

ARTICLE

'A Very Fair Statement of His Past Life': Transported Convicts, Former Lives and Previous Offences

Helen Rogers¹

¹ Liverpool John Moores University, UK
h.rogers@ljmu.ac.uk

As mass digitization brings new opportunities for analysing criminal and convict records, this article considers how we can recover the personal histories of the convicted. It proposes 'intimate reading' as a complementary approach to large-scale data mining and distant reading methods currently used to examine large prison cohorts. Immersive reading, integrating quantitative and qualitative analysis of multiple sources, permits investigation of specific individuals, their interaction with others, and their engagement – however unequal – with the record-makers. It helps us detect the agency of those who left few traces of personal testimony but whose lives were captured in abstract information garnered by officialdom.

The article focuses on male convicts who served time at Great Yarmouth in the 1830s and 1840s and were transported to Van Diemen's Land where arrivals were interrogated on their offending histories, occupations and family ties, while their bodies were inspected for distinguishing characteristics. Comparing convict records with other documentation on their former lives allows us to explore what exiles revealed and concealed from the authorities about their past. Record linkage on this cohort brings to light the under-reporting of prior convictions in convict records by around two-thirds and suggests that historians continue to underestimate the extent of previous offending among the transported population. Social profiling of this group exposes patterns in employment, family and social networks that are not so readily apparent when reading fragmentary evidence of individual lives. Small-scale data analysis enables us to decode the more personal testimony unwittingly preserved by the penal authorities when they described convicts' tattoos. The article concludes with an intimate reading of the elaborate tattoos of one Yarmouth convict that spectacularly depicted the man he felt himself to be.

On arrival in Van Diemen's Land, before disembarking from the transport ship, convicts were grilled about their sentence, prior convictions and former lives. Stripped to the waist, their bodies were scrutinized for distinguishing characteristics such as scars and tattoos. The results of this verbal and physical examination were entered in the 'Black Books', used to monitor convicts' conduct in the penal colony and identify them should they escape. Digitization of these records is being used by the multi-disciplinary *Founders and Survivors* and *Digital Panopticon* projects to carry out large-scale analysis of the effects of transportation and penal discipline on the life courses of Tasmania's convict population and descendants up to 1920.¹ By contrast, in this article I trace the past rather than future lives of convicts, focusing on a small sample of the 73,000 men, women and children banished to Van Diemen's Land between 1803 and 1853, when transportation to the colony was abolished. Using record linkage, I compare what male convicts told the authorities about their history with documentary evidence of their former lives. Tracing individual histories through multiple sources, I investigate what convicts revealed to the penal authorities and what they concealed in order to explore how the subjects of penal discipline responded to official bureaucracy and interrogation of their lives. In so doing, I illustrate a method for reading fragmentary sources, found in traditional and digital archives, that combines qualitative and quantitative analysis. I demonstrate the convict authorities relied on prisoners' testimony for a fuller, though often incomplete, picture of their offending histories. While this raises important questions for how historians evaluate official data on convicts, I show that convict records, when read in tangent with other sources, illuminate unexpected detail on individual lives and general characteristics of the convict population.

The rise of cultural history in recent decades saw a marked shift across historical disciplines from quantitative to qualitative methods of reading. Though some scholars continued to employ data analysis, particularly those working on demography,

¹ *Founders and Survivors: Australian Life Courses in Historical Context, 1803–1920*, <http://foundersandsurvivors.org/>; *The Digital Panopticon: The Global Impact of London Punishments, 1780–1925*, <http://www.digitalpanopticon.org/>

public institutions like asylums and workhouses, and the criminal justice system, many social historians abandoned quantitative methodologies to explore the discursive construction of the 'social'.² While historians have studied the emergence of the 'statistical idea', for instance, as expressing new forms of scientific knowledge and social administration, many lost faith in the results of statistical enquiry to expose anything other than the epistemological premises and ideological concerns of the record makers.³ Articles using data analysis to identify cultural habits and patterns are rarely found in journals devoted to cultural history or even social history.

Digitization of archival sources, however, combined with the interactive functionality of Web 2.0, is encouraging growing numbers of scholars across the humanities to re-engage with quantitative analysis. Much of this work consists of 'text mining' large bodies of digitized text, such as the Old Bailey Proceedings and the Tasmanian convict records, and the creation and manipulation of 'Big Data' using computational methodologies and corpus linguistics.⁴ Many studies deploy a version of the 'distant reading' method advocated by Franco Moretti in his attempt to map

² For notable examples, compare Joan Wallach Scott's use of quantitative social history methods (with Louise Tilly) in *Women, Work and Family* (New York: Holt, Rinehart and Winston, 1978) with her use of discourse theory in *Gender and the Politics of History* (New York: Columbia University Press, 1988); and similarly Patrick Joyce's, *Work, Society and Politics: The Culture of the Factory in Later Victorian England* (Brighton: Harvester Press, 1980), compared with his many studies tracking the discursive formation of 'the social', beginning with *Democratic Subjects: the Self and the Social in Nineteenth-century England* (Cambridge: Cambridge University Press, 1994).

³ For examples see: Mary Poovey, *Making a Social Body: British Cultural Formation 1830–64* (Chicago: University of Chicago Press, 1995) and *A History of the Modern Fact: Problems of Knowledge in the Sciences of Wealth and Society* (Chicago: University of Chicago Press, 1998); Tom Crook and Glen O'Hara (eds.), *Statistics and the Public Sphere: Numbers and the People in Modern Britain, c. 1800–2000* (New York: Routledge, 2011).

⁴ Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674–1913* (www.oldbaileyonline.org, version 7.0, 14 July 2015); LINC Tasmania, *Colonial Tasmanian Family Links Database* (<http://portal.archives.tas.gov.au/menu.aspx?search=8>, 14 July 2015). For an overview of the opportunities afforded by digital resources and data analysis, see the Digital Forum on 'Processing the Past', *Journal of Victorian Culture*, 15.2 (2010): 280–96, ed. by James Mussell; Richard Deswart, 'Growing the "Faith in Numbers": Quantitative Digital Resources and Historical Research in the Twenty-First Century', 281–286; Alexis Weedon, 'Digital Resources and Quantitative Research', 287–291; Michaela Mahlberg, 'Corpus Linguistics and the Study of Nineteenth-Century Fiction', 292–298.

changes in the novel across period, genre and national boundaries.⁵ Distant reading forsakes 'close reading' of individual texts, at least in the preliminary stages of investigation, in order to track textual changes that allow analysis of continuity and change in social and cultural discourses and the material practices underpinning them.

This return to quantitative analysis has generated some concern, even among its advocates in the digital humanities. Tim Hitchcock, of the pioneering *Old Bailey Online*, observes that data mining requires high levels of technical expertise that threatens to disengage scholarship from the democratic practice that inspired 'history from below'. While large-scale analysis of the *Old Bailey Proceedings* might recover the agency of the accused by showing how they helped drive the rise of plea-bargaining, for example, distant reading can divert attention from individual experience back to the court records that objectified defendants. The distancing effect of data mining, intimates Hitchcock, might be alleviated by record linkage. To this end, the connected databases *London Lives* and *Connected Histories*, offshoots from the *Old Bailey Online*, allow users to piece together evidence of individual lives from different records.⁶

Record linkage of this kind requires a different approach to reading data that can complement distant reading. I call it 'intimate reading': the scrutiny of records from multiple sources that permits an exploration of individuals and groups, their interaction with others and their engagement – however unequal – with the record-makers and keepers. Such reading is necessarily smaller in scope than distant reading, involving examination of 'deep' rather than 'big' data, but its limited focus enables a more intensive form of investigation and extensive contextualization. It demands the

⁵ Franco Moretti, *Graphs, Maps and Trees: Abstract Models for a Literary Theory* (London: Verso, 2005).

See also Bob Nicholson, 'Counting Culture; or, How to Read Victorian Newspapers from a Distance', *Journal of Victorian Culture* 17.2 (2012): 238–46.

⁶ Tim Hitchcock and William J. Turkel, 'The *Old Bailey Proceedings*, 1674–1913: Text Mining for Evidence of Court Behaviour', paper given at IHR Digital History seminar, 16 May 2011; recording and slides available <https://historyspot.org.uk/podcasts/digital-history/text-mining-old-bailey-proceedings>; Tim Hitchcock, 'Academic History Writing and the Headache of *Big Data*', http://historyonics.blogspot.co.uk/2012_01_01_archive.html, 30 January 2012; *Connected Histories: British History Sources, 1500–1900*, <http://www.connectedhistories.org/>; *London Lives 1690 to 1800: Crime, Poverty and Social Policy in the Metropolis*, <http://www.londonlives.org/>.

immersive reading practised by micro-historians in recovering the world and mentality of individuals and communities.⁷ Intimate reading requires historians to get our hands dirty in the virtual and paper archives and get up close and personal with our subjects. By this means, intimate reading can cast light on what Ben Heller calls the 'dark matter of plebeian and middling knowledge and life'.⁸

Here, I show how my practice of intimate reading developed out of investigating inmates' experiences of imprisonment and their lives before and after committal to Great Yarmouth Gaol and House of Correction in the 1830s and 1840s.⁹ I begin with close reading, the approach I initially used to study interactions between prisoners and their teacher, Sarah Martin, who worked as a voluntary prison visitor from 1818 till her death in 1843. Focusing on her brief journal entries on her encounters with one prisoner, John King, I examine what the teacher thought she knew about inmates and what she recognized she could not know with certainty. While Martin's journals illuminate her understanding of her students' lives and characters, they offer only snapshots of inmates themselves, refracted through the visitor's pious gaze. From examination of one individual prisoner, therefore, I move outwards to reconstruct the experiences of offenders like him. Comparisons are drawn between statements made by thirty-four male convicts, formerly imprisoned at Yarmouth, in answer to cross-examination by the penal authorities in Van Diemen's Land combined with evidence of their lives derived from gaol, census and parish registers. Social profiling, based on data analysis of this cohort, is then used to help interpret

⁷ Clifford Geertz, 'Thick Description: Toward an Interpretive Theory of Culture', in *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), pp. 3–30. My approach to 'intimate reading' resists the opposition between big data and micro history methodologies drawn by Jo Guldi and David Armitage in *The History Manifesto* (Cambridge: Cambridge University Press, 2014).

⁸ Ben Heller, review of *London Lives 1690–1800 – Crime, Poverty and Social Policy in the Metropolis*, *Reviews in History* (no. 1001) URL: <http://www.history.ac.uk/reviews/review/1001>. Date accessed: 27 June 2013.

⁹ See: Helen Rogers, 'The Way to Jerusalem: Reading, Writing and Reform in an Early Victorian Gaol', *Past and Present*, no. 205 (2009): 71–104; "Oh, what beautiful books!" Captivated Reading in an Early Victorian Prison, *Victorian Studies* 55.1 (Autumn 2012): 57–84; 'Singing in Gaol: Christian Instruction and Inmate Culture in the Nineteenth Century', *Prison Service Journal* 199 (2012): 35–43; 'Kindness and Reciprocity: Liberated Prisoners and Christian Charity in Early Nineteenth-Century England', *Journal of Social History* 47.3 (Spring 2014): 721–45.

John King's testimony to his penal interrogators and to conduct an intimate reading of his life and passions via the description of his elaborate tattoos. Intimate reading, integrating qualitative and quantitative analysis, provides insights into individual experiences of criminalization while raising new questions that might be explored by larger-scale studies of prison and convict populations.

I. Close Reading: 'I am not here for any thing that is a disgrace'

On 11 November 1839, John King (aged seventeen) and William Tunmore (eighteen), were picked up in a hayloft and, deemed by the magistrate to be rogues and vagabonds intent on stealing, were sentenced summarily to three months hard labour in the House of Correction at Great Yarmouth.¹⁰ Three weeks later, Sarah Martin recalled 'Part of a conversation with John King', beginning with his protestation at conviction:

"I am not here for any thing that is a disgrace.["] What? not a disgrace to be committed to a prison? – but I was only in a hay loft – And what for – That hay loft has of late been a thief's house. Who but thieves go there? – I was only lying there. What right had you to enter another man's hay loft? Would an honest man have done it. – I did nothing. – What good would it do you if you could possibly deceive me? – even then would not God know what you are? and would you not know yourself to be what you are? He looked disconcerted and agreed to this – He was in the prison before.¹¹

¹⁰ Great Yarmouth Gaol Registers, December 1838–December 1850, Norfolk Record Office, Y/L2 9, 11 November 1839. NRO holds the gaol's surviving papers. The Gaol Register (hereafter GR) included those admitted to the House of Correction, under the same roof as the Gaol.

¹¹ Sarah Martin, *Everyday Book*, 3 December 1839. All quotations follow Martin's punctuation and spelling. Great Yarmouth Museum holds Martin's surviving Everyday Books, headed: 'Prison School Journal' (1836–1838); 'Sarah Martin's Memo book, remarks made after departure of prisoners', (7 November 1839–6 April 1840; this Everyday Book includes Martin's prisoner registers, November 1839–June 1842); 'Copy Books written by prisoners under tuition of Sarah Martin', (12 April 1840–12 August 1840 and 10 April 1841–11 June 1841). Extracts are included in Martin's posthumous memoir, first published 1844. A fuller memoir, probably published in 1847, is available via Google Books; *Sarah Martin, The Prison Visitor of Great Yarmouth, With Extracts from her Writings and Prison Journals* (London: Religious Tract Society, n.d.)

Martin's surviving Everyday Books detailing lessons with inmates offer a rare opportunity to examine reactions to conviction, imprisonment and correction after 1835, when prisons were brought under the auspices of the Prison Inspectorate, charged with systematizing penal discipline in England and Wales.¹² Following lessons, Martin hastily jotted down interactions and exchanges between prisoners and herself that she believed illustrated improvement or deterioration in conduct and character. Sometimes, as in her entry on John King, the teacher transcribed their words, albeit in abbreviated form. Thus, at the very moment that the Prison Inspectorate was implementing policies designed to prevent communication between prisoners and subject them to a regime of silence, Martin's journals captured snatches of their voices. How might we interpret this evidence and what, if anything, might it tell us about the experience and mentality of the convicted?

The copious writings of prison reformers and the wealth of data amassed by the authorities on the convicted have been read as constituting the discursive power of disciplinary regimes. Much attention has been paid to how the idea of the 'offender' was constructed by penal discourses and how, from the 1840s, biographical data on prisoners was used to profile and police individual offenders and criminal types. Nevertheless, most scholars have been sceptical about whether these discourses tell us much about the individual subjectivities of the convicted, concluding that official records document what the powerful saw or understood, reflecting and reinforcing their preoccupations and prejudices. Viewed this way, it is not John King who speaks to us through Martin's journal but the teacher or, as post-structuralists would have it, the discourse of moral correction.¹³

¹² U. R. Q. Henriques, 'The Rise and Decline of the Separate System of Prison Discipline', *Past and Present* (1972), 54:1, pp. 61–93; Seán McConville, *A History of English Prison Administration. Volume 1. 1750–1877* (London: Routledge & Kegan Paul, 1981); Randall McGowen, 'The Well-Ordered Prison: England, 1780–1865', *The Oxford History of the Prison: the Practice of Punishment in Western Society*, ed. by Norval Morris and David J. Rothman (Oxford: Oxford University Press, 1995), pp. 71–99; Miles Ogborn, 'Discipline, Government and Law: Separate Confinement in the Prisons of England and Wales, 1830–1877', *Transactions of the Institute of British Geographers*, New Series, 1:3 (1995), pp. 295–311.

¹³ See, for instance, Marie-Christine Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham: Duke University Press, 1992); Randall McGowen, 'Power and

In the following discussion I highlight two problems with this approach. First, it overplays the rigour of the information procedures deployed by governing bodies, institutions and agents like Martin, and their confidence in the data they collected and what it could tell them. Second, in focusing attention on inmates as objects of regulatory knowledge, we reaffirm the power of the institution and can miss the possibility of investigating the lived experience of those who came in contact with it. We cannot begin to comprehend the operation and effects of penal discourses on prisoners if we do not also try to go beyond them, to explore the lives and worlds of the convicted, and to detect what the record keepers did not, or could not, see.

Martin's note on her encounter with King, for example, might seem to confirm her authority as teacher and spiritual guide and the legitimacy of the legal system that prosecuted him. It does not reveal the circumstances that prompted his defiant protestation – 'I am not here for any thing that is a disgrace' – but recounts the teacher's apparent success in bringing about his submission; 'He looked disconcerted and agreed to this'. While Martin's entries in the coming weeks recorded her answers to complaints by his cellmates over the justice of their confinement and their opposition to biblical instruction, King appears to have knuckled down to learning and within a fortnight could read words of three letters.¹⁴ Nevertheless, she doubted his improvement in character; after all, as she remarked tersely, 'He was in the prison before.'

Far from Martin's journals demonstrating the discursive power of the prison or the moral regime she managed within it, her need to document the reactions of scholars betrays awareness of her limited influence over them. Unlike God, who, she believed, could see into their souls, the teacher might be deceived. She must judge them by their actions as well as words. Their conduct, too, was difficult to interpret. On discharge, King and his cellmates asked for copies of the scriptural verses they had learned so they might show them to their friends outside the gaol.

Humanity, or Foucault among the Historians', *Reassessing Foucault: Power, Medicine and the Body*, ed. by Colin Jones and Roy Porter (London: Routledge, 1994), pp. 91–112.

¹⁴ Everyday Book 11–13, 16 December, 1839.

The teacher gave each a book, covered in brown paper, containing two or three hand-written verses, but how confident could she be that their request indicated the beginnings of conversion rather than attempts to curry her favour?¹⁵

Thus, record-keeping was important to Martin: when inmates left, the teacher tabulated in her register what she had discovered of them and 'observed' their character so she could judge if they deserved further assistance and remember them if they returned to gaol. Hence, she recorded John King's age and sentence, his religion (Church of England), that he could neither read nor write, having 'no capacity', but that he had now learned 'by memory'; 'See Everyday Book', she added, in case she needed future reference. Martin was typically cautious in her assessment of the lad: 'Former character and habits low – temper good – Always wears a silly smile. very ignorant – willing and desirous of being instructed and diligent but fails from want of capacity. capable of great deceit.'¹⁶ Martin's ambivalence and uncertainty towards the prisoner reflected what she had learned about him but also what she thought she knew of the hundreds of inmates who had passed through her gaol classes.

John King's words, transcribed and mediated by Martin, do not give us direct access to what the prisoner felt and thought: under interrogation was he defensive, compliant, cheeky, defiant? Inmate voices were caught only momentarily in the teacher's journals and reach us distorted through her words. More often, she reported what she told prisoners and so, for us, they are seen – like John King's 'silly smile' – but not heard. While close reading, the dominant method used in recent socio-cultural history, may illuminate Sarah Martin's motivation and perspective, it is of limited use in examining the self-perception of her scholars. But perhaps their actions can speak in place of their words, as Martin herself intimated? Or, if their actions do not speak for them, might they speak of their world? Her prison scholars were all captured elsewhere – in the gaol registers, census returns, and parish records. Occasionally, even their 'voices' can be heard. What happens if we orchestrate these voices? Can they get us any closer to comprehending John King's encounter with the

¹⁵ Everyday Book, 20 December 1839.

¹⁶ Everyday Book, 16 and 20 December 1839; Martin's Register, 1839, no. 19.

law and the prison visitor, even to what made him smile? To begin, let us turn to one occasion when convicts were compelled to speak.

II. Forced Migration, Forced Narration?

By the 1830s and 1840s, gaol and hulk records on individual offenders accompanied all convicts to the penal colonies but only in Van Diemen's Land were arrivals interrogated systematically about their criminal history and former life. As late as 1827, Governor Arthur complained the colony received no documentation about convicts' offences, conduct in custody or prior associations.¹⁷ Consequently, he instigated requirements that Surgeon-Superintendents, charged with the instruction as well as the physical welfare of exiles aboard ship, provide on arrival in Hobart a 'hulk list' containing:

the name, the number, the age, the birth-place, the crime, the period of conviction, when and where the sentence, whether married or single, whether he can read or write, or whether he can only read, or whether he can do neither, where taught, his trade, the character he brought from the gaoler, the character from the hulk, the alleged qualifications, what he is able to do and then his behaviour on board the transport.¹⁸

This information formed the basis of each convict's indent. It was presented to the Muster Master, responsible for their assignment, who boarded the ship with

¹⁷ P. R. Eldershaw, *Public Records of Tasmania. Section Three. Convict Department* (1965; Hobart: Archives Office of Tasmania, 2003), p. 6.

¹⁸ Governor Arthur, 27 June 1837, *Report for the Select Committee on Transportation* (1837), p. 279ff, cited by Eldershaw, *ibid*, p. 6. All the information gathering proposed by Arthur was incorporated into the cross-examination procedure, except for the question 'where taught'. The chaplain Thomas Hay Forster spent a week cross-examining 500 convicts aboard the *Anson* when it sailed from Plymouth in 1844, carrying Henry Coppin from Yarmouth; see *An Account of a Voyage in a Convict Ship, with Notes of the First Itinerating Missionary in Tasmania* (London: The Society for the Propagation of the Gospel, March, 1847), <http://anglicanhistory.org/aus/spg23.html>. For the role of surgeon-chaplains on convict ships, see: Charles Bateson, *The Convict Ships, 1787–1868* (1959; Glasgow: Brown, Son & Ferguson, 1985); Rosalind Crone, 'Attempts to (Re)shape Common Reading Habits: Bible Reading on the Nineteenth-century Convict Ship,' *A Return to the Common Reader: Print Culture and the Novel, 1850–1900*, ed. by Beth Palmer and Adelene Buckland (Farnham: 2011), pp. 103–20; Katherine Foxall, *Health, Medicine and the Sea: Australian Voyages, c. 1815–1860* (Manchester: Manchester University Press, 2012).

the Principal Superintendent of Convicts to make a 'minute examination' of each prisoner, with piles of paperwork to hand. For Arthur, interrogation would fill the gaps in official documentation and impress on convicts the all-seeing power of 'the System'. Faced by an apparently knowledgeable investigator, such display of evidence and forensic inspection, the convict, concluded Arthur, would be awed into truthfulness:

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

Reputedly, convicts were indeed overwhelmed by the panopticon gaze of the Principle Superintendent who, they said, could recall every prisoner by name and ship and 'never forgets anything'.²⁰

Cognisant of its omissions and reliance on prisoner confession, Arthur's record-keeping system seems to bear out Michel Foucault's premise that modern forms of surveillance function as 'a network of relations from top to bottom, but also to a certain extent from bottom to top and laterally'.²¹ Yet, the role of offenders in the production of criminal records has rarely been probed. By the time they arrived in Van Diemen's Land, most convicts will have become accustomed to cross-examination as they made their way from bench to prison to hulk to ship. Ten of the Yarmouth convicts, including John King, had been incarcerated on at least one occasion precisely for failing 'to give a proper account' of themselves when picked up as a 'rogue and vagabond', acting suspiciously. Others will have been quizzed about their

¹⁹ Cited by Eldershaw, *Public Records of Tasmania*, p. 7.

²⁰ Linus Miller, *Notes of an Exile to Van Diemen's Land* (1846; New York: Johnson Imprints, 1962), pp. 285–6, cited by Cassandra Pybus, 'The d-Yankee quill-driver', in *Chain Letters*, p. 21. For Miller's description of his interrogation aboard the hulk and convict ship in his highly politicized account of his transportation for taking part in the 'Patriot War' in Upper Canada, 1838–9, see *ibid* pp. 17–21.

²¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1975, trans. Alan Sheridan) (Harmondsworth: Penguin, 1991), p. 176.

circumstances and rights of settlement when they applied to the Poor Law guardians for parish relief.²² Some were at home in 1841 when the census enumerator required residents to provide their age, occupation and native place.²³ Used to reeling off an account of themselves, what did convicts admit to the authorities and, equally important, what did they omit? Was Arthur right to assume they would be inclined to truthfulness? Did any seize the opportunity to enhance their prospects in a new land by reconstructing their past?

There has been considerable debate over the value and interpretation of data based on information supplied by prisoners. According to V. A. C. Gatrell and T. B. Hadden, evidence of their offences, ages, literacy levels and occupations garnered by the Prison and Police Returns 'is probably the least reliable material in the official statistical records'.²⁴ In view of contemporary complaints that offenders lied about their age, employment, schooling and religion to mitigate their sentence or treatment in gaol, J. J. Tobias speculated that prisoners were 'incurable romancers'.²⁵ More credence has been given to the value of convict indents but they have been the source of radically different interpretations of Australia's penal population. The first studies employing large-scale examination of indents to determine convicts' prior offending rates concluded in the mid-twentieth century that, contrary to popular mythology, exiles were rarely starving poachers or 'Village Hambdens'. Most convicts were not first-time offenders, they argued, and many came from what contemporaries termed the 'criminal class'.²⁶

²² Carolyn Steedman writes suggestively about settlement examinations as exercises in 'enforced narration' by the labouring poor, and their productive role in developing ideas of (auto)biography and 'character'. Significantly, settlement cases were adjudicated by magistrates; see Steedman, 'The Magistrates', *Dust* (Manchester: Manchester University Press, 2001), pp. 38–65.

²³ Edward Higgs, *Making Sense of the Census Revisited: Census Records for England and Wales 1801–1901. A Handbook for Historical Researchers* (London: Institute of Historical Research, 2005); Paul Dobraszczyk, "Give in your account": Using and Abusing Victorian Census Forms', *Journal of Victorian Culture* 14.1 (2009), 1–25.

²⁴ V. A. C. Gatrell and T. B. Hadden, 'Criminal Statistics and their Interpretation', in *Nineteenth-Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (Cambridge: Cambridge University Press, 1972), pp. 336–396 (p. 379).

²⁵ J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (Oxford: B.T. Batsford, 1967), pp. 14–21 (p. 19).

²⁶ L. L. Robson, *The Convict Settlers of Australia: An Enquiry into the Origin and Character of the Convicts*

Challenging this iconoclastic revisionism, data analysis by economic historians in the 1980s barely looked at prior convictions and instead honed in on information relating to convicts' occupations, skills and labour power.²⁷ The exiles, they contended, were best seen as 'forced migrants' and 'convict workers' whose profile correlated closely with that of the British labouring classes from whose ranks they were mainly drawn rather than from an imagined criminal residuum. In the most recent study to estimate prior offending rates, Alison Alexander, project manager for 'Founders and Survivors', endorses the argument made by the Convict Workers team that the majority of Van Diemen's Land convicts had been 'ordinary working-class people' in that about 75% had been in employment but supplemented meagre earnings by resorting to petty theft. Around a quarter, nevertheless, had been habitual offenders, she estimates, with about 15% having regularly engaged in theft alongside casual labour while perhaps 10% had been professional thieves. Alexander's assessment is based on information listed in the indents of 5048 men and women, supplied by the authorities and by convicts themselves but is not, unlike the analysis below, correlated with gaol admissions.²⁸

Recently, attention has turned not just to the imaginary of nineteenth-century observers but to cultural narratives deployed by the convicted in their keepsakes and tattoos, stories and memoirs.²⁹ Far from dismissing offenders as 'incurable romancers',

Transported to New South Wales and Van Diemen's Land 1787–1852 (Melbourne: Melbourne University Press, 1965); A. G. L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire* (1966; Irish Historical Press, 1998).

²⁷ Stephen Nicholas, (ed.), *Convict Workers: Reinterpreting Australia's Past* (Cambridge: Cambridge University Press, 1988).

²⁸ Alison Alexander, *Tasmania's Convicts: How Felons Built a Free Society* (Crows Nest, NSW: Allen & Unwin, 2010, enlarged edition), p. 30.

²⁹ David Kent and Norma Townshend (eds) *Joseph Mason: Assigned Convict, 1831–1837* (Carlton South, Vic.: Melbourne University Press, 1996); Ian Duffield and James Bradley (eds.), *Representing Convicts: New Perspectives on Forced Convict Labour Migration* (Leicester: Leicester University Press, 1997); Paul Donnelly, "'When This You See Remember Me': Convict Love Tokens and Related Keepsakes", *Australian Victorian Studies Journal* 3.1 (1997): 22–37; Michele Field and Timothy Millett (eds.), *Convict Love Tokens: The Leaden Hearts the Convicts Left Behind* (South Australia: Wakefield Press, 1998); Hamish Maxwell-Stewart and Ian Duffield, 'Skin Deep Devotions: Religious Tattoos and Convict Transportation to Australia' in *Written on the Body: The Tattoo in European and American History*, ed. by Jane Caplan (London: Reaktion Books, 2000), pp. 118–35; Lucy Frost and Hamish Maxwell-Stewart (eds.),

historians have begun to show how romancing itself might constitute a form of evidence which illuminates the cultural strategies prisoners used to convey, interpret and trade on their past.³⁰ Ian Duffield, for example, has viewed the records of convict interrogation on arrival in Van Diemen's Land as 'forced narratives' that, nonetheless, contain arresting first-person voices. In a close reading of statements made by four black convicts, he argues their answers to cross-examination should be read as 'high-density micro-narrative[s]' in which the voice of the colonized subject intrudes spectacularly into the state record. Alexander Simpson, court martialled in 1832 for his part in the Jamaican slave uprising, declared his offence as 'Mutiny & exciting the Slaves to Rebellion. I was a slave myself.' Such 'powerfully dramatic "action narratives"', contends Duffield, wrest our attention from the colonial 'eye', with its power of surveillance over the prisoner, to the autobiographical 'I' of the convicted. They remind us that the penal gaze was not omnipotent for its record-keeping depended on convicts' own voices that sometimes challenged the system that imprisoned them. '[I]n these brief, supercharged tales', concludes Duffield, 'the convicts' agendas are not effectively hijacked by the agendas of the Convict Department record-keeping: convict voices are vividly if briefly audible.'³¹

The convict 'I', however, was rarely documented as assertively as Alexander Simpson's defiant declaration, 'I was a slave myself'. Usually the first-person pronoun was expunged from the record and the convict's identity reduced to his crimes and utility to the colonial labour force, as when the clerk entered John King as 'Fisherman' and noted his stated offence, 'Stealing 2 stone 11 of old canvass pr [prosecutor] Cullenthorpe of Yarmouth'.³² In order to recover King's statement as an 'action narrative', and those

Chain Letters: Narrating Convict Lives (Melbourne: Melbourne University Press, 2001); Rogers, 'The Way to Jerusalem'.

³⁰ Compare, for example, Smith's sceptical interrogation of the claims made by a returned convict with Beier's cultural analysis of the man's story-telling patter: F. B. Smith, 'Mayhew's Convict', *Victorian Studies*, 22 (Summer 1979): 431–48; and A. L. Beier, 'Identity, Language, and Resistance in the Making of the Victorian "Criminal Class": Mayhew's Convict Revisited', *Journal of British Studies*, 44 (July 2005): 499–515.

³¹ Ian Duffield, "'Stated This Offence': High Density Convict Micro-Narratives", *Chain Letters*, pp. 119–35: pp. 120, 122, 134–5.

³² Most of the Van Diemen's Land records are held at the State Archives of Tasmania, Hobart, and many are searchable online at <http://portal.archives.tas.gov.au/menu.aspx?search=11>. These include the

of the vast majority interrogated by the Superintendent of Convicts, we need to return to the scenes of their 'crimes' and the circumstances that led to their exile.

III. Record Linkage and Social Profiling: 'Stated this Offence'

In the following examination, I compare the prison and convict records of thirty-four men transported to Van Diemen's Land in the period 1837–1852 who served time at Yarmouth Gaol, for summary and indictable offences.³³ Small-scale analysis has its own challenges and limitations. Piecing together the offending histories of the convicted requires careful detective work if we are to avoid falsely indicting them anew. Two John Kings went in and out of Yarmouth Gaol in the early 1840s, for example, and another man bearing the same name was transported with John King aboard the *Surrey*. Variations in name and transcription mistakes can lead to a wide margin of error so my statistical findings should be read as approximations. However, a micro-historical approach combining quantitative and qualitative investigation and aided by access databases, enables more extensive contextualization and intensive interpretation of historical sources than large-scale studies can undertake. Some Yarmouth convicts had entered prison as early as 1834 and all can be tracked in the Gaoler's daily log as well as in the gaol registers. Twenty-nine convicts were transported following trial at the Great Yarmouth Quarter Sessions. The remaining five passed through the prison but were sentenced in the county town to transportation at the Norwich Quarter Sessions or the Norfolk Special Assizes.³⁴

major records on individual convicts – the Conduct Records and Convict Indents – including those on John King: John King, 6533, per *Surrey*(4), 1842, extra identifier 2, [database no. 40331], CON33/1/27, CON14/1/13. Where both records are available, they are given in the order of Conduct Record followed by Convict Indent. For some convicts there is no indent but details about their occupation and physical characteristics etc. are found in the Appropriation Lists or Description Lists. These will follow the hyperlink to the Conduct Record. Convicts' names are followed by their police number, ship, and year of arrival. For using convict records see Susan Hood, *Transcribing Tasmanian Convict Records* (Port Arthur: Port Arthur Historic Site Management Authority, 2003). Detailed, though partial, transcriptions can be searched at <http://foundersandsurvivors.org/>.

³³ Only two were sentenced to transportation after 1845 and by 1852 most had reached, or were reaching, the end of their sentence.

³⁴ The online database *England & Wales, Criminal Registers, 1791–1892* (Provo, UT, USA: Ancestry.com Operations Inc, 2009) was searched for evidence of convictions outside Yarmouth. These registers

Five women admitted to Yarmouth Gaol in the same period were sent to Van Diemen's Land, four of whom were sentenced by the town's magistrates. Tried at the Norfolk County Assizes, which heard all capital offences, Charlotte Yaxley pleaded not guilty to murdering her step-daughter. She was the only Yarmouth convict to protest against her conviction when stating her offence in Van Diemen's Land: 'I am innocent'.³⁵ All the other exiles were convicted of theft and their profiles correspond with the similar number sent from the East Anglian port to other penal colonies in the same years. I exclude women from this analysis, however, because their offending histories were very different to the men's. Between them, the women had been convicted of seven offences (only two had known prior convictions) and, in common with other female prisoners in the gaol, they had a much lower committal rate than the males.

All but two of the male Yarmouth exiles arrived in Van Diemen's Land after the transition in 1839 from the Assignment to the Probation system, when penal bureaucracy approached its apogee.³⁶ Comparison of gaol registers and convict records confirms Governor Arthur's concerns about the reliability and leakage of the official documentation trail that continued into the Probation era.³⁷ In 1844, for example, the Gaoler testified at the Norwich Assizes to the prior convictions of three former inmates, all under twenty years old, tried for stealing money from a public house: Robert Harrod had eleven committals at Yarmouth, William Jenkins three and Joshua Artis nine. Yet, the Gaoler's information did not reach the hulk authority,

recorded only indictments and miss any summary convictions convicts had received elsewhere.

³⁵ Charlotte Yaxley, 17, per *Garland Grove* (1), 1841, Conduct Record CON40/1/10, Description List CON19/1/3. For cross-examination of women at Hobart, see Lucy Frost, *Abandoned Women: Scottish Convicts Exiled Beyond the Seas* (London: Allen & Unwin, 2012), pp. 26–9. Only 11% of women aboard the *Australasia* in 1849 had been charged with more than two previous offences while over a half had only one or no prior convictions; see Trudy Mae Cowley, *A Drift of 'Derwent Ducks': Lives of the 200 Female Irish Convicts Transported on the Australasia from Dublin to Hobart in 1849* (Hobart: Research Tasmania, 2005), pp. 11–12.

³⁶ Ian Brand, *The Convict Probation System: Van Diemen's Land 1839–1854* (Hobart: Blubber Head Press, 1990).

³⁷ Errors will have been inevitable in a bureaucratic exercise on such a scale. Sentenced at Walsingham, William Hurn per *Neptune* 1, 1837 and William Barnes per *Asia* 5, 1840 were wrongly entered as tried at Great Yarmouth; see *England & Wales Criminal Registers*, 7 July 1837 and 10 January 1840.

which reported that Harrod and Artis had one previous conviction and Jenkins '2 or 3', presumably offences committed at Norwich.³⁸ Neither did the Gaoler's report of their conduct under his watch reach the convict authority. Harrod was disciplined seven times in Yarmouth Gaol while Jenkins and Artis, at eighteen times apiece, were among the most frequently punished inmates for run-of-the-mill infractions: fighting, singing, shouting, swearing, communicating with female prisoners and so on.³⁹ When the Gaoler's report was forwarded, it usually tallied with his record of the prisoner's conduct in gaol, but in only nineteen out of thirty-four cases did his assessment reach Van Diemen's Land.

The Gaol Report usually recorded the Gaoler's numerical estimate of the convicts' prior committals at Yarmouth, regardless of whether they had been acquitted, and included the offence for which they were transported. According to his reports, the nineteen convicts had served 56 imprisonments between them, giving an average offending rate of 2.95. In fact, the thirty-four convicts had served 129 prior imprisonments at Yarmouth, averaging 3.82 each. If we add to these committals the offences that led to their transportation, as well as a further 29 offences committed elsewhere, only two of which they omitted, we have a total of 194 offences and an overall committal rate of 5.71 each. By contrast, if we calculated the average number of prior committals solely on the Gaoler's Reports, we would have a figure of 1.65 per convict, an under-reporting of repeat offending by around two-thirds.

Only three of the thirty-four convicts were positively identified by the Gaoler as first-time offenders but, in their statements, two of these acknowledged prior offences committed elsewhere while the third had been imprisoned twice at Yarmouth as a refractory pauper.⁴⁰ No information was sent about seven con-

³⁸ Gaol Keeper's Journal, January 1841-December 1845 (Y/L2 48), 20 December 1844; Robert Harrod, 15914, per *Theresa*, 1845, CON33/1/67, CON14/1/29; Joshua Artis, 15826, ditto, William Jenkins, 15933, ditto.

³⁹ Gaol Keeper's Journals, January 1836-December 1840 (Y/L2, 47) and January 1841-December 1845 (Y/L2 48), *passim*.

⁴⁰ John Cooper, 14708, per *William Jardine* (1), 1844, CON33/1/62, CON14/1/30; Edmund Bowles, 13829, per *Barossa* (2), 1844, CON33/1/59, CON14/1/8; William Alexander, 18277, per *Mayda*, 1846, CON33/1/79, CON17/1/2, p. 154, off Norfolk Island per *Pestongee Bomangee* May 1847.

victs. Six of these men had previous committals at Yarmouth while four of them owned up to former convictions in their statements. The one convict who had no offending history was a Sheffield cutler on the tramp, sentenced to transportation for street robbery committed in Yarmouth with two other itinerants.⁴¹ If, as many itinerants will have done, he concealed his identity and previous convictions from the authorities (he claimed to have no relatives) he has also concealed himself from the historian and his record cannot be confirmed.

With at most one first-time male offender transported from Yarmouth, the gaol committal rates raise questions about the conclusions of earlier large-scale examinations of convict records, such as the assertion in *Convict Workers* that two-thirds of exiles were first-time offenders.⁴² They also suggest the possibility that L. L. Robson's long-contested claim that '[c]ertainly one-half, and probably two-thirds, had formerly been punished' may have been a conservative estimate.⁴³ However, committal rates do not take us much closer to understanding how the convicted viewed their offences. Some imprisonments were for very short periods – a day or two on Further Examination or a week or two on Remand that did not lead to conviction and which, understandably, many convicts did not acknowledge. If we exclude these short stays and six acquittals from our analysis, we have a figure of 91 convictions of which the convicts admitted 45 and omitted 46 when stating their former crimes.⁴⁴ With the offences committed outside Yarmouth and those for which they were sentenced to transportation, in all they acknowledged 122 crimes, averaging 3.59 offences each.

⁴¹ John Morgan, 15291, per *George Seymour*, 1845, CON33/1/64, p. 15291, CON14/1/26, Description List, CON18/1/44.

⁴² Based on indents for New South Wales 1817–1840, Nicholas and Shergold, found a recidivist rate of 39%; see Stephen Nicholas and Peter R. Shergold, 'Unshackling the Past' in *Convict Workers: Reinterpreting Australia's Past*, ed. Stephen Nicholas (Cambridge: Cambridge University Press, 1988), pp. 3–13 (p. 7). Using a sample of 4000 indents, Shaw found 45% of convicts sent to Van Diemen's Land (1830–1840) had prior convictions; see Nicholas and Shergold, 'Convicts as Migrants', *ibid*, pp. 43–61 (p. 46).

⁴³ Robson's calculation was based on a 5% sampling of male convict records for Van Diemen's Land and New South Wales; see *Convict Settlers*, pp. 9, 36–7, 176–9.

⁴⁴ This figure includes very short imprisonments and acquittals for offences that convicts acknowledged. Like the Gaoler, some convicts may have reported their committals rather than convictions.

Of the prior offences they admitted, the Yarmouth exiles were most likely to acknowledge convictions for theft. They admitted to 33 (73.33%) of these offences, even some that were trivial (Samuel Iverson, who seems to have had a sweet tooth, confessed to serving one day for peppermint and two acquittals for sugar) and to us earned grossly excessive sentences (George Mills's six-month sentence for stealing apples).⁴⁵ In total, the transportees declared six out of eight convictions for pilfering food and all five for stealing clothes. Their readiness to admit to theft suggests that most accepted the illegality of crimes against property ownership, an acceptance borne out by the fact that, when free, some would take to court those who stole from them, as did considerable numbers of former convicts. Robert Harrod arrived in Van Diemen's Land with a string of thirteen convictions going back to the age of twelve of which over half involved theft (though he conceded only one), but he would bring at least two prosecutions when manager of a hotel and store.⁴⁶

Much of the thieving by Yarmouth offenders appears to have been opportunistic and connected with their occupation, like the work-based appropriation that characterized much of the crime committed by the labouring poor elsewhere.⁴⁷ Samuel Wells worked for a brewer and was transported for stealing a peck of barley. Seven years previously he had served three months for robbing a plank, an offence he declared along with stealing a fender, a charge for which he was acquitted.⁴⁸ The sawyer Isaac Gowing was transported for stealing a plane; he admitted his one prior conviction of thieving wood the previous year.⁴⁹ The Yarmouth transportees declared six of the eight clearly occupation-related thefts of which formerly they had been convicted. Partnerships in crime were also connected to occupation. Two young men transported for life for horse-thieving may have met through working as boatmen,

⁴⁵ Samuel Iverson, 16449, per *Marion* (2), 1845, CON33/1/70, CON14/1/31; George Mills, 8782, per *Duchess of Northumberland*, 1843, CON33/1/36, CON14/1/19.

⁴⁶ *Mercury* (Hobart), 12 July 1861, p. 2 and 8 December 1865, p. 2; Trove National Library of Australia, *Historical Newspapers*, <http://trove.nla.gov.au/>

⁴⁷ For work-based appropriation, see Barry S. Godfrey, David J. Cox, and Stephen D. Farrall, *Criminal Lives: Family Life, Employment and Offending* (Oxford: Oxford University Press, 2007), 78–105, 172–3.

⁴⁸ Samuel Wells, 8882, per *Duchess of Northumberland* (1), CON33/1/36, CON14/1/19.

⁴⁹ Isaac Gowing, 8005, per *Triton*, 1842, CON33/1/33, CON14/1/15.

though when they were first committed together for being idle and disorderly, the youngest was only thirteen. He admitted that offence (10 days and 2 months) and twelve months for housebreaking but the older boy admitted only one prior conviction of twelve months for stealing a watch.⁵⁰

Others were more selective in their recall. Thomas Mapes was committed nine times at Yarmouth. He pleaded not guilty to stealing three cheeses with a companion, a cheesemonger, but was sentenced to six months. In his statement he admitted taking cheese and receiving ten days for an assault. In fact, by paying fines he avoided imprisonments for two assaults, one against a policeman, but served one month for an assault on another constable. He overlooked these and other committals, including two months for vagrancy and suspicion of robbery.⁵¹ By contrast, William Chapman admitted six imprisonments for 'disorderly conduct', without specifying he had been charged three times with beating policemen, nor for bathing in the river at an improper time. An apprentice shoemaker, he admitted stealing ladies' shoes with two other boys, one of whom acknowledged the same offence in his statement.⁵²

The Yarmouth convicts were less ready, therefore, to acknowledge violent crime than property offences. In general, assaults were prosecuted much less frequently and severely than property-based offences and often imprisonment could be avoided by paying a fine. Six men had convictions relating to assault (five of these on women, five on policemen) but only three owned up to any history of violence. James Brown alluded in veiled terms to two such commitments: 'two months for a row' (with his father) and six months for 'breach of peace' (an assault on Elizabeth Barber).⁵³ Both offences must have been vicious to incur such long sentences. For other convicts,

⁵⁰ Lewis Goodwin, 1264, per *Blenheim* (1), 1837, CON31/1/3, Appropriation List, CON27/1/7; John Bowles, 2635, ditto.

⁵¹ GR, 13 March 1837; 30 March 1837; 19 April 1837; 29 September 1840, 9 August 1841; 13 August 1842; 9 August 1843; 29 November 1844; 27 October 1845; Thomas Mapes, 18874, per *Palmyra*, 1846, CON33/1/81, CON14/1/36.

⁵² GR, 24 April 1838; 7 November 1838; 29 April 1839; 10 August 1840; 4 January 1841; 15 November 1842; 3 February 1843; William Chapman, 20472, per *Mount Stewart Elphinstone* (2), 1848, CON33/1/89, CON14//38; James Barley, 673, per *Hindostan* (2), 1841, CON33/1/4, Appropriation List, CON27/1/8.

⁵³ GR, 6 August 1836; 27 October 1836; James Brown, 5709, per *Susan* (2), 1842, CON33/1/24, CON14/1/15.

omission of their history of assault probably reflects their acceptance of violence as an integral and everyday part of the rough-and-ready male culture of the seaport rather than any reluctance to declare it or sense of wrong-doing and shame.⁵⁴ Sentenced to seven years for stealing a silk bag and money, for instance, John Newstead acknowledged twelve months for a highway robbery committed outside Yarmouth and five counts of 'drunkenness', probably connected with his four convictions for assault at Yarmouth, one on a policeman and three on women, one of whom was probably his girlfriend since her name was tattooed on his arm. Neither did Newstead disclose committals for stealing a pair of boots and being a refractory pauper.⁵⁵

Of the men's 129 commitments at Yarmouth, only 19 (14.73%) led to an appearance at the Quarter Session; the remaining 111 cases (86.05%) were heard summarily by the magistrates.⁵⁶ Many of these were for misdemeanours ranging from vagrancy, being idle and disorderly or a suspicious character, to removing soil, sand or dirt without license. William Copping confessed to breaking out of the workhouse five times, though none of the three convicts who served time at Yarmouth as refractory paupers owned up to their offence against the parish.⁵⁷ Thomas Tripp admitted two counts of suspicion but not the three weeks spent for being a rogue and vagabond who 'did wilfully expose his person, he being entirely naked'.⁵⁸ However, 42 of the Yarmouth men's former convictions were for misdemeanours to which they admitted 25, a surprisingly high number (59.52%). These included the boys William Jenkins, sent down for twelve months for 'setting boats adrift', and Thomas Bowles, a week each for breaking windows and being absent from his work.⁵⁹

⁵⁴ Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004); Clive Emsley, *Hard Men: Violence in England since 1750* (London: Hambledon, 2005).

⁵⁵ GR, 13 May 1842; 21 May 1842; 1 September 1842; 19 November 1842; 24 April 1843; 3 January 1846; 30 June 1846; John Newstead, 21025, per *Ratcliffe* (2), 1848, CON33/1/91, CON14/1/40.

⁵⁶ On the rise of summary jurisdiction, see Peter King, *Crime, Justice and Discretion in England, 1740–1820* (Oxford: Oxford University Press, 2000), 82–125.

⁵⁷ William Copping, 3589, per *Barossa* (1), 1842, CON33/1/16, CON14/1/12.

⁵⁸ GR, 9 January 1839; 6 February 1839; 5 March 1842; 18 May 1842; Thomas Tripp, 12997, per *Lady Franklin*, 1844, CON33/1/55, p. 12997, CON17/1/1, p. 16.

⁵⁹ William Jenkins, 15933, per *Theresa*, CON33/1/67, CON14/1/29; Thomas Bowles, 10001, per *Asiatic*, 1843, CON33/1/42, CON14/1/24.

The scavenger Christopher Riches, however, clearly distinguished between felony and misdemeanour; 'Denies having been convicted before' states his convict record. He was eighteen when sentenced to transportation in 1845 with his brother Isaac (seventeen) for stealing four fathoms of rope from a ship, worth 1s 10d.⁶⁰ On their conviction, the Gaoler, unusually, wrote out their committal history in full, showing he was well aware of their record of persistent offending. Yet, though Christopher had been committed eleven times and Isaac six, their Gaol Reports list only two convictions each.⁶¹ While comparison of these records illustrates the gaps in the paper trail, it also illuminates the boys' understanding of legality, property and theft. Christopher first entered gaol on remand in June 1841 for 'digging up and carrying away soil from the Denes' and was remanded twice more that year for stealing manure and a basket. On other occasions he received a week or a fortnight for removing dirt and ill-using a donkey. Many juvenile boys were summarily convicted of gathering dirt – a common means of making a little money. For Christopher, however, it was a legitimate livelihood – Sarah Martin noted his father was the 'Town Scavenger' – at which he worked industriously. Ten of his eleven admissions were connected with scavenging. His brother Isaac seems to have drawn the same distinction between thieving and scavenging. He admitted six months for stealing a watch, seven days for stealing money, and seven days for 'picking my mothers [sic] pocket' but omitted six months for vagrancy with intent to steal wood from a shipyard. Isaac excluded one further imprisonment – stealing eggs and knives from a shop – an offence for which both brothers were prosecuted but only the younger convicted. Given Isaac's admission of the other thefts, on this occasion he may have been wrongly indicted.

Isaac's remand for picking his mother's pocket alerts us to another aspect of the offenders' history that is thrown into relief when we compare the statements convicts made about their family and its whereabouts with other records. At least five Yarmouth convicts had been committed to gaol by a relative, six if we include

⁶⁰ Christopher Riches, 17981, per *Joseph Somes* (1), 1846, CON33/1/77, CON14/1/35; Isaac Riches, 17982, ditto.

⁶¹ Gaol Index and Receiving Book, Y/D 41/28, 12 September 1845.

William Copping, whose prosecution was instigated by the man who subsequently lived with Copping's wife. James Brown was first committed, aged eighteen, for a 'row' at the behest of his father. The short, sharp shock of six weeks confinement evidently failed for he received three more committals before being sentenced to seven years.⁶² Likewise, on the complaint of his mother, twelve-year-old Robert Harrod spent the first of eleven stints at Yarmouth Gaol for being 'idle and disorderly, wandering abroad and absenting himself from home'.⁶³ His absences may have been prompted by tension with his step-father, who Robert omitted from the family he listed to the convict authorities.⁶⁴ Thomas Bowles was sentenced to transportation for stealing £50 from his uncle.⁶⁵ His father Edmund had been a policeman at Yarmouth and was charged with secreting a watch, property of the executors of Thos Bowles. When young Thomas got into trouble with the law, Edmund appears to have been absent from home; he was not resident at the 1841 Census and in 1844, two years after his son, was transported for street robbery in Norwich, committed with a woman who was not his wife, and where he had also been convicted of assault.⁶⁶

While these committals hint at family trouble – relatives are only likely to have prosecuted an errant family member after prolonged disruptive behaviour – all five gave an accurate account of their kin, as did the large majority of convicts. Other evidence on their convict records suggests a kind of atonement on the part of two of these men. Isaac Riches's elaborate tattoos, noted by the convict clerk, depicted the parents from whom he had stolen – 'MR [Mary Riches] CR [Christopher Riches] Man & Woman above elbow' – and probably his companionship with his brother

⁶² Gaol Committal and Discharge Book, 6 August 1836.

⁶³ Gaol Committal and Discharge Book, 26 September 1837; Sarah Martin's Register, 1841, no. 53.

⁶⁴ 1841 Census, HO 107/793/1, 1841 England Census [database on-line] (Provo, UT, USA: Ancestry.com); Robert Harrod, 15914, per *Theresa*, 1845, CON33/1/67, CON14/1/29.

⁶⁵ Thomas Bowles, 10001, per *Asiatic*, 1843, CON33/1/42, CON14/1/24.

⁶⁶ GR, 13 May 1842; Edmund Bowles, 13829, per *Barossa* (2), 1844, CON33/1/59, CON14/1/8; HO 107/790.2. Thanks to descendants of Thomas and Edmund Bowles whose research led me to Edmund's transportation; <http://www.rootschat.com/forum/index.php?PHPSESSID=ej0pk1bn9ho3tlpmgjaab807&topic=526988>.

with whom he embarked for Van Diemen's Land – 'two men arm in arm'.⁶⁷ When first admitted to gaol, James Brown was entered in the register as 'James Brown, Junior' to distinguish him from the father with whom he had been brawling. Brown appears to have adopted the patronym for he is named in the convict records as 'James Brown, the Younger'. He seems to have identified with his father, following in his occupation as a bricklayer and proudly displaying the tools of their trade in his tattoos – 'hammer compasses trowell plumb rule level step level'.⁶⁸

Most Yarmouth convicts began their offending career in their early teens. 61.02% were under eighteen when they committed their pre-transportation offences; as a cohort they were younger than the gaol's repeat offender population, 41% of whom were under eighteen in the years 1839-1841. Of the convicts, 32.35 % were still under eighteen when sentenced to transportation. Where Robson found half of male transportees were under twenty-five on arrival in Australia, nearly three-quarters (70.59%) of the Yarmouth convicts fell into this age group.⁶⁹ Only five were over 30. At fourteen, Henry Coppin was the youngest exile, sentenced in 1841 for stealing an oil frock and trousers from a ship. One year earlier, his father William Copping had been given seven years for receiving stolen goods. Five times confined as a refractory pauper, William seems not to have been able to fulfil the two main paternal duties of providing for and protecting his children and it is likely that, with his departure, Henry went off the rails.⁷⁰ Probably Henry was estranged from his mother, for her name is not included in his statement though he gave the names of his father and siblings. At the 1841 Census, Henry was not at the lodging house in Lowestoft where his mother resided with the man who had testified against her husband, and he was picked up as a rogue and vagabond prior to his conviction for theft.⁷¹

⁶⁷ Isaac Riches, 17982 per *Joseph Somes* (1), 1846, CON33/1/77, CON14/1/35; 1841 Census, HO 107/793/8.

⁶⁸ Committal and Discharge Book, 6 Aug. 1836; James Brown the Younger, 5709, *Susan*, 1842, CON33/1/24, CON14/1/15; 1841 Census, HO 107/793/7.

⁶⁹ Robson, *Convict Settlers*, p. 182.

⁷⁰ Trevor Broughton and Helen Rogers, (eds.) *Gender and Fatherhood in the Nineteenth Century* (Basingstoke: Palgrave, 2006).

⁷¹ Henry Coppin, 11429, per *Anson*, 1844, CON33/1/49, CON14/1/25; William Copping, 3589, per *Barossa* (1), 1842, CON33/1/16, CON14/1/12. GR, 21 October 1841; 1841 Census, HO 107/1030/7.

Reconstructing convicts' families by linking their indents with Christening records and census returns reveals a startling aspect of their profile. Of the thirty-one men whose families can be identified through the indent or the census, seventeen (54.84%) had lost their father, eighteen if we include the effective death of Henry Coppin's father on his transportation. Twelve had no mother (38.71%) while six had neither parent, though only one of these was under twenty. Only ten convicts (32.26%) had both parents living.⁷² Record linkage reveals the catastrophic effects on some young men of the loss of a parent, and especially the father. In a port dominated by male occupations with few employment opportunities for women, the death of the male breadwinner could devastate the family economy. On at least two occasions William Hickling's mother had taken her three sons into the workhouse and towards the end of her life she would again be a pauper. When William was sentenced to transportation for theft in 1841, Maria Hickling and her youngest son Robert (seven) were acquitted of receiving stolen goods from him.⁷³

All but two convicts came from Norfolk, one of the most distressed agrarian counties in the 1830s and 1840s, while four came from Norwich.⁷⁴ The rest were born in Great Yarmouth or its immediate vicinity where the mixed economy of the port offered more employment opportunities, though much of it casual, and generally better wages than the surrounding rural areas. The Gaoler's records of their occupations closely correlate with those on their convict statements and allow us to track their progress through the occupational structure of the port. On his first admission in 1839, aged fourteen, for stealing poultry, William Hickling was working at 'a fish office' while on successive visits he was listed as a labourer. On arrival

⁷² Based on autobiographical recollections of working-class boyhood in the period 1800–78, Jane Humphries finds that by the age of 14, 16% had lost their father, 13% their mother, and 26% had survived both parents, rates similar to findings in other studies. While my findings focus on slightly older boys and young men, it appears likely that considerably higher rates of orphanage had occurred in this cohort than in the wider population. For the difficulties in measuring orphanage and the effects of parental mortality on children, see Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Cambridge: Cambridge University Press, 2010), pp. 61–72 (p. 65).

⁷³ 3 December 1836 and 14 April 1838, Index of Examined Paupers, 1756–1844 [Y/L16/8]; GR, 2 December 1841. Few Poor Law records survive for Great Yarmouth so record linkage between prison and poor law registers has not been possible.

⁷⁴ Anne Digby, *Pauper Palaces* (London: Routledge & Kegan Paul, 1978).

in Van Diemen's Land, however, William described himself as a fisherman, an occupation that probably signified the future he had hoped for himself, rather than his previous employment. If this is the case, he connected himself with his elder brother Matthew, listed as a mariner in the 1841 Census, and the sailor father they had lost.⁷⁵ Joshua Artis firmly identified himself with his father, a knife-grinder and cutler. We can trace Joshua's progress from 'chip boy' in his early admissions to 'labourer' in later ones. In Van Diemen's Land he described himself as 'an imperfect tailor', the trade he must have begun to learn at the Penitentiary prior to embarkation, but to which he proudly added his father's trade – cutler – the one to which, presumably, he always thought he was heading.⁷⁶ Fifteen of the twenty-three convicts whose family occupations can be traced claimed their father's trade or that of an elder brother. Some had definitely been employed in their father's trade, such as the waterman Joseph Anderson and watchmaker William Wetherill. For others, their stated occupation was a way of connecting themselves to the life they had departed and, in particular, their sense of masculine vocation.⁷⁷

There is only one convict who may have deliberately changed his employment status in order to enhance his chances in the penal colony. Henry Simmonds entered Yarmouth Gaol as a 'hawker of needles'; in Van Diemen's Land he gave himself the more elevated role of coachman and groom. Conceivably he had done this job in the past but his claim may have been a white lie for he appears to have told one other. Simmonds had been arrested at Yarmouth with his 'wife' Anna, who was acquitted of street robbery; in Van Diemen's Land he declared himself single.⁷⁸ William Chapman, sentenced at the same Sessions as Simmonds, likewise claimed to be single though,

⁷⁵ GR, 28 December 1839, 3 June 1840, 2 April 1841, 3 June 1841, 30 October 1841, 28 November 1841, 28 December 1841. William Hickling, 6511, per *Surrey* (4), 1842, CON33/1/27, CON14/1/13; 1841 Census, HO 107/793/4.

⁷⁶ GR, 3 May 1839, 24 May 1839, 6 July 1841, 12 June 1841, 12 June 1842, 19 June 1842, 7 July 1842, 4 October 1842, 7 September 1843, Joshua Artis, 15826, per *Theresa*, 1845, CON33/1/67, CON14/1/29.

⁷⁷ Joseph Anderson, 20670, per *Bangalore*, 1848, CON33/1/90, CON14/1/39; William Wetherill, per *Tortoise*, 1842, Police No. 6511, CON33/1/17, CON14/1/13.

⁷⁸ Gaol Receiving Book, 26 January 1843; Henry Simmonds, 15317, per *Sir George Seymour*, 1845, CON33/1/64, p. 15317, CON14/1/26.

four days after his removal to the *Warrior* hulk, his 'wife' had to be told to leave the gaol, having appeared 'in a state of angry excitement, using disrespectful language towards the Local authorities'.⁷⁹ I have not found either Simmonds or Chapman (who may have been in common-law unions) in the marriage registers but if these two men cast off their marital status – as did some convicts and the spouses they left behind – I have found no other evidence of men falsifying their occupational or family circumstances. In the light of their collective profile, therefore, drawn from their testimony, what can we make of the statements made by John King when the *Surrey* anchored at Hobart in 1842 and who, early in 1840, had walked out of the prison gate, with his booklet of religious verses, covered in brown paper, smiling perhaps?

IV. Intimate Reading: 'I am not married but...'

John King was sentenced to seven years transportation in December 1841 for stealing old canvas. His conduct record gives his age as twenty-four but he was only twenty.⁸⁰ In his statement he declared five previous imprisonments: '2 months for shoes; 14 days for lathwood; vagrancy 3 months; for soil 14 days; 3 months for stealing'. In the 'Black Books', his life was tabulated so the convict authorities might better monitor his conduct, exploit his labour and identify him if he absconded. As James Bradley and Hamish Maxwell-Stewart caution us, their inspection 'served to remind convicts of their status as subjected (and subjectified) objects of "panopticon" knowledge, imprisoned by descriptions of their own bodies and regulated by the internalisation of this knowledge'.⁸¹

Yet, in notating the tattooed markings on convict bodies, the penal clerks unwittingly recorded many convicts' own embodied statements. In their highly original 'quantitative deconstruction' and 'qualitative exposition' of the indents of

⁷⁹ Gaol Keeper's Journal, 25 and 29 March 1843; William Chapman, 20472, per *Mount Stewart Elphinstone* (2), 1848, CON33/1/89, CON14//38.

⁸⁰ John King, 6533, per *Surrey* (4), 1842, extra identifier 2, [database no. 40331], CON33/1/27, CON14/1/13. He was baptized 21 May 1822, St Nicholas Church, Yarmouth; England & Wales Christening Records.

⁸¹ Bradley and Maxwell-Stewart, "'Behold the Man": Power, Observation and the Tattooed Convict', *Journal of Australian Studies*, 12.1 (Summer 1997), pp. 71–97 (p. 75).

five thousand tattooed convicts, Bradley and Maxwell-Stewart examine the 'margin between contending constructions of convict subjectivity', between the 'state record' and tattoo descriptions, which suggest a "popular" counter-narrative of mediation, resistance and transcendence.⁸² Their approach offers me a method not only of deconstructing the quantitative data on the Yarmouth convicts to explore their collective experience but also of applying these findings in an intimate reading of John King's tattoos. He had begun to decorate his 'pockpitted stout made' body as early as 1840, when the Gaoler noted 'Several pricked letters and marks on both arms'.⁸³ Professional tattooists and designs did not emerge until the 1860s, so King's tattoos will have been made by himself or by companions.⁸⁴ Tattooing was one of the illicit activities that went on in the cells, undetected. The Gaoler recorded only three occasions when he discovered inmates pricking themselves in the years 1836–45. Yet he had need to remind prisoners of the ban on tattooing, noting, when he caught eighteen-year-old James Thirkettle pricking himself, he 'had, as well as the whole of the Prisoners, been cautioned in that respect'.⁸⁵ Tattooing was a common pastime aboard the convict ships and, by the end of his voyage, John King had adorned his breast, arms and outer left leg using red dye as well as the more typical black and blue. While John King's body art was probably still work-in-progress, his elaborate tattoos spectacularly depicted the man he felt himself to be.

John King was committed to Yarmouth Gaol on eight occasions and, when quizzed by the Principal Superintendent of Convicts at Hobart, did not recall his

⁸² Bradley and Maxwell-Stewart, "Behold the Man", p. 77. See also Maxwell-Stewart and Bradley, 'Convict Tattoos: Tales of Freedom and Coercion', in Field and Millett (eds.), *Convict Love Tokens*, pp. 47–52; and David Kent, 'Decorative Bodies: The Significance of Convicts' Tattoos', *Journal of Australian Studies* 53 (1997): 78–88.

⁸³ The description of his body and tattoos are in the Remarks section of the Conduct Record under the data on physical characteristics. For King's early tattoos, see GR, 10 February 1840.

⁸⁴ For the practicalities of amateur tattooing, see Ira Dye, 'The Tattoos of Early American Seafarers, 1796–1818', in *Proceedings of the American Philosophy Society* 133.4 (1989): 520–54, especially pp. 527–32. Thanks to Matt Lodder for this reference.

⁸⁵ Gaol Keeper's Journal, Jan 1836–Dec 1840 (Y/L2 47, Norfork PRO) and Jan 1841–Dec 1845 (Y/L2 48); 23 July 1845. See Helen Rogers, 'Tattooing in Gaol, Conviction: Stories from a Nineteenth Century Prison', <http://convictionblog.com/2013/11/15/tattooing-in-gaol/>

earliest confinements in 1836 when he was fourteen, the first just a day for being absent from his service – a minor infraction he may have forgotten or considered irrelevant. His second was on suspicion of felony with four other juveniles. All were released after two days.⁸⁶ Each returned to gaol; only one escaped transportation. The earliest offence King mentioned in his statement was in 1838, when he was apprehended as a vagrant near a timber yard with three planks of lathwood.⁸⁷ Like many of the companions he met inside and outside prison, he supplemented casual earnings by scavenging materials; he admitted 'removing soil' and 'three months stealing' (two shovels obtained by false pretences with Richard Thaxter, also subsequently transported).⁸⁸ Work, play and offending shaded into each other; half of King's offences were committed with others. He was lucky to have avoided transportation when convicted alone in 1838, his first time for felony, for 'stealing 16 pairs of shoes value of ten shillings and fifteen pairs of shoes value of 5s'.⁸⁹ In all probability, this was the event he wished to remind himself of when he etched the date 'APRIL 1838' on his skin; about 40% of dates in convict tattoos coincide with a conviction.⁹⁰

Like two-thirds of the Yarmouth exiles who had lost at least one parent, John King's mother had died. He commemorated her name in capitals in his tattoos – 'SARAH KING' – along with the initials of the family members he gave the Convict Superintendent. They can be found in the 1841 Census, living on the beach and employed in manual labour connected with the port. King's father Charles was a beachman, his elder brother Charles a twinespinner and sister Sarah a beatster, who sewed fishing nets for her living, while Carolyn (fourteen) and Susannah (ten) had yet to start work.⁹¹ At Yarmouth, as we have seen, boys tended to follow their father's

⁸⁶ Gaol Committal and Discharge Book, 10 October 1836 and 20 December 1836.

⁸⁷ GR, 9 February 1838.

⁸⁸ GR, 5 September 1840; Gaol Committal and Discharge Book, 14 May 1838. Robert Thaxter [Thaxter], 17789, per *Maitland*, 1844, CON33/1/76, CON17/1/1, p. 236.

⁸⁹ GR, 16 April 1838.

⁹⁰ GR, 10 February 1840. Bradley and Maxwell Stewart, "Behold the Man", p. 85; Kent, 'Decorative Bodies', p. 64.

⁹¹ 1841 Census, HO 107/794/1. Names and initials were the most common form of convict tattoo; Kent, 'Decorative Bodies', p. 83.

occupation. As a beachman, Charles King will have combed the shore for drift, helped to bring in stranded boats, and loaded and unloaded their cargo – irregular, unskilled work that drew many men into pilfering. He appears to have wanted something else for his sons. Young Charles was learning a trade – rope making – unlike John who, following his absence from service, seems to have lost the apprenticeship that, most likely, his father had found him, for he was always listed as a labourer in the gaol registers. Perhaps John was no longer welcome at home for he was imprisoned three times as a vagrant, the last at the start of 1841 when he was found stealing bones.⁹²

That summer, King was not with his family when the census was taken. Almost certainly he was the John King, aged 20, living with three elderly persons and a young woman Mary Bowles, also 20, and a baby, John Bowls [sic].⁹³ In the gaol and conduct records King was listed as single but, though he was under no compunction so to do, he volunteered to the Superintendent of Convicts, 'I am not married but have lived with Mary Ann Balls and had 2 children by her.' In January 1840, when King was serving three months for vagrancy and criminal intent, it is possible that his sweetheart was imprisoned too. The factory worker Maria Bowler, aged twenty-one and single with one child, was imprisoned for seven days for refractory conduct in the workhouse. During her sentence, she was taught by Sarah Martin who noted in her journal, 'She had been extremely unkind to her baby of 6 months old.' Two months later, the teacher visited Maria Bowler in the workhouse, finding the young mother 'much softened in temper and manner'; an improvement Martin attributed to solitary confinement and instruction: 'She said she did not like being shut up alone and not allowed to speak – if she only sang to her baby. Mrs Shuckford [the Gaoler's wife] sends an order that she should be quiet.'⁹⁴ But Maria Bowler was sent down again the following year for running away from the workhouse with items of clothing. John King was again in prison, serving three months for vagrancy.⁹⁵

⁹² GR, 15 January 1841.

⁹³ 1841 Census, HO 107/793/5.

⁹⁴ GR, 21 January 1840; Martin, *Everyday Book*, 30 March 1840.

⁹⁵ GR, 27 March 1841 for Maria Bowler; 15 Jan 1841 for John King.

I cannot establish if Mary Ann Balls, Mary Bowles and Maria Bowler were the same woman, as seems likely, nor what happened to King's lover and their children after he was transported.

'I am not here for any thing that is a disgrace' John King had told his Christian teacher when imprisoned for vagrancy in 1839. But vagrancy may well have been either cause or effect of the apparent rift from his birth family. Certainly it will have prevented him from caring effectively for his young family and Mary Ann Balls. Was this in his mind when he admitted to the Superintendent of Convicts, 'vagrancy 3 months'? Mary Ann Balls appears to figure in John King's tattoos, perhaps with her two children if the letter-string 'EJMB' refers to their initials. Regardless of his inability to meet his manly duty as provider for his family, King's tattoos conveyed the romantic ideals of constancy, companionship and hope. As so often in popular culture, these ideals were symbolized by a female figure. Two of King's tattoos depicted loving attachment: 'man woman in each hand 2 sprigs'; 'sailor & woman with cross'. Representations of the sailor's fond farewell or joyful return to his sweetheart frequently adorned love tokens, illustrated songs and broadsides, and will have been especially resonant to men like John King, raised in a seaport, who frequently sported them in their tattoos.⁹⁶ They remind us that popular culture was often more sentimental than bawdy in tone and infused with religious sentiment.⁹⁷ While convicts commonly identified with the crucified Christ in their tattoos, however, we cannot know if John King's sailor and woman shouldered the cross together or if she bore it alone, just as Mary Ann Balls was left to raise her children on her own.⁹⁸

⁹⁶ Field and Millett (eds.), *Convict Love Tokens*. For examples, many containing images similar to those in convict tattoos, see the National Museum of Australia's online exhibition, 'Convict Love Tokens', collected by Timothy Millett, <http://love-tokens.nma.gov.au/>.

⁹⁷ Vic Gammon, *Desire, Drink and Death in English Folk and Vernacular Song, 1600–1900* (Aldershot: Ashgate, 2008).

⁹⁸ At least 150 of 5000 male convicts studied by Bradley and Maxwell-Stewart wore a tattooed cross; "Behold the Man", p. 95, no. 54. Crucifixions were adopted by more Catholics than Protestants. 32.3% of Kent's sample of male convicts from Ireland sported a cross compared with 8.5% of their counterparts from England; see 'Decorative Bodies', pp. 81, 86–7. For the sacred and profane in convict iconography, see also Maxwell-Stewart and Duffield, 'Skin Deep Devotions', in Caplan (ed.), *Written on the Body*.

Though listed as a labourer in the gaol and census records, King gave his occupation as fisherman at Hobart. On his left breast, over his heart, was a barque, possibly the *Surrey* on which he was transported but more likely the ship he had wished to join, for he also depicted a mermaid, two anchors and fish, all familiar talismans of mariners. Where his father worked on the shoreline, John King looked out to sea. The name 'ROBERT JACUP' was spelled out, almost certainly the 24 year-old Yarmouth shipwright with whom King surely enthused about boats.⁹⁹ 'RJ.AC.OB' appeared on the letter string on King's outside left leg and there was an 'R' between his right forefinger and thumb. Robert Jacup was clearly a significant other: mentor, lover, partner-in-crime?¹⁰⁰ Perhaps they swapped tattoos.

Tattooing was an integral part of Yarmouth's sea-faring culture, as it was of life aboard the convict ships. 28 of the 34 men from Yarmouth were tattooed on arrival in Van Diemen's Land (82.35%), far more than the 26% of arrivals from Scotland.¹⁰¹ Like other convict body art, John King's tattoos drew on symbols of male prowess – 'man with bow & arrow lion eagle' – but others were more ominous in tone. There appears to have been a 'Bat & [purse?]' – nocturnal and nefarious pursuits? – alongside the note to self – 'J.K. prepare to meet thy God'. The words echoed the hell-fire-and-brimstone preaching of King's teacher at Yarmouth Gaol but did they signal penitence, fatalism, blasphemy? An intimate reading of his tattoos cannot disclose their full meaning but it can show how John King expressed himself through the popular cosmology found in other convict tattoos which mixed the sacred and profane, light and dark; 'J.K. prepare to meet thy God heart & dart flowerpot GK ass manshead'.

⁹⁹ 1841 Census, HO 107/793/7.

¹⁰⁰ Robert Jacup does not appear in the gaol registers, *England & Wales Criminal Registers*, or records of transportation.

¹⁰¹ James Bradley and Hamish Maxwell-Stewart, 'Embodied Explorations: Investigating Convict Tattoos and the Transportation System', in Duffield and Bradley (eds.), *Representing Convicts*, p. 187. Their findings are for much the same period (1840–53) as here. See also James Bradley, 'Body Commodification? Class and Tattoos in Victorian Britain', in *Written on the Body*, pp. 136–55.

V. Conclusion

Cultural historians have alerted us to the significance of narratives in shaping identity but have tended to privilege written texts as the source of such narratives and as means to their interpretation. John King's body art suggests an alternative personal history to that contained in the terse statements recorded by the convict authority and hints at his inner life as well as the man he chose to display to the world. His coded words and symbols speak to us suggestively yet elusively. They do not give us access to the 'real' John King but, when combined with his penal record and other data about his life and social relationships, an intimate reading allows us to do a little more than speculate on their meaning.

Understanding about past lives can be derived not just from the texts that produce individuals as 'subjects' but from the gaps, overlaps, and tensions within and between those records. In his much-cited preface to *The Making of the English Working Class*, Edward Thompson proposed that 'if we watch [...] men over an adequate period of social change, we observe patterns in their relationships, their ideas, and their institutions.'¹⁰² Thompson dismissed the use of quantitative analysis in reconstituting such relationships and yet it can enable us to observe patterns in social connections and in people's behaviour that are not always, nor only, observable in records of their expression.

Correlating information on individual offending histories in the convict indents with Yarmouth Gaol's admissions registers reveals official documentation substantially under-recorded convicts' previous convictions by about two-thirds. This has important implications for on-going research on persistent offending. Together, the *Founders and Survivors* and *Digital Panopticon* projects are reconstructing the life-courses of convicts sentenced at the Old Bailey and transported to Van Diemen's Land, unprecedented in scale of investigation and forensic detail. But to capture a fuller picture of the petty offending histories typical of most convicts, further research will be needed linking convict records to sentencing in the lower courts where the vast

¹⁰² E. P. Thompson, *The Making of the English Working Class* (New York: Vintage, 1963), p. 11.

majority of cases (around 80% at Yarmouth) were heard. Tracking convicts' life histories backwards as well as forwards will enable us to root 'criminal' behaviour in the cultures and economies of particular localities, neighbourhoods and households. This may assist us to be more precise about the pressures on individuals and families that led to 'delinquency', such as the high levels of orphanage that compounded the poverty and underemployment experienced by many lads and young men from Yarmouth.

An immersive, intimate practice of reading, of the kind conducted in this article, can help us reconstruct from abstracted data on individuals, garnered by officialdom, something of the experience and agency of people living in an actual time and place. 'What good would it do you if you could possibly deceive me?' asked the Yarmouth prison teacher Sarah Martin when she accused John King of being a vagrant and thief; 'even then would not God know what you are? and would you not know yourself to be what you are? He looked disconcerted and agreed to this'. We cannot know if John King, or indeed Martin's other scholars sent to Van Diemen's Land, internalized this judgement of self. But grilled by the Superintendent of Convicts, half the Yarmouth men were candid about their offending record, stating most, if not all, of their convictions, and especially their longer imprisonments. The other half were more selective in their account but only five gave no former offences and all admitted the crime which had them transported. In the information they supplied about their occupations and families, the Yarmouth convicts were largely credible witnesses to their own life histories. When their statements are read alongside other records about their lives, we learn some of what Sarah Martin could not know but also much that she did: that most had lost parents or become disengaged from their family; that regular work and family ties were sources of stability and that lack of employment and supervision could undermine those ties; and so too could the lure of companionship and conviviality rooted in the masculine, rough-and-ready, coming-a-going street culture of the seaport. In his vibrant tattoos, John King's body bore that culture's attractions, its spirit, and its costs:

Barque on left breast mermaid man woman in each hand 2 sprigs man with
bow & arrow lion eagle EJMB sun half moon 3 stars heart & darts & several

red marks APRIL 1838 M AM 2 anchors fish ROBERT JACUP on right arm R between forefinger & thumb right hand sailor & woman with cross Bat & [purse?] JK prepare to meet thy God heart & dart flowerpot GK ass manshead SK CK INGWI SARAH KING SH SK on left arm [RJACOB] on outside of left leg

Competing Interests

The author declares that they have no competing interests.

Acknowledgements

Generous research funding from Liverpool John Moores University and the hospitality of Clare and Hamish Maxwell-Stewart, Trudy Cowley, Lucy Frost, and Julia Clark enabled me to conduct archival research for this article in Tasmania. I would like to thank staff at Great Yarmouth Museums, the Norfolk Record Office, and the State Archives of Tasmania for assistance in using their collections. Zoe Alker and John Herson gave me invaluable support in creating access databases. I am indebted to the editor, Melodee Beals, the anonymous readers, Martin Eve, and the following friends who responded insightfully to drafts at various stages in this study's long gestation: Zoe Alker, Meg Arnot, Trev Broughton, Thomas Dixon, Barry Godfrey, John Herson, Ruth Livesey, Lucinda Matthews-Jones and Hamish Maxwell-Stewart. Thanks also to audience feedback on papers given at the Institute of Historical, NAVSA/BAVS/AVSA (2013), and the University of Tampere.

How to cite this article: Rogers, H 2015 'A Very Fair Statement of His Past Life': Transported Convicts, Former Lives and Previous Offences. *Open Library of Humanities*, 1(1):e3, pp. 1–35, DOI: <http://dx.doi.org/10.16995/olh.27>

Submitted: 05 October 2015

Copyright: © 2015 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution 3.0 Unported License (CC-BY 3.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. See <http://creativecommons.org/licenses/by/3.0/>.



Open Library of Humanities is a peer-reviewed open access journal published by Open Library of Humanities.

OPEN ACCESS An icon of an open padlock, indicating the article is freely available online.