of Van Diemen's Land. Parliamentary Papers 1831(259) Van Diemen's Land

In other respects, the state appears the architect. Genocide – a contested term (Kociumbas 2004) – takes various forms and several are to be found in VDL. Four of the nine Tasmanian Aboriginal nations were engaged in the Black War, forcing pastoralists off indigenous homelands that had become the colony’s Settled Districts. The Colonial Government responded with money, men and martial law. The VDL Black Line comprised 2,000 soldiers, settlers and convicts – ‘the largest force ever assembled against Aborigines anywhere in Australia’ – and was a deliberate attempt at ethnic cleansing, sweeping the country to capture and corral the island’s warring peoples. Ryan has argued that this was an Imperial strategy used elsewhere in the British Empire, and that it succeeded in ending the war (Ryan, 2013). The job was completed by the ‘Friendly Mission’ of George Augusts Robinson, who negotiated with the remaining Tasmanian people to relocate to Flinders Island (Lawson 2014).

Colonial states also created Native Police forces that patrolled and ‘dispersed’ Aboriginal people. Convicts were recruited into these and other roving parties. Analysis of recruits reveals that many had prior military experience suggesting that the colonial government used convicts with appropriate skills as part of its attempt to ‘pacify’ the frontier. Recent work implicates the Native Police and estimates state sponsored frontier killings in Queensland alone tallied over 65,000 people, between 22-26% of the pre-contact population (Raymond Evans and Robert Ørsted–Jensen, 2014).