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Introduction

When an unexpected boat dropped its anchor in Fremantle harbour on the first day of June, 1850, the news spread like fire in the Swan River Colony. However, what really interested colonists was the ship's load, for the *Scindian* was the first transportation boat to arrive in Western Australia. On board, future convicts, warders, engineers and soldiers seeking for a new life. On shore, settlers tired from the volume of work needed in order to maintain the colony. Two worlds diametrically opposed, however linked to one another for the next eighteen years, collided on that day. The convict ship was not only carrying people, but also hopes for a better future in Western Australia.

The *Scindian,* and its seventy-five convicts, arrived in Fremantle on June 1st, 1850, and was quickly followed by the *Hashemy*, transporting one hundred prisoners. Between 1850 and 1868, forty-three ships brought 9668 convicts to Western Australia. Before that, the settlement had been developed by free settlers.

In 1827, James Stirling, captain of the *Success*, sailed from Sydney Harbour to explore the mouth of the Swan River[1]. Aboard was Charles Frazer, a government botanist, who was in charge of analysing lands around the river to comment upon the viability of a settlement. The two of them were impressed by the area they explored, and both the Captain and the botanist wrote positive reports about a possible settlement. However, according to Pamela Statham, “it was simply chance that dictated the benign weather conditions which effectively obscured deficiencies[2]”. The fact that the expedition kept following the river and did not enter further inland had distorted Frazer's vision of the place. The botanist described the land as fertile, for the banks of the Swan River actually were, however dunes and swamps shared out inland places, which would later make tough the development of the settlement. In the case of Stirling, what interested him was the fact that a settlement would be easily defended due to the narrow mouth of the river. In the late 1820s, the British government was worried about a possible French settlement in the west coast of Australia, which would lead to a breach on British defences of its trade roads. In Stirling's mind, a harbour would serve as a defending town on the mouth of the river, whereas the main town, with all administrative places, could be settled some seven kilometres upriver, where the river was wider and out of reach of ships' cannons.

At the instigation of Stirling, the British government authorised private investors to

1 Pamela Statham, in Statham P. Ed. *The origins of Australia's Capital Cities.* Melbourne, Australia : Cambridge University Press, 1989, p. 126

2 *Ibid*, p. 126

colonise the Swan River area in 1829[3]. The *Parmelia* was chartered to send civil officials and their families to Western Australia. Stirling was appointed Lieutenant-Governor of the new settlement. Pamela Statham stated that “during 1829, 669 settlers and 100 military, seamen, and officials were to take the journey to the Swan River, followed by another 1050 in 1830.[4]”

However, the lack of fertile soil soon led to difficulties for farmers, as explained by Stuart Macintyre: “By 1832, out of 400,000 hectares that had been alienated just 40 were under cultivation.[5]” The economy stagnated during the 1830s, so did the population, which “increased only from 1875 to 2032[6]”. Goldrushes to New South Wales completed the fatal blow on Western Australian workforce, for many men tried their luck and left the colony in the late 1830s. During the 1840s, pastoralists went into action by petitioning three time in favour of the establishment of convicts in the Swan River Colony. Convicts were seen by farmers as a cheap workforce which would work enough to straighten up the colony. Officials approved the idea, for many administrative buildings were still lacking in the colony. The British government finally granted the Swan River Colony's wish in 1849[7]. For eighteen years, British criminals would be sent to Western Australia in order to improve the colony, along with an equal number of free settlers. The population of the settlement would increase to 24,000 people[8], about 10,000 of which were transported men. Convicts will remain in Fremantle Prison until the 1880s.

However, how were convicts received in the colony? What was the Swan River settlers' feelings toward the arrival of prisoners? Were convicts really integrated in the settlement, even after they had served their sentences? How did convicts react after years of forced labour? What is their point of view on themselves? How did former prisoners resume a social life? What would they give to following generations? This work will observe diverse sources about History of convictism and how it had an effect on convict life in Western Australia by looking into the situation of prisoners' assimilation by work in the colony. Then, a specific attention will fall on the public reception and coexistence of free colonists, former prisoners and convicts, as well as the influence of contemporary sciences, in order to analyse the psychological effect of convictism on former prisoners. Finally, the consequences of convicts' insertion in the colony, on a gender and community basis, will be examined.

3 Cf Appendix 1
4 Pamela Statham, *op. cit*., p. 142
5 Stuart Macintyre, *A Concise History of Australia: Third edition*. Cambridge, United Kingdom: Cambridge University Press, 2009, p. 78
6 Pamela Statham, *op.cit*., p. 145
7 Cf Appendix 2
8 Pamela Statham, *op.cit*., p. 152

I) From gaol to freedom

A) Work as redemption

1) Brief History of transportation to Australia

It is false to think that convictism in Australia began with the landing of the *Supply* in Botany Bay on December 20th, 1788. In fact, the first convict settlement in Australian continent is the result of a decade of governmental discussions about criminality in Great Britain, and how to handle it. Until the 1770s, the excess of prisoners had been regulated by sending low offence criminals in American colonies to serve as convicts or indentured servants. However, the American war of independence – or Revolutionary war, depending on the point of view – temporarily put an end to transportation.

To understand transportation to the Australian continent, it is necessary to comprehend its causes. The starting point - commonly agreed on by historians - is the overcrowding of British prisons. Transportation had already been used to get rid of the excess of prisoners, who were mostly bound for Maryland and Virginia[9]. However, as previously stated, transportation to American colonies had been forced to a break since 1775 and ended for good in 1783 with the independence of the United States, and their refusal to receive more convicts. The British government had no other choice but to keep its prisoners for the time being. Meanwhile, with the Industrial Revolution and lack of work in the country, many British resigned themselves to migrating to cities. That rural exodus led to overcrowded districts, where people crammed into, with poor living conditions and unavoidable tensions. The high criminal rate ensuing is explained by A.G.L. Shaw:

> "[...] it was easier to commit crime in a thickly populated metropolis, like London, or in t he growing provincial towns, than it had been in a small country village, where every man was known to his neighbours.[10]"

Transportation had been used to deter people from criminality, and as an alternative to death penalty, which was seen as barbaric by more and more people. The transport of convicts was also presented as a way to reform criminals, and to give them a second chance once their sentences were served. The hight criminal rate in the late 1770s was understood by authorities as a lack of fear from criminals, due to the end of transportation and fewer death sentences. However, Shaw pointed out the fact that criminality was not increasing, as contemporaries stated, but rather that the police might be better to resolve crime than before:

> "Many contemporaries thought that crime was increasing, as contemporaries are prone to do, since, knowing little of the past, they believe that an extremely low crime level is

9 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*. Melbourne, Australia : The Irish Historical Press, 1998, p. 32

10 *Ibid*, p. 38

'normal'.[...] Even if convictions were increasing, this may have meant only that detection was better and that Fielding's reforms in the police, at Bow Street, were bearing some fruit.[11]"

Anyway, British prisons were overcrowded, to such an extent that the government resorted to prison hulks: boats turned into floating jails. Though, hulks were considered unhealthy, and the idea of transportation reappeared in 1779:

"This time a Commons Committee reported that 'transportation to unhealthy places, in place of sending better citizens, may be advisable', and that a 'plan of a distant colony' was 'agreeable to the dictates of Humanity and sound policy and might prove the Result advantageous to both Navigation and Commerce.'[12]"

The idea of combining transportation to trade did not seem to appeal the British government, nor did the Australian continent. Many other places such as Canada, the West Indies, Gibraltar or African coasts were preferred, for they were considered as familiar. Anyway, four years later, James Mario Matra, a fellow traveller of James Cook[13], submitted his project of a new colony, based on trade, on the eastern coast of the Australian continent to the government:

"In August 1783, [James Mario Matra] wrote to the government suggesting the foundation of a colony in New South Wales. He wanted to provide a new home for American loyalists, to extend British trade with Spice Islands, China and Japan, to establish a naval base to obtain naval stores, and incidentally to get a job for himself.[14]"

Matra was not the first one to present the idea of a settlement in New South Wales. Joseph Banks, himself also friend with James Cook, had already presented a plan to send hundreds of convicts to Botany Bay, but without any feasible organization[15]. Lord Sydney, Home Secretary, dismissed Matra, arguing that overpopulated jails were more important than a new colony and a new trade road. Matra redesigned his plan to meet with the government's preoccupation about criminals. In 1784, another project about Botany Bay was presented to the Parliament, in which financial independence and moral reformation were highlighted. The main idea was that convicts could not escape from the Australian continent, and that work would do

11 *Ibid*, p. 38
12 *Ibid*, p. 43
13 "**Cook, James** (1728-1779). Usually referred to as Captain Cook, he was perhaps the greatest ever maritime explorer. He established much of the basic geography of Australasia and the Pacific region. [...] He also sought the reputed southern continent, circumnavigated the New Zealand islands, and explored the whole eastern coast of Australia." John Cannon, *Oxford Dictionary of British History, revised edition*, Great Britain, Oxford University Press, 2009.
14 A.G.L. Shaw, *op. cit*., p. 48
15 Michel Bernard, *La colonisation pénitentiaire en Australie 1788-1868*, Langres: France, L'Harmattan, 1999, p. 34

them good, leading former criminals to become respectful citizens[16]. Yet, Matra's project was rejected once again.

After several expeditions to find a suitable place for a convict settlement, all unsuccessful, Lord Sydney decided to follow up on Matra's plan in 1786. According to Michel Bernard, Lord Sydney added trade to the moral and financial interest emphasized by Matra in 1784:

> "*Lord Sydney justifie son choix en invoquant le surpeuplement des prisons et l'avantage financier de ne pas avoir à entretenir une population carcérale dont les effectifs ont atteint un niveau inquiétant. Il ajoute que la culture du lin, le commerce des produits asiatiques et du bois de construction seraient un atout pour la marine nationale.*[17]"

To combine trade and convict transportation was killing two birds with one stone for the British government. The idea that transportation would help to secure a new trade road to China had been approved by the Parliament, and was one of the official reasons for sending convicts to Botany Bay, and later Van Diemen's Land or Moreton Bay[18]. However historians have been divided by that combination. In 1952, K.M. Dallas firmly believed in Prime Minister Pitt and Lord Sydney's will to find a new trade road. Dallas opposed then to the 'convict dumping' theory which had been spreading amongst historians, a theory arguing that the trade road was only a decoy for the Parliament. The 'convict dumping' theory claims that Botany Bay and the Australian continent were chosen because they were far away from British Islands, and that no other suitable choice had been found[19].

Thus, the Australian colonization started with convicts in three settlements: Botany Bay, Van Diemen's Land and Moreton Bay. Transportation was seen as a necessity, due to overcrowded jails in Great Britain, but also as beneficial to British economy in two way: financial independence of the settlements and new trade roads. Convictism was presented as a way to morally improve criminals and turn them into reliable people. In other words, everything was done to have mass approval of the idea, even if historians argues that trade roads could have been secured even with a free settlement, like the Swan River Colony.

2) Swan River Colony's experience with prisoners

The Swan River settlement indubitably differed from other colonies which took place on the East coast of the Australian continent. As it was previously stated, the settlement was created in 1829 by Captain James Stirling, and was declared free of convicts by a circular[20]. Thus, the colony developed with free settlers, all of whom had voluntarily chosen to move in

16 *Ibid*, p. 35
17 *Ibid*. p. 36
18 Van Diemen's Land is the former name for Hobart, and Morton Bay is the former name for Brisbane. They were both founded as convict settlements.
19 Pamela Statham, *op.cit.*, p. 37
20 Cf. Appendix 1

Western Australia. However, after two decades, the lack of labour force in the colony led to a British decision which allowed transportation[21]. The arrival of convicts in the Swan River Colony was in fact seen as a necessity to overcome the possible failure of the settlement.

Yet, the fact that Western Australia had not been provided with convicts during two decades does not mean that the state and its officials had never had to deal with prisoners. The colony, albeit settled by volunteers, was subject to the law of all societies, and therefore carried its pack of ugly ducklings. In order to handle the possible troublemakers, the construction of a prison in Fremantle was ordered in 1830 by Lieutenant-Governor[22] James Stirling. The gaol opened on January 18th, 1831, and was the first of the official buildings to be constructed in the settlement[23]. The specific architecture of the prison gave it the name of Round House, however, according to Louise J. Bavin, that choice of design was also a reminder of Millbank penitentiary:

> "[...] the Round House incorporated elements of Jeremy Bentham's panopticon – a multi-storey circular gaol designed in 1791. Millbank, Britain's first national penitentiary, was also based on the panopticon and opened in Britain in 1816.[24]"

The Round House, late 19th century

21 Cf. Appendix 2

22 Until 1831, the Swan River settlement was not considered as a colony, therefore the title of Governor could not have been given. Instead, the word 'Governor' was adjoined to the rank of Lieutenant.

23 "The Round House, built as a prison on a rocky ridge overlooking the river, the ocean and the small village of Fremantle, was the first public building of any note in the new Swan River Colony." Michal Bosworth, *Convict Fremantle*, Crawley, WA, Australia: University of Western Australia Press, 2004, p. 3

24 Louise J. Bavin, **in** Fox C. Eds. *Historical Refraction*, Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 1993, p. 126-127.

The similarity with Millbank was more than a coincidence: the impact on settlers' minds was essential, and that gaol built on the same basis as the most famous penitentiary of Great Britain expressed the will of officials to punish offences the same way it would be in Great Britain. The gaol had eight cells which could be kept under surveillance from the courtyard. Two private rooms reserved for warders surrounded the entrance. In 1831, following the shut down of King George Sound[25]'s depot, Swan River Colony was appointed in charge of King George Sound settlement's administration[26]. Hence, soldiers from the depot were transferred to the Round House, to become warders or to protect Fremantle. A gun was placed on the top of the gaol, pointed at the sea; however his aim was more to be fired at one o'clock p.m. everyday than to have a military use.

One o'clock gun at the Round House, from *Fremantle Round House*[27]

In fact, the gaol's location was a strategic point in Stirling's colony-to-be:

> "The small limestone gaol, stood on a steep cliff at the entrance to Fremantle, referred to as 'the gateway to Australia'. In clear view from both sea and land, its visual impact was a constant reminder of authority and regulation.[28]"

As the Lieutenant-Governor placed the major part of the settlement – which would later be known as Perth – inland to avoid naval bombardment[29], the view of a prison next to the port, dominating both land and sea, could have been mistaken for a tower guard and would have deterred possible invaders. Thus, place and design of the gaol were not mere coincidence, for they had a strong dissuasive purpose aimed for both settlers and strangers.

However, efforts provided to discourage troublemakers by making a copy of Millbank were not very effective on Aborigines. These men who were deprived from their land by the settlement's expansion did not recognize the sovereignty of the newly-arrived. The culture shock had been harsh since 1829. The Aboriginal population does not know the principle of

25 King George Sound is now know as Albany.
26 Pamela Statham, *op. cit*., p. 6
27 Source: http://www.fremantleroundhouse.com.au/
28 Louise J. Bavin, *op. cit.*, p. 126
29 Pamela Statham, *op. cit*., p. 10

property, but Aborigines near the Swan River learned it the hard way:

> "Unlike Batman in Melbourne a few years later Stirling made no attempt to enter into treaty with the Aboriginals for the occupancy of their grounds. If he gave the matter a thought at all, he probably assumed that people without agriculture and a formal political system had no title to the land.[30]"

With the arrival of settlers, the local population suddenly lost all rights: Aboriginal families were forced to move, for they could not settle wherever they wanted as they used to. Aborigines could no more hunt or travel around the land in their traditional way. Between 1831 and 1839, the Round House was the main jail for Aborigines under arrest[31]. The Aboriginal population was very scarce in the settlement, but was a significant part of the prisoners in the prison, even outnumbering European prisoners between 1846 and 1849[32]. Since 1839, Aborigines under arrest had passed through the Round House before being transported to Rottnest Island, seventeen kilometres west off the coast of Fremantle. For those who were arrested, forced labour was added to the trauma of being transported far from their relatives and their places of worship. Aborigines in Rottnest Island were not considered as convicts, even though their living conditions were similar to what a convict in the East coast could have endured in the early time of convictism. The case of Superintendent Vincent, who treated Aborigines with unrequired violence, shows that prisoners in Rottnest Island were considered lower than other human beings in the colony[33]. Rottnest Island served as an open-air prison for Aborigines until 1931.

Other prisoners who had been imprisoned in the Round House were the Parkhurst apprentices[34]. Parkursht apprentices were young men, between 10 and 21 years old, who were arrested and sentenced to jail in Great Britain, and imprisoned in Parkhurst Prison, on the Isle of Wight.

> "Parkhurst was a comparatively new prison, built in 1838 especially for the accommodation of juvenile prisoners who were thus separated from the hardened adult criminals and were taught trades in preparation for life as useful citizens after their release. During the 1840s several hundred Parkhurst boys were sent to Australia as indentured servants.[35]"

Though Parkhurst boys were presented as indentured servants, they were described as 'apprentices' in official reports. These boys were in Fremantle to learn several works until the

30 *Ibid*, p. 145
31 Louise J. Bavin, *op.cit*., p. 131
32 Ibid, p. 130
33 Ibid, p. 131
34 "After little more than a decade of white settlement, convicts began to dribble into the colony when the first boys from Parkurst Prison arrived in 1842" Michal Bosworth, *op. cit*., p. vii
35 Rica Erickson, *The brand on his coat: Biographies of some Western Australian convicts*, Carlisle, WA, Australia: Hesperian Press, 2009 (2nd edition), p. 18

term of their sentences, hence their name of 'apprentices'. If a supervisor could not accommodate his apprentice, the boy would stay in the Round House after work. In fact, these young men were working under strict control of both their supervisors and administration, and their living conditions were similar to those of a convict under a ticket-of-leave, for no apprentice could do anything without a previous permission from the administration of the colony, or be out after the curfew. The blurred status of Parkhurst apprentices divided historians: some just ignored them[36], some sticked to the official label of 'apprentices', but lately others like Michal Bosworth and Andrew Gill stated that Parkhurst boys were the first convicts in Western Australia[37]. Between 1842 and 1849, 230 apprentices arrived in Fremantle.

Ship	Departure from Portsmouth	Arrival in Fremantle	Number of Parkhurst apprentices
Simon Taylor	April 28th, 1842	August 20th, 1842	18
Sheperd	June 19th, 1843	October 26th, 1843	28
Halifax Packet	August 20th, 1844	December 11th, 1844	18
Cumberland	September 30th, 1845	January 26th, 1846	12
Orient	November 23rd, 1847	March 20th, 1848	51
Ameer	November 1st, 1848	February 11th, 1849	50
Mary	July 4th, 1849	October 10th, 1849	53

Chart of Parkhurst apprentices transportation to Western Australia in the 1840s [38]

The existence of the Round House, and the arrival of Parkhurst boys before transportation to Western Australia was allowed, proves that settlers from the Swan River Colony were already accustomed to prisoners, even paroled ones. Moreover, with Aborigines sent to Rottnest Island, the population of the colony was aware of forced labour, and was fine with it. Thus, the fact that convicts were transported to Fremantle in 1850 did not scared established settlers.

3) Convict life in the colony

The arrival of convicts, in a colony already settled, carried its share of differences from other Australian colonies, which undoubtedly had consequences on convicts' living conditions and work.

Firstly, as the colony had been growing for twenty years, convicts arrived in a real town, with its administration, its citizens and some facilities already built. The prisoners were not

36 "The small number of Parkhurst boys who arrived has tempted later historians to ignore their presence, but they were like army scouts who foraged ahead of the main group" Michal Bosworth, *op. cit.*, p.2

37 "'In short, Gill argues that convict transportation to WA arrived in a disguised form and at an earlier time than is commonly thought." W.M. Robbins, review of Gill's (2004) *Convict Assignment,* in *Labour History*, number 88, May 2005, p. 245

38 Source: http://members.iinet.net.au/~perthdps/convicts/park.html

obliged to sleep under tents while they were building the penitentiary, unlike their fellow sufferers in Eastern colonies. Convicts were placed either in the Round House, or in a warehouse rented especially for this purpose[39]. However, some convicts might have ended in farms to help:

> "It appears that newly arrived convicts were briefly housed in the Round House until placements could be found for them in new circumstances. Since, as Buddee suggests, the need for labour to assist in agriculture was one of the prime motivations in introducing convicts to the colony, many of these prisoners may have been transferred to farms and set to work as labourers.[40]"

Convicts were a new workforce in the colony, and that workforce was soon employed to its fullest. Some prisoners were sent to farms in small groups – no more than three convicts at the same place - so the farmer would be able to watch over them easily, with the help of a warder. Any problem could be reported to the nearest surveyor. At the same time, other prisoners were dispatched in Fremantle and Perth to improve the colony. The first building they had to build was Fremantle Prison, following the design provided by Captain Edmund Henderson, Royal Engineer, who had arrived with the first transportation boat. Captain Henderson's plan of the penitentiary was inspired by Pentonville Prison[41], and was approved, after minor changes, by Colonel Joshua Jebb, Surveyor General of English Prisons, who himself designed Pentonville Prison[42]. Fremantle Prison, later called the Establishment, opened in May 1855. Convicts were since working either in jail as blacksmiths, carpenters, tailors, cooks, or in the colony to improve facilities:

> "Between 1850 and 1862 the convicts built 563 miles of road and 239 bridges. They also cut down more than 4000 trees, dug 44 wells and made 543 culverts.
> A number of important public buildings were also constructed during this time including the Fremantle Courthouse, Perth Gaol and Courthouse, Perth Colonial Hospital, Perth Boy's School, and Fremantle Boy's School.
> Convict depots were built at North Fremantle, Mount Eliza, Guildford, York, Toodyay, Bunbury, Albany, and Port Gregory.[43]"

On an economic point of view, convicts were really interesting for the gaol's administration. Skilled prisoners were in charge of specific works within the prison or on

39 "Within three months the convicts had floored and reroofed the Scott warehouse, inserted windows in the walls, constructed a framework to hold the hammocks in which they slept." Michal Bosworth, *op. cit*., p. 10
40 Louise J. Bavin, *op. cit*., p. 132
41 Pentonville Prison was inaugurated in 1842. It is situated in North London.
42 Louise J. Bavin, *op. cit.*, p.135
43 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life*, Fremantle, WA, Australia: Fremantle Prison Department of Treasury and Finance, 2009, p. 9

construction sites, so very few civilians were employed[44]. Thus, the colony grew exponentially, attracted more settlers – with the help of some publicity from British government in order to keep balance between free settlers and convicts[45] - who could concentrate on trade, so the economy of the colony prospered. Of course, convicts from the Establishment did not earn money, or very few. Prisoners were at work at five to six on the morning, stopped twice for meals, and ended work at six o'clock on the evening[46].

For the first convicts, living conditions in Fremantle were better than those met in Eastern colonies. Swan River Colony was sufficiently developed to feed newly-arrived prisoners, but also to treat illnesses, unlike during Botany Bay's early years, when fifty-one convicts and five civilians had died in the first six months of the settlement[47]. Three meals were given in sufficient quantity each day. Meals were usually a combination of bread, potatoes, gruel and tea. Convicts working outside also ate mutton and cheese once a week[48]. Naturally, a strict diet was a very effective punishment in case of misbehaviour, and was sometimes add up to other punishments such as being flogged with a birch, solitary confinement or leg irons[49].

These punishments were diversified according to the seriousness of offences committed by convicts. The rules of Fremantle Prison[50] were very precise, and a convict who would break one of them surely ended corrected. Prisoners' behaviours were ranked: 'poor', 'good', 'very good', 'exemplary[51]'. Punishment varied in accordance with a convict's behaviour rank. Escapees would hold concurrently flogging, solitary confinement, and diet. After the arrival of John Hampton as the new Governor, in 1862, punishments were more severe, for the Governor introduced the use of the cat o' nine tails[52] for flogging. As a consequence, escapes increased:

> "Men made rope ladders from their sheets and threw them over the walls, they scraped holes in their cell walls to hide weapons or, more regularly, just walked away from work parties outside the walls[53]."

Escapes bring back the reality of convictism. Even presented to public audience as the best solution to prevent the rise of criminality, to unburden overcrowded British prisons and at

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44 Louise J. Bavin, *op. cit.*, p. 139

45 "Between 1850 and 1868, about 10 000 male convicts were sent to Western Australia. To ensure that the population remained balanced, the government also sent about the same number of free settlers." Robert Coupe, *Australia's Convict past*, Australia: New Holland Publishers, 2002, p. 63

46 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life , op. cit.*, p. 1
Michal Bosworth, *op. cit.*, p. 11

47 Robert Coupe, *op. cit*., p. 28

48 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life, op. cit*., p. 3

49 *Ibid*, p. 4

50 Cf. Appendix 3

51 Michal Bosworth, op. cit., p. 17
Matthew Trinca **in** *Building a Colony: the Convict Legacy*. Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 2006, p. 27

52 "A whip with nine knotted strands or cords" Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life, op. cit*., p. 4

53 Michal Bosworth, *op. cit.*, p. 80

the same time to reform criminals, transportation was nonetheless a punishment for lawbreakers. As stated by Bosworth, “transportation was an old method of punishment and ultimately a flawed way of colonising the western third of the continent.[54]”. Albeit founded by free settlers, the pattern of public construction in Perth and Fremantle followed that of Eastern colonies, with the first building being a prison. Furthermore, the population of Swan River Colony was accustomed to prisoners undertaking forced labour with the Parkhurst boys and Aborigines. However, settlers might have been scared of a possible growing criminality in the colony due to the arrival of outlaws. Nevertheless, as a new workforce was needed, Western Australian settlers put aside their fears and agreed on transportation. Unlike Eastern settlements, convicts of Western Australia were not needed to create a colony, but rather to improve and help it. Thus, convicts readily phased in the settlement, and worked to its amelioration. Prisoners working hard and ranked with an 'exemplary' behaviour could pretend to a ticket-of-leave within a year.

B) Tickets-of-leave, first step to freedom

1) Hierarchy of convicts and their sentences

In Swan River Colony, like in Botany Bay or Van Diemen's Land, convict life was regulated and supervised to prevent any misbehaviour. As previously said, behaviour was ranked from 'poor' to 'exemplary'. The classification was not only meant to punish stubborn prisoners, for it also rewarded good conduct. To put it in a nutshell, if a convict avoided troubles, he could yearn for a sentence remission.

Prisoners in Western Australia were criminals convicted for seven to fourteen years[55] of forced labour, unlike Eastern colonies' convicts who were mostly sentenced to life imprisonment. Western Australian convicts were considered as less dangerous, for their sentences were lower than Eastern convicts' ones. Sending moderate criminals was a choice from the British government in order to reassure settlers in Swan River Colony. Transportation of convicts to Western Australia was organised to save the colony, not to deter free settlers and have them leaving.

> “Before being transported the convicts served their penitentiary term and their 'penal labour' in England. They were selected for transportation on the basis of their good behaviour. […] Before long they received their tickets-of-leave.[56]”

Eventually earning a ticket-of-leave was easier for a convict in Swan River Colony than it had used to be in Botany Bay or Van Diemen's Land, for some Western Australian convicts had already partly served their sentences in Great-Britain and their behaviour in British prisons

54 *Ibid*, p.93
55 Rica Erickson, *op. cit*., p. 4
56 A.G.L. Shaw, *op. cit.*, p. 354-355

was taken into account. Thus, a ticket could be earned by those convicts in a year of time, when others who were directly transported had to wait for at least six more months[57].

Nevertheless, the acquisition of a ticket-of-leave followed specific stages, and it was exceptional for prisoners to earn a ticket right after their landing in Fremantle. In her book *The brand on his coat*, Rica Erickson clearly presents the evolution from convict to ticketer:

> "A *CONVICT* could be sentenced to transportation if his sentence was seven years or over, in courts in the British Isles, or in courts martial wherever the British Army was stationed. […]
>
> *PROBATIONER* status could be achieved by good behaviour. A prisoner thus gained the privilege of working outside the prison walls under a warder's supervision. […]
>
> *CONSTABLES* were chosen from the best behaved probationers to assist the warder in his ordinary duties. Sometimes they were in sole charge of a road party, earning remissions of sentences and extra gratuities. […]
>
> A *TICKET-OF-LEAVE* was granted to a probationer after a specified period, adjusted according to his behaviour.[58]"

Those diverse stages show that good behaviour was rewarded by more freedom and proofs of confidence from penal administration. Convicts who had already served part of their sentences in Great-Britain were mostly appointed as probationers shortly after their arrival in Fremantle, and were the ones sent to farms, hence their shorter time of forced labour before earning a ticket. Constables were allowed to be paid for their work and to leave their cells in the Establishment in order to sleep in dormitories called association wards. According to Luke Donegan, those shared rooms "allowed these men to experience communal living in preparation for being released into the community[59]" as ticketers. For stages were also a way to gradually check if reformation of convicts was effective, as it was one of the main points justifying transportation. The faster convicts obtained their tickets-of-leave, the more effective reformation was considered in the colony.

However, some convicts had used their good behaviour to earn more freedom, in order to escape more easily, as it was the case in 1876 with six Fenian convicts[60]: five of them were probationers and the last one their constable. These prisoners took advantage of their road party to run away and reach a boat which was waiting for them. It appeared thereafter that this escape had been planed for two years, and explained the change of behaviour of Michael Harrington, who had been rebellious during the first years of his imprisonment in Fremantle[61].

57 "The time this took depended on the length of their sentence, how long they had served in England, their behaviour,[...] but at first they were often eligible soon after they landed." *Ibid*, p. 355

58 Rica Erickson, *op. cit.*, p. 4-5

59 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life, op.cit.*, p. 7

60 Michael Harrington, Thomas Hassett, Thomas Darragh, Robert Cranston, Martin Hogan and James Wilson.

61 Liam Barry, *Voices from the tomb: a Biographical Dictionary of the 62 Fenians transported to Western Australia*, Australind, Australia: The National Gaelic publications, 2006, p. 108

Eventually, every convict would obtain his ticket-of-leave, behaviour was the only point which would lengthen a prisoner's stay in the Establishment. The diverse levels a convict could go through were made up to classify prisoners by their behaviour, the quality of their works, and to check the reformation, but it was also a way to clearly point out to convicts how far from freedom they were, and to stimulate them to obtain the precious ticket.

2) Rights and rules of a ticket-of-leave man

Once in possession of a ticket-of-leave, convicts were allowed to live and work outside of the prison. However, tickets-of-leave were not synonymous of freedom, for they only granted some independence from the Establishment to ticket-of-leave men. Strict rules were to be followed by prisoners in order to keep their tickets until the end of their sentence.

Ticketers not only received their pass; as a matter of fact, each prisoner leaving the Establishment also obtained several items to start his new life. Those who had been appointed constables could leave Fremantle Prison with a third of what they had earned so far as wages, and would be able to collect the last two third once they presented themselves to the Resident Magistrate of their district[62]. That way, very few convicts were tempted to run away. Moreover, this income allowed ticket-of-leave's man to buy a land, for acceding to property was one of their rights as paroled prisoners.

Ticketers' package contained clothing, such as a jacket, a waistcoat, trousers, boots, a cap and underwear. Between 1850 and 1852, blankets and a foldable bed were part of that package too. Michal Bosworth gives the example of Charles Burgess, who obtained his ticket in August 1850 and subsequently received his set of items, which is described as follow:

> "[...] jacket, waistcoat, trowser (fustian); 1 pair of boots; 1 cloth cap; 2 neck handkerchiefs; 2 stockings; 2 cotton shirts; 2 flannel waistcoats; 1 serge flannel blouse; 1 leather belt and buckle; 1 pair braces; 1 bed; 1 pair blankets.[63]"

Few prisoners had personal effects, and as convicts they had been wearing convict garments, so ticketers needed that package to fit in the settlement as independent workers. However, clothes contained in a ticket-of-leave man's set of items were easily recognizable by settlers as convict clothes, even if those outfits were not official convict uniforms. Thus, prisoners on ticket-of-leave could not go unnoticed in the colony, for settlers were aware of ticketers' convict background just by looking at their clothes.

On the top of it, verification of a convict status was easy, for one of the ticket's rules stated that a ticketer should show his ticket to whoever asked for it. Hence, prisoners on ticket of leave could not deny their status, or they would be send back to the Establishment for rebellion. Others rules of a ticket-of-leave stated that a ticketer had to report to his Resident

62 Rica Erickson, *op. cit.*, p. 5
Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life, op. cit*., p. 8
63 Michal Bosworth, *op. cit*., p. 16

Magistrate at least twice a year, but also had to present any request about any change to the same magistrate. For example, ticketers must ask for the magistrate's permission if they wanted to leave their district, to do another work, or to marry a woman[64]. Another rule stated that no ticketer should be found drunk in the colony, even in his house, in order to avoid alcoholism. The fact is that anyone related to penal administration could show up at a convict's house without warning, even at night, to verify the ticketer's behaviour. Work was the most important part, for prisoners without a work would lose their ticket, go back to prison, and be considered as lazy, which would mean that reformation was a failure. However, other rules restricted ticketers' freedom even more:

> "A ticketer had to be indoors after ten o'clock at night. […] He could not own or carry fire-arms without permission. Nor was he supposed to work on ships, a condition which was circumvented on several occasions. He could be arrested without a warrant and tried summarily by a single magistrate without a jury.[65]

Those rules reminded that ticketers were not pardoned men, and that they still belonged to penal administration. The fact that prisoners on ticket-of-leave could not work on ships underlines the fear for escapes. Arbitrary arrests following a settler's complain were common practice in the colony. However, any arrested ticketer was brought to his Resident Magistrate for trial; behaviour was once again taken into account, as the magistrate knew the convict's criminal record.

Tickets-of-leave were not part of the convicts' reformation. The idea to give to some convicts a kind of independence, with particular rules, was in fact a full-scale test in order to confirm the reformation's efficiency and to prove that concerned convicts could reintegrate society. Inflexible rules were a way to model the life a convict should have after his conditional pardon, and many prisoners had to be compatible with that new way of life, between prison and freedom.

3) Tickets-of-leave in action

Most of Western Australian convicts had earned their ticket-of-leave, with more or less success in becoming integrated on their first time. Few records on reconviction during that period are available, however it is assumed by many historians, according to several biographies of famous Western Australian convicts, that between one third and one half of prisoners had been reconvicted after a failure on their obligations as ticketers[66]. Those reconvictions could be explained either by a real fault, or by the strict surveillance done by both penal administration and settlers, allowing no presumption of innocence in any case related to

64 Rica Erickson, *op. cit.*, p. 5
65 *Ibid*, p. 5
66 Source: http://members.iinet.net.au/~perthdps/convicts/con-wa.html
http://www.sro.wa.gov.au/archive-collection/collection/convict-records

convicts. However, those disappointing results should not obliterate the many cases of convicts who stayed on the right track once their ticket earned.

Amongst righteous convicts was Joseph Lucas Horrocks, possibly the most famous convict in Western Australia, for his work greatly enable the colony to grow. Horrocks arrived in 1852 on the *Marion*, and became convict number 1014[67], before earning his ticket-of-leave within a year. The position of doctor in Port Gregory's convict depot was offered to him, a position Horrocks accepted and kept until 1857, when he received his conditional pardon. Little is known about Joseph Lucas Horrocks during his time as a ticket-of-leave man, which means that he was probably perfectly dealing with the ticket's rules. Horrocks later settled in Wanerenooka, where he slowly developed a town for ticket-of-leave men around a copper mine he had found, while at the same time he carried on his job as a doctor. During his life as a pardoned man, Horrocks financed a mill, a school and a church in his town, and campaigned for a railway between Wanerenooka and Geraldton[68]. He died in 1865. In his case, reformation proved to be efficient, for Horrocks never had been reconvicted or blamed for anything, and he even had invested himself in the colony's society.

Moondyne Joe is also a well-known convict, however not for the same reasons as Joseph Lucas Horrocks. Joseph Bolitho Johns, as known as Moondyne Joe, became famous for his escapes. Though Moondyne Joe had arrived in 1853 as convict number 1790, and was granted his ticket-of-leave immediately, he was reconvicted for stealing a horse eight years later, in 1861. Earning a second ticket that same year, he went back to the Establishment in 1865, once more for stealing. Between 1865 and 1867, Joseph Bolitho Johns escaped three times. He was recaptured within a month twice, however the third escape lasted for two years before he was caught again:

> "He was returned to the Establishment. This time Joe behaved himself and did not try to escape again. He earned his ticket-of-leave in 1871 and became a free man in 1873. He stayed out of trouble for the rest of his life.[69]"

Moondyne Joe's desire of liberty is understandable, however the question is why was he caught stealing twice, and twice a long time after earning his ticket-of-leave. Two possibilities are to be taken into account: either he had behaved during his time as a ticket-of-leave man, and his living conditions later forced him to steal, either he had never been caught stealing during the same amount of time.

Convict records give accounts of other ticketers like Patrick Gibbons – convict number 8011 – who spent almost thirty years traveling between the status of ticketer and the Establishment for drunkenness and unruly behaviour[70]. Thomas Browne – convict number 7340 - arrived in 1863 and obtained his ticket-of-leave in 1865. As he was an architect, Browne had

67 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Biographies*, Fremantle, WA, Australia: Fremantle Prison Department of Treasury and Finance, 2009, p. 4
68 Rica Erickson, *op. cit.*, p. 227
69 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Biographies*, *op.cit*., p. 5
70 *Ibid*, p. 7

no problem to find a work in the colony, and became an *expiree*, a former convict who had carried out his sentence without any misbehaviour. He committed suicide in 1881 after a bankruptcy[71].

Many Western Australian convicts had a better social background than their eastern fellow convicts. Literacy rate amongst Fremantle convicts "was around 75% as opposed to 50% for those sent to the eastern states[72]". That social background explains the disparity between convicts who succeeded in their reformation and those who failed. The hardships of being convicted were either a trigger to their new life or a hard blow to their pride. Ticket-of-leave men reacted differently from one to another. Each convict's character carried weight in the success or the failure of his reformation, and thus of his behaviour as a ticketer. That way, it is difficult to precisely gauge the efficiency of reformation in Western Australia.

The main theme in question with tickets-of-leave in Western Australia was their legitimacy. This practice had been declared successful in eastern colonies, however it was in other circumstances, as eastern convicts used to be transported for longer sentences, and thus they had had to spend more time as effective convicts before earning their tickets-of-leave[73]. In fact, what bothered Swan River settlers was the fact that convicts spent less time doing forced labour before earning their tickets, which meant that they also had less time to be reformed. The colony questioned the reformation's efficiency in such conditions. Thus, settlers were even more suspicious of ticketers, scrutinising every people wearing the convict outfit, leading ticketers and pardoned prisoners to act in order to be above suspicion even years after regaining their freedom.

C) State agreements

1) Private employers

Western Australia asked for convicts in order to compensate the lack of workforce in the colony, for many men had left the Swan River Colony to search for gold in New South Wales, leading to a depopulation of the settlement.

Some convicts had been assigned to farms since their arrival, and thus were able to keep their work as ticketers or expirees. However other prisoners were not so lucky and had to search for work far away in the colony. Even with the restrictions imposed by tickets-of-leave to ask for a permission to leave one's district, many ticketers were forced to travel many kilometres before they could finally find work[74]. Western Australian administration tried to settle things by requesting a minimal working contract:

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71 *Ibid*, p. 6

72 Source: http://members.iinet.net.au/~perthdps/convicts/con-wa.html

73 "These were 4 years served for a 7 year sentence, 6 years of a 14 year sentence, with a life sentence meaning that 8 years must be served before the "ticket" could be considered."
Source: http://en.wikipedia.org/wiki/Ticket_of_leave , **quoting** Alexander B. Smith; Louis Berlin, *Treating the criminal offender,* Springer, 1988, p. 25

74 Matthew Trinca, *op. cit.*, p. 32

> "At first, convict authorities had demanded that settlers employ ticketers for not less than a year, but in effect this proved prohibitive. They later accepted that, of necessity, convicts could be hired for as little as a month at a time.[75]"

The role of the government was to be sure that former convicts where employed, not for a kindly supervision, but to know exactly where each convict was settled in the colony, and that surveillance would follow expirees and ticketers until the end of their life.

Another point about working contract for former prisoners is that the employer could forewarn the Establishment of any misbehaviour. As ticketers and expirees were under close surveillance, some employers might have used that threat to force former convicts to work more than what was specified in their contract, otherwise they could be sent back to the Establishment. In fact, a ticketer or an expiree would not dare to denounce his employer for it was the employer's word against his, and due to suspicion against former convicts, the employer would be trusted. Thus, it was easy to take advantage of former convicts and use them as kind of slaves.

Consequently, many ticketers and expirees choose to rely on themselves to find work, and worked for former convicts rather than free settlers.

2) Work: from gaol to private work

Forced labour was not the same as free work, and in that way it was a great change in lives of ticketers and expirees. Of course, ticket-of-leave's restrictions did not allow anybody to be idle in the colony, in order to avoid repeated offences. Work was seen as a redemption and the symbol of good morals, thus it was a key point in convicts' reformation.

Work for former prisoners was a gradual path to independence. That path was strongly linked to the convict's evolution from prisoner to ticketer, for good behaviour enabled a convict to become a constable, and thus to supervise work parties[76]. Later, a ticket-of-leave man would be able to be his own employer. This would lead men like Joseph Lucas Horrocks, John Acton Wroth or Alfred Daniel Letch to create well-known companies and climb the social ladder as far as it was possible for former convicts to do so in Western Australia.

Other ticketers were relegated to works settlers did not find worthy enough, such as teachers. As many convicts in Western Australia were well-educated, they were fitted for teaching, and they had a chance to easily find work in towns:

> "The standard of education required of 'home-trained' teachers was not high, but because the payment was partly by fees from the parents, where the classes were small, the salary was comparable with that of an illiterate labourer. Educated men of the free class were thus not attracted to the profession, but educated men of the penal

75 *Ibid*, p. 32
76 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily life*, *op.cit*., p. 11

class accepted teaching appointments readily[77]."

In fact, former convicts were not allowed to teach for they were suspected to have a bad influence on children, however it was the only solution to keep a reasonable number of schools opened in Western Australia. In 1864, nine expirees and ticketers were employed as teachers by the administration. Governor Hampton himself stated that, from his own experience in Tasmania, former convicts should not teach, however as reformation had proved effective, he could allow that way to do in Western Australia[78].

Anyway, the fact that former convicts were relegated to works settlers did not want tends to prove that, even while gaining gradual independence, expirees and ticketers were not assimilated into the community, which would force them to stick together in order to get a new start as free men in Western Australia.

3) Way to get a new start

Free settlers distrusted convicts, and convicts distrusted free settlers. That situation led to former convicts working for other former convicts, creating a separation between the two communities.

As former convicts already settled in the colony had experienced the same way of life, they understood the difficulty to find work as a former prisoner, and they were prone to employ ticketers and expirees.

Amongst former convicts, the names of Alfred Daniel Letch and Joseph Lucas Horrocks were famous. Both men were ticketers, then expirees, who had achieved social respectability by work. The town founded by Horrocks around a copper mine was able to provide work for sixty-five persons at a time[79]. In twenty-four years, Alfred Daniel Letch had employed forty-six ticketers and only one free settler:

> "Between 1852 and 1876, Alfred employed 46 ticket-of-leave men as labourers, carpenters, shopmen, bookkeepers, clerks, cooks, bakers and general servants, generally for short periods in the Perth and Swan areas. He also employed a free settler named Daniel Hardy as a driver on his Fremantle to Perth mail run in the 1870s.[80]"

Obviously, Horrocks and Letch had different way to work with former convicts: Horrocks preferred to employ ticketers and expirees for a long time and enabled them to settle in the town around the mine, whereas Letch seemed to have a preference for short contracts of employment. Letch's method can be explain by the fact that, as being a respectful citizen of Western Australia, Letch's name was associated to work of high standard, and ticketers or

77 Rica Erickson, *op. cit*., p. 286
78 *Ibid*, p. 288-289
79 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Biographies*, *op.cit*., p. 2
80 Sandra Potter **in** *Building a Colony: the Convict Legacy*. Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 2006, p. 41

expirees coming from De Leech Company[81] were considered as recommendable workers who therefore would find work more easily.

In fact, everything was done for convicts to be gradually integrated in the social life of the colony. Following the pattern of eastern colonies, and having to deal with more well-educated convicts than in Botany Bay or Van Diemen's land, transportation to Western Australia was thought to be above reproach and only successful. The importance of behaviour was highlighted during the whole time convicts would stay in the Establishment, especially by using the carrot and stick approach: when a convict behaved, he would be granted more privileges, however if he misbehaved, he would lose every privilege he had earn so far. It was particularly obvious in the case of a ticket-of-leave man, who would be sent back to the Establishment if he was suspected of any misbehaviour. Even expirees were under close surveillance. In fact, former convicts, albeit ticketers or expirees, were constantly tested on their behaviour in order to check the efficiency of reformation. In this case, so much pressure might have influenced convict integration in the colony.

II) Public reception

A) Work out apprehension

1) Settlers' point of view on convicts

Before the 1850s, the idea to receive convicts did not seem to deter any settler in the Swan River Colony. The state was in such a precarious condition, with few workforce and few infrastructures, that the Royal decision in 1849[82] even relieved Western Australian colonists.

Of course, some fears were expressed by settlers about a possible rise of criminality after the arrival of convicts, however those fears were swept away by the British government who vowed to send only selected convicts:

> "One of the assurance given by the British authorities when convicts were introduced to the San River Colony was 'that great care would be taken … in selecting those convicts … who would, on arrival, be fit for work in the colony'.[83]"

The part of convicts in the development of the Swan River Colony is undeniable, for in eighteen years of time, the colony's population increased by four hundred per cent[84]. According to Rica Erickson, "nearly ten thousand convicts and an almost equal number of free migrants arrived in the colony[85]" during this amount of time. If transportation explains the arrival of convicts, the number of free settlers moving to Western Australia is the consequence of the

81 Alfred Daniel Letch changed his name to De Leech in 1854, *Ibid,* p. 41
82 Cf. Appendix 1
83 Margaret McPherson **in** *Building a Colony: the Convict Legacy*. Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 2006, p. 62
84 Rica Erickson, *op. cit.*, p. 1
85 *Ibid*, p. 1

British government policy to help people who wanted to emigrate, by lower prices on Western Australian lots for example. Books about the colony were reprinted, such as *The Narrative of a voyage to the Swan River; containing useful hints to those who contemplate an emigration to Western Australia*, by Reverend J. Giles Powell, who describes the colony in a favourable way in order to attract possible businessmen, as Western Australia used to be colonised for the trade road it could create[86]. Thus, the work of convict was seen as important to improve the colony and present it in a favourable way to possible investors.

However, as convicts were criminals, free settlers did not trust them. This lack of trust increased with the first escape attempts in the early 1850s[87], and the state administration asked the British government for a law to deter absconders. In 1854, the Ordinance for the Suppression of Violent Crimes Committed by Convicts Illegally at Large was voted, and advised harsher punishments for escapees[88]. As colonised by free men, the Swan River Colony was less subject to be found of escapees like in eastern colonies where absconders were seen as heroes.

In fact, settlers did not see convicts as a long-term commitment, and probably assumed that, once freed, expirees would leave the state where they had been imprisoned. However, it was not the case, for many former convicts stayed in the colony, mostly because they had been ticketers and thus had found work there. Following that, settlers started to segregate convicts, leading to the creation of social grades, or caste, divided in two parts: the free settlers and warders on one hand, former convicts on the other hand.

The fear of Western Australian community during the two decades transportation lasted is understandable, however the reaction of the population toward former prisoners can be seen as ungratefulness, and the desire of assimilation in the society experienced by expirees and ticketers was thus seriously damaged.

2) Convicts' point of view on themselves

During eighteen years, men were transported to Western Australia to serve their sentences. Prisoners had lived together, worked together and some were freed together. However, convicts were criminals, and even after their release, their were most of the time segregated. That kind of public reception added to the harshness of a convict life in the Establishment, and leads to wonder how former prisoners perceived themselves.

To begin with, it is important not to forget that, as former criminals, ticketers, pardoned men and expirees were anyway excluded by Western Australian colonialists. Thus, the perception former convicts may had about themselves had been distorted by that segregation.

86 J. Giles Powell, *The Narrative of a voyage to the Swan River; containing useful hints to those who contemplate an emigration to Western Australia.* Milton Keynes, UK: British Library Historical Print Editions, 1831, 290p.

87 "A number of robberies of arms and provisions had been committed by escaped convicts, and many of the settlers feared for their safety." Rica Erickson, *op. cit*., p. 157

88 *Ibid*, p. 157
Books LLC Ed., *Convictism in Western Australia: Convict Era of Western Australia, Fremantle Prison, Catalpa Resue, SwanRiver Colony*, Milton Keynes, UK: Books LLC, 2010, p. 57

Then, many convicts felt the urge to be beyond reproach, in order to socially be assimilated in the colony:

> "A ticket-of-leave man learned to be circumspect in his behaviour, for he could be arrested without warrant for the smallest misdemeanour and tried without a jury by a single magistrate. Even as an expiree he was under closer scrutiny of the police than other members of the community.[89]"

The case of the Carters is the perfect example of that idea of righteousness. Robert Carter was arrested in 1851 and transported on the *Ramillies* in 1854. Carter was granted his ticket-of-leave in 1856. In 1859, Carter's wife, Phoebe, and their five children joined Robert in Western Australia. The family purchased three lots in West Northam and Carter "was appointed district pound keeper[90]", and was also farming on his lots. The family always kept out of trouble.

For the stain of convict life spilled over onto the family of any former prisoner:

> "The impression is gained that an expiree's family felt the need not just to be as good as their neighbours, but measurably better, even to the point where homes would be cleaner and tidier and more liberally whitewashed, and their children to be equally well scrubbed.[91]"

Another important point is the fact that even amongst themselves, former convicts sometimes avoided any relationships with other former companions in misery. Two theories are relevant:

- the first one explains that severing all contacts was a way to forgot convict past and to blend in Western Australian society in an easier way,
- the second one explains that some former convicts did not trust each others. The second theory can be applied to John Acton Wroth, an expiree from Toodyay, who employed once a ticket-of-leave man, John Delap, to deliver a letter. The ticketer stole the content of the letter, the horse, and was found days later in York, drunk[92]. After that, John Acton Wroth never employed a ticketer again.

On the contrary, some expirees were inclined to give ticketers and former convicts their chance. Joseph Lucas Horrocks was one of them. After finding a copper mine in the district of Wanerenooka, Horrocks called for workers. As a result, "between 1862 and 1865 he employed sixty ticket-of-leave men[93]" to expand the mine, named Gwalla, grow wheat and develop the town. In 1864, the place was named Northampton, and many ticketers and expirees gathered

89 Rica Erickson, *op. cit.*, p. 82
90 *Ibid,* p. 79
91 *Ibid*, p. 82
92 *Ibid*, p. 67
93 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Biographies, op. cit*., p. 4

there hoping to find work:

> "News of Horrocks' enterprise spread to other parts and men trekked to Gwalla in search for work. For many it was a fruitless journey, because the number of jobs was limited, but Horrocks gave them sustenance in return of which they gathered stones from the hillside and piled them along the road leading to the village. These were built into stone walls fronting the cottages and along the road approaches.[94]"

Northampton was interesting for formers convicts as they were not subject to the gaze of colonists. However, the self-sufficiency of the town meant that it was not totally assimilated to the colony, and thus underlined the latent segregation of expirees and ticketers.

To put it in a nutshell, former prisoners, albeit ticketers, pardoned men or expirees, were all distrustful to everyone, for everyone distrusted them. The only way to gain settlers' confidence was to be more than perfect, or to stay away from them. Settlers and former convicts were able to live together with that prerequisite.

3) Living together

Life in Western Australia was not so simple, for both settlers and former convicts. However, difficulties were exacerbated by the fact that the two communities seemed separated by a transparent wall: suspicion against each other did so that they evolved in their own spheres.

Warders of the Establishment and Pensioner Guards were the link between settlers and convicts. Warders were in charge of convicts in the Establishment and of work parties, and arrived with convicts in 1850. Many of them moved to Western Australia with their families, contributing to colonisation. It was the same with Pensioner Guards, who were retired soldiers with the same duties as warders. The presence of both Pensioner Guards and warders, especially during work parties, reassured settlers, for in case of any problem with a convict, colonists were able to let warders know immediately what was wrong. Warders were also in charge of convicts depot in the colony, where ticketers had to live until they found a house . Also, as some work parties could last for weeks, some warders sometime bonded with convicts under their watch, although this kind of behaviour was strongly criticized by authorities. The same happened with ticketers. The case of John Acton Wroth and Corporal Hay is described by Rica Erickson as follow:

> "Wroth found congenial company at the hearth of Corporal J. Hay, of the Royal Sappers and Miners, who was in charge of the building of bridges in the district. The friendship which developed between the two men roused jealous comment among pensioners and ticket-of-leave men alike.[95]"

94 Rica Erickson, *op. cit.*, p. 226
95 *Ibid*, p. 39

Anyway, with or without the help of warders, expirees were the living proof that some convicts could behave. However, former convicts were not granted the same rights as normal citizens, for they could not be part of associations or societies, or participate in the management of their district. Even when expirees behaved perfectly, they were denied the same social rank as other settlers, for they were still watched closely by the police. Moreover, the segregation introduced by settlers shattered hopes of equality that Imperial men had after their redemption. Thus, such discriminations against former prisoners led to a parallel society like the town created by Joseph Lucas Horrocks, where former convicts lived together far from colonists. Furthermore, the rise of some beliefs about criminality also played a part in the set up of this poisoned atmosphere, where colonists mistrusted convicts and expirees, and vice versa.

B) Link between insanity and criminality

1) Works on the subject in the 1850s

Coming along with the idea of reformation was the idea that criminals were in fact insane people who should be treated. Many diverse theories about criminality had come to the surface during the beginning of the nineteenth century, and most of them were still considered as relevant in the 1850s. By the way, such theories were a response to the question of criminality rate, for many British were wondering why it was - from their point of view – increasing since the 1770s .

The importance of theories about a possible link between insanity an criminality sprung up in the Swan River Colony with the arrival of Dr George Attfield, appointed Colonial Surgeon in 1857:

> “Attfield was obviously well acquainted with the latest British thinking on 'lunacy'. Among the new ideas recently formulated was that of 'moral insanity', which […] extended the range of behaviours definable as 'insane' to include some people who would formerly have been considered as depraved or even criminal.[96]”

In fact, many convicts diagnosed as lunatics were reconvicted ones, or ranked with a 'poor' behaviour due to their insubordination, violence, and their refusal of authority[97]. Some of them had already been committed in an asylum in Great Britain, and Dr Attfield soon compiled these records, deducing that criminality was a sort of latent insanity which showed up once in a while when exacerbating conditions gathered:

96 Norman Megahey **in** *Historical Refraction*, Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 1993, p. 48

97 “ Some three quarters of imperial men lunatics were described in terms of one or more of these behaviours.” *Ibid*, p. 47

> “Insanity in a criminal is moreover generally protracted and difficult to cure, chiefly I think because it has been latent for a long period, and is probably in many case only the full development of an infirmity of intellect which has for years influenced and induced to the commission of crimes.[98]”

As previously stated, Attfield's theory echoed those favoured in Great Britain to explain the rise of criminality. Such theories proclaimed that reformation by labour was the only way to cure 'moral insanity', thus legitimating the use of convicts in Australian colonies.

An indirect result of theories linking criminality to insanity is the convict outfit. Besides carrying leg irons, rebellious convicts should wear a specific set of clothing: the particoloured uniform.

Particoloured uniform[99]

The particoloured uniform was designed to enable settlers to recognize dangerous convicts, but also to facilitate the task of warders. The yellow and black outfit was easy to spot in Fremantle and Perth's landscapes. However, what is particularly striking is the colour decision: yellow and black have both a strong connotation when they are analysed. Since Middle-Ages, colours have been used to separate people, enabling everyone to immediately found out someone's social status – rich, poor, or with a specific work. According to that, black is the colour of executioners, who were forced to wear black outfits in order to be recognizable by citizens when they were not on duty. Black is thus assimilated to death and assassination. Yellow, on the other hand, is assimilated to insanity. In the whole European continent, jesters from royal courts wore a yellow outfit. Jews were also forced to wear yellow clothes, in order to be unable to mix with other people as they were considered as being responsible for Jesus'

98 Norman Megahey, *op.cit*., p. 48
99 Luke Donegan, *Fremantle prison, Key to knowledge: Convict Daily Life, op. cit*., p. 4

death. Thus, yellow represents both insanity and segregation. In a Victorian era where symbolism was very important in society, it is reasonable to think that the selection of black and yellow for a convict outfit was not unintentional. Thus, the particoloured uniform was a double stigmatism for convicts, implying that they were both criminals and lunatics.

The last so-called science which had influenced people during the nineteenth century was phrenology. Phrenology appeared in the early nineteenth century, and was the result of Doctor Franz Joseph Gall's studies on the human brain[100]. According to Gall, the brain is the mind's place, and is composed of diverse abilities – benevolence, approbation, and so on and so forth – with separate zones all over the brain. Each ability depends on its zone's size. As the brain is held in the skull, Gall asserted that the shape of the skull was influenced by the brain, and that someone's character could be read by taking a close look to his or her skull. That theory spread all over Europe, and was soon linked to criminology, especially with the work of Cesare Lombroso, an Italian criminologist, who stated that criminals had inherited distinctive features. Thus, criminality was once more associated with a disease.

The link between phrenology and criminality was know in Western Australia:

> "There may well be a lingering influence of the late nineteenth century belief that criminality is a genetically inherited trait. Referring to the then-popular phrenological theory of the 'criminal type', the visiting English writer, Anthony Trollope, observed in the early 1870s that the convict element pervaded the colony.[101]"

However, as convicts were easily recognisable due to their outfits, albeit that of a ticketer, it is not clear how far phrenology had influenced settlers in the Swan River Colony.

The possible link between criminality and insanity responded to the need of people to find a reason to explain a growing criminality. Convicts were then seen as possible morally invalid people who were in need of a treatment. The more convicts were considered dangerous, the more they were stigmatised by the penal administration. Those who were presented as inveterate were even sent in Fremantle Asylum.

2) Fremantle Asylum

Convict life was harsh, to the extend that some men did not bear it. During the early years of convictism in Western Australia, a dozen of prisoners were declared insane, and needed specific treatment. Some other, with a rebellious behaviour, were considered as morally insane, and reformation was thus declared inappropriate or ineffective for them.

However, convict life in Fremantle was not the only reason for insanity. In fact, some prisoners had experienced harsher conditions of detention in their British prison than in Western Australia. Margaret McPherson takes the example of Portland Prison:

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100 http://www.victorianweb.org/science/phrenology/intro.html

101 Bob Reece **in** *Building a Colony: the Convict Legacy*. Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 2006, p. 104

> “They were kept in solitary confinement for nine to twelve months on admission. They wore hoods to prevent any communication with other prisoners and their only contact was with the chaplain or medical officer.[102]”

Solitary confinement was commonplace in British prisons, however it was rather used as a punishment, and not for such a long time. Only prisoners intended for transportation experienced what is described by Margaret McPherson. Deprivation of light and marker could weaken the strongest mind, and such practices are assimilated to torture nowadays.

Anyway, convicts declared insane could not stay in the Establishment. In 1857, Fremantle warehouse, which had already housed convicts before the prison was built, was converted into a temporary asylum. Committed convicts were still under prison rules, which was contradictory with the way they should be treated for mental illness. The temporary asylum also housed free settlers who were considered as mentally unstable, and in 1862 the construction of an asylum for the whole colony was ordered.

The Fremantle Asylum was soon overcrowded, for it was not designed to receive as many patient as it should. Moreover, convicts declared as morally insane – who in fact were only rebellious or alcoholics – were sent to the asylum, where they occupied places which would have been beneficial to real ill men and women. The case of Jonathan Aspinall, an expiree, expresses both that downward spiral of the asylum and suspicion from settlers toward former convicts:

> “Jonathan had found work in the Guildford area and was seen wandering around Northam by PC Wisby and was taken in charge. On examination by a doctor, Jonathan was found to be weak of intellect, possibly an alcoholic, but not exhibiting enough symptoms to justify admission to the asylum. […] Unfortunately this action did not placate the Northam community, which insisted that Jonathan 'was madder than ever'. Jonathon(sic) was committed to the asylum, not because of insanity, but because he was a public nuisance – an expiree who drank too much.[103]”

Aspinall case demonstrates that, in the end, the community mind prevailed over the reality of an illness. Once committed in Fremantle Asylum, it was difficult for a convict to retrieve a normal life, for the stain of being categorised as a lunatic added to the stain of being a former convict. Those men were even more excluded by the Swan River community, and most of them failed to find their freedom again. To insist on that fact, Norman Megahey gives explicit features about the average length of stay in Fremantle Asylum:

> “In 1879, the annual returns reveal that the average length of stay of Imperial male, colonial male and colonial female inmates was 13.5 years, 6.5 years and 12 years

102Margaret McPherson, *op.cit*., p. 63
103*Ibid*, p. 67

respectively. […] As regards Imperial men, an obvious explanation for their relatively longer length of stay in the Asylum is to be found in the belief that 'insanity' in a criminal was 'generally protracted and difficult to cure'.[104]"

The fact to commit convicts in Fremantle Asylum was creating a vicious circle:

- convicts were considered as insane or morally insane,
- once cured they were freed,
- however, they could not fit in the colony because of their past and were considered as dangerous by the community, which had them committed as insane or morally insane, and so on and so forth.

Some convicts, like Obadiah Stevens[105], never had the chance to be freed, and spent the rest of their lives in Fremantle Asylum. Margaret McPherson concluded that Western Australian government, unwillingly, "was steadily building a group of alienated men without any future[106]".

Researches on a possible link between criminality and insanity during the nineteenth century were leading to experimentations in both British prisons and penal colonies. In order to replace a reformation judged to be ineffective with some convicts declared morally insane, harsher living conditions, as well as distinguishing outfits, were set up in Western Australia. Convicts and former prisoners of the Establishment, who had already been segregated because of their past, were once again pointed at by settlers, leading to a greater gap between the two communities. The only thing former convicts were looking for was to be considered for what they had achieved since their imprisonment, not for what British specialists in criminality were saying according to their charts.

C) Identity crisis

1) Name and identity

The word 'convict' did not only referred to the punishment of transportation that British criminals could be sentenced to. For those who were transported to Western Australia, that word became part of their identity as men, leaving its mark on them, modelling their relationships with settlers and penal administration. Expirees' life was managed in order to live down convict past, however that same convict past was so branded on them that they could not escape it.

Convicts records were the first thing to settle prisoners life. A convict number was

104Norman Megahey, *op. cit.*, p. 49
105"Stevens was admitted as patient No. 3. He was 40 years old and died on April 1894, 39 years later." Margaret McPherson, *op. cit.*, p. 65
106*Ibid*, p. 69

associated to each prisoners after their arrival in the Swan River Colony. That personal number replaced names on records and official accounts, depersonalizing convicts, for they became only numbers. That denial of prisoners' identity was carried on by warders who called convicts by their personal numbers rather than their names. Nowadays, when historians refers to a convict, they uses both his name and personal number to cover official and unofficial data.

Another denial of identity occurring in official records was the fact that some convicts were given wrong names. That kind of mistake happened on a regular basis, however it is not clear to what extent it was intentional from the prisoner himself to give a false name or if it was only a mistake from the prison intendant. In the case of an intentional mistake from the prisoner, two explanations can be found:

- the prisoner himself did not know how to spell his name,
- he wanted to spare his family the shame of being sentenced to transportation.

Mistakes on convicts names were commonplaces, and the records of the *Hougoumont*, the last convict ship to arrive in Western Australia, hold no less than seven mistakes out of sixty-two Fenian convicts:

- Jeremiah Aher was labelled as Ahern[107],
- Thomas Darragh was wrongly renamed as James Darragh[108],
- John Donoghue can be found as John Donohue in some official records[109],
- The name of John Goulding was changed into Golden while he was imprisoned in Great-Britain[110],
- James Keily's family name is also spelled Keilley in some records[111],
- Joseph Nunan was also labelled as Noonan[112],
- Patrick Reardon's name was also written Riordan[113].

In the three last cases – Keily, Nunan, and Reardon – the convicts were the origin of the mistake, for they gave the Gaelic translation of their family names.

Another case of altered name can be found in Alfred Daniel Letch's convict records. The first change of Letch's family name can be seen in John Acton Wroth's letter to his family, on which Wroth wrote “His name (I fully convinced you are anxious to know) is Alfred De Letch.[114]”. Letch's change of name seems to come from himself, for he was not wrongly labelled in Fremantle Prison's records. Another change of name occurred in 1854 when Alfred Daniel Letch

107Liam Barry, *op. cit*., p. 6
108*Ibid*, p. 45
109*Ibid*, p. 48
110“His jailers had uncaringly altered his name from Goulding to Golden.” *Ibid*, p. 104
111*Ibid*, p. 139
112*Ibid*, p. 189
113*Ibid*, p. 210
114Rica Erickson, quoting John Acton Wroth's letter to his family, dated July 12th, 1851, *op. cit.*, p. 30

opened a shop under the name of DeLeech[115]. Finally, the last change of name of Alfred Daniel Letch occurred when his brother emigrated to the colony in 1872. Sandra Potter reports that Letch placed a note in newspapers stipulating that he was returning to his real name, Alfred Daniel Letch, and would not use the name of Alfred DeLeech anymore[116]. The decision to change his family name several times was probably motivated by the desire to erase his convict past and to have more chance to fit in the Swan River community. Alfred Daniel Letch was eventually reconciled with his past following his brother's arrival in the colony.

The denial of identity experienced by convicts was highlighted by both the fact that, for penal administration, they were only numbers, and the fact that the same penal administration would sometimes make mistakes with convicts' names. However, the change of name by convicts themselves was a way to challenge that denial of identity, and to prepare a new life which would be able to erase the convict stain, for the psychological impact of transportation remained deeply rooted in former prisoners' minds.

2) Psychological explanation of identity crisis

Another side effect of convictism was the fact that convicts and expirees felt uprooted. That feeling is utterly understandable, for prisoners were transported to Western Australia, on the other side of the globe, while their families remained in Great-Britain. Most of the time, prisoners did not have the time to bid their relatives farewell before being put aboard a convict ship, for as future convicts they were held in solitary confinement.

The loss of points of reference by newly arrived convicts was beneficial to the penal administration. Confused convicts were indeed easier to handle, for they were malleable and would be more receptive to reformation. Thus, convicts were even more sensitive to a change of name or the fact that they were called by their personal numbers. Such disruptions were enough to lead some convicts to a frail emotional state, and to let them experience an identity crisis in the psychological sense of the word.

> "*Crise identitaire (CI) :*
>
> *La crise identitaire est un état d'être de vulnérabilité entre deux étapes de vie. Les starters d'une telle crise peuvent être: un licenciement ou une promotion, un harcèlement, un divorce, une naissance, un problème de santé… tout ce qui oblige à trouver un nouvel équilibre dans un environnement personnel qui ne sera jamais plus commeavant.*
>
> *Certaines CI peuvent être de véritables crises existentielles, lorsqu'elles touchent tous les champs de notre vie en même temps. C'est souvent lors de telles crises existentielles que nous voulons être reconnus pour ce que nous sommes et non plus*

115"The sign writing on the shop indicates another change of surname – this time to DeLeech." Sandra Potter **in** *Building a Colony: the Convict Legacy*. Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 2006, p. 41

116*Ibid*, p. 42

uniquement pour ce que nous faisons.[117]"

All conditions to suffer from an identity crisis were gathered: uprooting, change of living conditions, denial of individuality. Almost every convicts were more or less affected by an identity crisis. Some of them ended in Fremantle Asylum after being diagnosed with delusion or depression.

Joseph Lucas Horrocks and John Acton Wroth both expressed the same need for recognition in the way they fought for expirees. Horrocks spent his life building Northampton, a respectable town, with ticketers and former convicts. Eventually, Horrocks especially asked for the railway to come to Northampton, which was a way to compel Western Australian administration to officially acknowledge the town as part of the colony[118]. John Acton Wroth campaigned for equality between expirees and settlers, specifically on the point about associations memberships[119].

The case of the Carters, previously cited, can be linked to identity crises: Rica Erickson had explained that convicts families wanted to be even better than everyone else[120]. That behaviour expresses the need for acknowledgement experienced by people going through an identity crisis. Moreover, the fact that the whole family felt the same necessity tends to prove that identity crises were not only confined to convicts, but also to their relatives, probably because the segregation due to convict past equally affected them.

To sum up, even with everything done in penal administration to gradually facilitate social integration of former convicts, their reception by settlers was tainted with suspicion. That suspicion led to a double society within the colony, a situation highlighted by the fact that expirees were not equal to settlers, for they were not granted the same rights, and were closely watched by the police. Distrust weakened expirees' self-confidence, and confidence in others, increasing the gap between them and colonialists. Theories about a possible link between criminality and insanity only added fuel to the fire, for the convict stain grew bigger in the settlers' eyes, albeit that, due to living conditions in both British and Western Australian prisons, insanity was more a result than a cause of criminality. Segregation against convicts led some of them to undergo an identity crisis, even denying their convict past to be accepted by the Swan River community. Thus expirees and pardoned men were fighting for recognition, not only as individuals, but as respectful members of a society. However, the Swan River Colony was undergoing deep changes due to the arrival of convicts and the fact that transportation had been organised on a different way disrupted colonial habits and affected the order of the colonial society itself.

117 http://www.formarep.info/site/glossaire.php
118Luke Donegan, *Fremantle prison, Key to knowledge: Convict Biographies, op. cit*., p. 4
119Rica Erickson, *op. cit.*, p. 61
120*Ibid*, p. 82

III) Consequences of a different organization

A) Gender balance

1) Not enough women

When transportation to Western Australia had been put in place, one of the main points of the agreement between Great-Britain and the colonial administration was that only selected male convicts were to be sent to the Swan River Colony with an equal number of free settlers, who would travel to Western Australia during the same amount of time. Albeit of great interest regarding the lack of workforce in the colony, that agreement had one flaw: women.

From the very beginning of the Swan River colonisation, women were outnumbered by men, who could settle alone at ease. Victorian era was under patriarchal model, and at that time women did not travel alone, even less settled on their own in a new colony[121]. That specific point of women's social status had been voiced in Literature by Charlotte Brontë, in her book *Jane Eyre*, where the main character expresses her will to go to India with her cousin St. John, but without being married to him:

> " 'I repeat: I freely consent to go with you as your fellow-missionary; but not as your wife; I cannot marry you and become part of you.'
>
> 'A part of me you must become,' he answered steadily; 'otherwise the whole bargain is void. How can I, a man not yet thirty, take out with me to India a girl of nineteen, unless she be married to me? How can we be for ever together – sometimes in solitudes, sometimes amidst savage tribes – and unwed? […] And there are obstacles in the way; they must be hewn down. Jane, you would not repent marrying me; be certain of that; we *must* be married.'[122]"

St. John's speech expresses exactly how women were supposed to behave in society during the nineteenth century: they should be under the heel of a man. Thus, men were able to settle on their own, but women should follow one of their relatives – father, brother, husband.

Hence, many women who arrived in the Swan River Colony before transportation was allowed, arrived with their husbands, and sometimes with children. A generation had barely took place before convicts were transported in Western Australia, and gender balance in the colony was still destabilized, for few colonists had daughters old enough to be considered as women. According to Margaret Anderson, women "represented only 39 per cent of the total[123]" of white Western Australian population in 1848 – adults and children merged. Between 1854 and 1881, census pointed out that amongst children, the population tended to slowly become balanced, however amongst adults, men still outnumbered women. In fact, men represented 78 per cent of the population aged over twenty one in 1854 - four years after the beginning of transportation

121 François Bédarida, *La société anglaise du milieu du XIXe siècle à nos jours*, Paris, France: Éditions du Seuil, 1990, p. 166

122 Charlotte Brontë, *Jane Eyre*, New York, USA: Norton Critical Edition, 2001 (3rd edition), p. 349

123 Margaret Anderson **in** *The brand on his coat: Biographies of some Western Australian convicts*, Carlisle, WA, Australia: Hesperian Press, 2009 (2nd edition), p. 84

to Western Australia. In 1881, thirteen years after the end of transportation, men still represented 65 per cent of the population[124].

Following those census, the British government tried to come up with a solution which would able gender balance in Western Australia to be stabilized. That solution was to send convict women to Fremantle, and it led to a foursquare refusal from the Swan River Colony. The debate on this subject even opposed two Western Australian newspapers:

> "[...]the profound imbalance in the sexes led some colonists, among them the editor of the *Inquirer*, to consider seriously a suggestion from the British government that the colony accept female convicts as well as male. Others, including the editor of the *Perth Gazette*, rejected the suggestion with horror and a bitter debate raged for most of 1854.[125]"

The question of female convicts divided the colony for actual convicts in Fremantle had already started to be seen as a hindrance to the colony, even though they had promptly helped to improve facilities in Fremantle and Perth. The disagreement about female convicts was related to the idea that a convicted woman was morally worse than a convicted man, for she did not fit in Victorian standards of purity:

> "Part of the [*Perth Gazette*] editor's indignation undoubtedly stemmed from the widespread belief that many of the convict women were prostitutes; although there may also have been a tendency to characterize all women prisoners as prostitutes, simply because they stood so far outside the 'true woman' concept'.[126]"

Thus, people in favour of women convicts did not see them as a potential workforce for the colony, but rather as perfect partners for men convicts, for free women would be seen as socially demoted if they married former prisoners[127], due to social segregation in the colony. On the contrary, opponents to women convicts used the same argument to highlight the moral danger of female convict transportation:

> "The majority of the women would not however trouble themselves about marriage, they would form debasing associations with the ticket-of-leave men and lower the moral standing of that class.[128]"

The main point of opponents was that morally low female convicts would sabotage male convict's reformation and lead to sexual deviances, whereas free women would carry on reformation on former convicts. The idea to transport women convicts was eventually withdrawn

124*Ibid*, p. 84
125*Ibid*, p. 93
126*Ibid*, p. 94
127*Ibid*, p. 96
128*Perth Gazette*, May 5th, 1854, **quoted by** Margaret Anderson, *op.cit*., p. 94

from the British solutions' list by the end of 1854.

Anyway, sexual deviances due to the lack of women in the Swan River Colony did happen. Sexual assaults on women occurred, however they occurred lesser than sexual assaults on men. Homosexuality was seen as a deviance, and sexual assaults between men were even more punished than sexual assaults on women. Before 1865, homosexuality - albeit willingly or not – was sentenced by death. After 1865, only life imprisonment could be required. According to Jill Bavin-Mizzi, sexual assaults in the late nineteenth century could be motivated by both heterosexuality and homosexuality[129]. Bavin-Mizzi presents the cases of some sexual offenders – the Leader brothers, John Fitzgerald and James Fireworks – who clearly stated that their victims were replacements for women[130], undoubtedly linking homosexual assaults to the lack of women in the colony.

Thus, the fact that gender balance was destabilized in the colony led to sexual tension, even when it was precisely what administrators of Western Australia tried to avoid by refusing women convicts. The urge to find solutions to increase the number of female in the colony brought the British government to rely on sending selected free women.

2) Irish immigrant women

The Idea to send women to work as servant in the colony was once again brought up by the British government. However, few English or Scottish women accepted to travel to Western Australia. As part of solutions offered by the British government, orphaned girls from Ireland were sent to the colony.

In the early 1850s, the government conducted a campaign in British Isles in order to find women who would accept positions of servants in Western Australia[131]. Living conditions were bowdlerised, and wages were presented as similar to a servant's wages in Great-Britain, in order to attract as many women as possible:

> "Throughout the convict years and beyond, women continued to be induced to emigrate by the colonial agents, who enthusiastically proclaimed the virtues of colonial life and emphasized the material advantages to be gained from emigration.[132]"

However, once arrived in the Swan River Colony, most women had difficulties to find a job paid the same amount as promised, and they were confronted to the harsh life of a settlement[133]. Thus, news of the real living conditions soon arrived in Great-Britain, and the number of women accepting the government's offer slowly decreased

129"[There were cases] where a male was used as a substitute for a female and those where a male was chosen in preference to a female." Jill Bavin-Mizzi **in** *Historical Refraction*, Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 1993, p. 105

130*Ibid*, p. 105-106

131Margaret Anderson, *op.cit.*, p. 91-92

132*Ibid*, p. 93

133"In fact there is some suggestion that many of these women were deliberately misled about conditions in Western Australia." *Ibid*, p. 93

Consequently, the British government had to come up with another idea to send women to Western Australia. Irish orphaned girls seemed to be a decent compromise, for Irish orphanages were crowded out after the 1840s famine due to blight[134]. Irish orphaned girls were to be sent to Western Australia to rebalance the number of women in the colony and serve as servants, and Irish orphanages would be partly emptied:

> "In an effort to balance the sexes nearly two thousand unmarried girls arrived and were soon dispersed from the Immigrants' Home at Perth to depots in country districts where they could be hired as servants.[135]"

Girls' depots were precisely close to convicts' depots where ticket-of-leave men were able to live. Thus, Irish women and ticketers often run into each other, leading them to initiate relationships. In fact, the choice of sending Irish women to the colony to become possible wives for former convicts in Western Australia was not innocent. According to Rica Erickson:

> "They were not daunted by the prospect of marriage to a ticket-of-leave man. Indeed many of them would have known of lads transported from their own villages for stealing food or killing a beast to ward off starvation.[136]"

Rica Erickson implies that the British government also chose Irish women because they might feel close to convicts. However, if Irish girls were not afraid of convicts, there was a point which made them reluctant to marrying a ticketer: religion.

In fact, most Irish women were catholics. On the contrary, most convicts were protestants. Thus, when a ticketer wanted to marry an Irish servant, a compromise had to be found about religious beliefs. Sometimes, such a couple could be found under three marriage records:

- the first record was in the administrative records, after the resident magistrate had celebrated a civil service,
- the second record was in Anglican records, for Anglican ministers could be found in every districts,
- the third one was in Catholics records, when a Catholic priest officiated in a district.[137]

The fact that some Irish women could not be married by a Catholic Priest caused a stir on their consciences, however those women would rather be married under Anglican church than not being married at all and thus live in sin. By the way, most of the time another compromise was found about the christening of children: sons would be protestants, and

134The blight is a potato disease.
135Rica Erickson, *op.cit*., p. 41
136*Ibid*, p. 41
137*Ibid*, p. 42

daughters would be catholics. It was the case of John Acton Wroth's children: the five boys were christened as Anglicans, whereas the only girl was baptised as Catholic[138].

Irish women's destiny in Western Australia is still in the dark nowadays, for very few sources can be founded about them. Like the Parkhurst boys, Irish servants are barely mentioned when it comes to convict life and what gravitates around. For example, the book *Women in Western Australian History*, edited by Patricia Crawford, go back over the beginning of the Swan River Colony through women's point of view. However, there is no mention of Irish orphaned girls[139]. Many questions about how they had been selected, or how they reacted to their new life in Western Australia have currently no answers. It can be assumed that such an omission is due to the fact that Irish women were only sent to Western Australia in order to become convicts' wives, and take on the role that goes with it.

3) Role of women in Western Australian society

As expirees, pardoned men and ticketers were seeking respectfulness, they were soon faced with the desire to set up home. Single ticketers and expirees were seen as a danger by the penal administration, for they were considered as not being part of a steady moral structure. In fact, building a family tended to prove that reformation had been efficient, and that a ticketer or an expiree was able to fit in a social model. By Victorian standards, a respectable family distinguished itself by its woman's roles – wife and mother. A woman was considered as the core of a family.

Thus, the role of convicts' wives in the Swan River Colony was important. Wives were considered by the penal administration as a moral warrant, which explains why the idea to transport female convicts to Western Australia was resolutely refused by colonists: women convicts were seen as having low moral standards, and their relationships with male convicts could wipe out all positive efforts done so far. On the contrary, Irish orphaned women had been raised under strict moral standards, which could be pass on their husbands-to-be. Eventually, wives would help their husbands to stay on right tracks, according to Margaret Anderson:

> "The most important point […] was the belief that control of the convicts and the safeguarding of Western Australia as an ordered society ultimately depended on the guiding hand of woman.[140]"

Thus, the end of reformation was under control of the convict's wife. However, the fact to rely on the relationship between a husband and his wife to end reformation can be seen as a clearing of the penal administration's responsibility toward a possible failure to reform a convict. Margaret Anderson points out the fact that, indeed, some convicts got married and merged in

138*Ibid*, p. 57-58

139Patricia Crawford Ed., *Women in Western Australian History,* Perth, WA, Australia : Centre of Western History in association with University of Western Australia Press, 1983, 127p. (Studies in Western Australian History VII)

140Margaret Anderson, *op. cit*., p. 93

society when they were able to, however, constant segregation toward convicts and their relatives also led to unhappy marriages. Anderson effectively lists social segregation as one of the five points which led to unhappy marriages in Western Australia during the late nineteenth century:

> "the prevalence of bigamy (although the statistical reality of this is impossible to assess at this stage); continued, enforced association with a criminal class and its associated loss of status; religious discord, especially when Irish immigrants married fiercely Protestant men; almost universal drunkenness; and domestic violence.[141]"

Almost all these points were linked to transportation:

- "bigamy": some convicts had already been married in Great-Britain, however their wives refused to travel to Western Australia in order to be reunited,
- "loss of social status": due to segregation toward former convicts,
- "universal drunkenness": due to convicts' living conditions, which emotionally weaken them and led to a tendency to drunk.

Actually, convicts' wives were treated exactly the same way as their husbands: their role as the backbone of the family structure was unanimously admitted, however expirees and ticketers' wives were stigmatised the same way as their husbands were. The burden of reformation and its success had been entrusted to those women without any chance of gratitude afterwards.

The gender balance had been a constant concern in Western Australia during the late nineteenth century. The impact of the lack of women in the colony reaches overseas, for the matter was in charge of the British government, which chose to send Irish orphaned girls to increase female population in the Swan River Colony. However, those Irish women were in fact sent to marry former convicts, for marriage was seen as a proof of social ability, and few settlers allowed their families to be mixed with convicts. That refusal to get involved with former convicts through marriage enlarged the gap between colonists on one side, expirees and ticketers on the other side. Anyway, segregation did not stop the will of former prisoners to retrieve a family life.

B) Retrieving a family

1) Family in Great-Britain

Convicts had not always been criminals. Before being sentenced to transportation for infamies, prisoners had grown up with their parents and siblings, and some even got married and became fathers. Thus, many of them left a family behind when they were transported to

141 *Ibid*, p. 97

Western Australia.

As previously stated, the British government had sworn that only selected convicts would be sent to the Swan River Colony. Consequently, the first transportation boats carried some 'white-collar' prisoners, who used to be respectful citizens. The shame of having a member of the family convicted and transported was even greater for well-educated British families. In some cases, families disowned their ugly ducklings, to avoid to be associated with criminality, however, in other cases, relatives remained close to prisoners, for members of the family thought that support would do good to the convict and help him in his reformation.

The shame of having a convicted relative was extended to privacy, for delivered mail was stamped with the words “convict letter”[142]. Thus, it was of public knowledge when a family had kept in contact with its convict relative. Convicts could only send a letter per trimester if they behaved, and received only one. When families sent more letters than one in a trimester, the mail was held back by penal authorities. Moreover, mail took long to be delivered to Western Australia in the nineteenth century. Hence, news from family in Great-Britain could take a year before it reached a convict.

To adapt themselves to mail rules, convicts found means to sent and receive letters clandestinely. John Acton Wroth was a subscriber to that way of conversing with his family:

> “Prisoners naturally adopted surreptitious methods of communication whenever possible. At the risk of forfeiting his letter-writing privileges as well as good behaviour marks Wroth succeeded in sending some letters to England by clandestine means.[143]”

Sending letters clandestinely was interesting for both the prisoner and his family, for it avoided the “convict letter” stamp, and thus protected his family from shame, and enable them to correspond freely. Also, convicts were sure that what they wrote in their letters would not be censored. However, clandestine correspondences were dangerous, for convicts could be punished if letters were intercepted. Punishments for clandestinely sending letters included seizure of said letters, banishment of letter-writing privilege, and demoted behaviour rank. The last punishment resulted in a time extension of the convict status, thus delaying the acquisition of a ticket-of-leave.

However, in some cases, the shame of receiving a convict letter was to hard to bear, and some families decided to stop the correspondence with their convict relatives. Most of the time it was the case of convicts' wives, who could not afford to travel to Western Australia and therefore tried to reconstruct their lives in a Victorian society where relationships with a criminal almost always led to exclusion. Yet, social exclusion would most of the time force women to resort to prostitution in order to support themselves and their family. In order to avoid that, British wives broke off all ties with their convicted husbands.

The fact that convicts were sometimes excluded even from their own families highlights

142“The letters were marked on the outside 'convict letter' or 'convict establishment', a practice which affronted the recipients in the home country.” Rica Erickson, *op. cit.*, p. 28

143*Ibid*, p. 29

the feeling of loneliness they must have experienced during their first years in the Establishment. This feeling was also experienced those who could count on their relatives' support, for the news were scarce, even with a clandestine correspondence. For example, John Acton Wroth became aware of his sister's death six months afterwards[144]. Loneliness explains why convicts longed for building a family in Western Australia, no only to fit in the community and meet the expectations of penal administration, but also for themselves. However, if finding a wife was difficult for a ticketer or an expiree, it was not only due to the lack of women in the Swan River Colony, but also to suspicion bore by settlers, who did not approve of marrying their daughters to former convicts.

2) Marrying someone from another social class

As previously stated, colonists were suspicious toward convicts, ticketers and expirees, to the extend that the two communities evolved concurrently, creating a segregation against former prisoners. Thus, settlers were against mixing with former convicts, and most of colonists forbade their children to mingle with expirees or their relatives.

The first point to explain how this matrimonial segregation worked is that settlers had imposed on the colony a social ladder which looked close to a caste system:

> "By 1870 several social grades were recognized in Western Australia. The elite were not only the gentry, but included those of humble origin who claimed prestige if they were among the *earliest* settlers of 1829 and 1830. A lesser grade of worthiness was bestowed upon the *early* settlers of the 1840s. Free immigrants of the convict era were classed as *respectable* citizens. There was a sharp distinction between these and he unwilling immigrants of the convict ships who were to retain the odious term *expiree* long after they had served their term of punishment.[145]"

The use of words in this extract is striking, for free immigrants are labelled as "respectable". The word "respectable" was used to intensify the contrast between free immigrants in the 1850s and 1860s, and convicts: formers would never attain respectfulness in the eyes of colonists. The second point of this extract which needs to be underlined is the fact that the term "expiree" is considered as "odious". However, the fact is that the term "expiree" is still used by historians to refer to former convicts. Thus, it is assumed that "expiree" is now only a way to label former prisoners, and not an irreverent name as it used to be in the late nineteenth century.

In Erickson's description of the diverse social grades in Western Australia, a parallel with convicts grades can be made: settlers are classified by their year of arrival, and the older the date is, the more virtuous the settlers are. In fact, that classification is also relying on behaviour: the fact that a family arrived early was seen as a proof of good will and benevolence

144*Ibid,* p. 44
145*Ibid*, p. 75

toward the colony. According to that social ladder, the first settlers had endured the difficulties of creating the Swan River Colony, which enable them to be above other settlers. Thus, colonists felt greatly superior to convicts and saw a marriage with a former prisoner as a social decline.

The case of John Acton Wroth is once again a perfect example of how settlers refused to marry their daughters to former convicts. As previously said, John Acton Wroth was well-educated and behaved during his stay in the Establishment. He easily earned his ticket-of-leave on November 28th, 1851[146] and was hired by the convict depot, a proof that he was considered a trustworthy convict. John Acton Wroth had experienced a first rebuttal when his fiancée, Elvina Garlett, did not answered any of his letters after his arrest:

> "For his part he hoped that their association would continue. She never responded to any of his communications and he was to find solace in the company of other young women in Western Australia.[147]"

Elvina's behaviour is understandable, for as explained previously, being the acquaintance of a convict was shameful in Victorian era. Elvina Garlett was not married to John Acton Wroth, so she was able to sever all contacts with him after his arrest, and searched for another possible husband. However, Wroth's misfortune with women did not stop here.

Soon after obtaining his ticket-of-leave, John Acton Wroth grew found of Jessey McGall, stepdaughter of Sergeant McGall, warder of Wroth's convict depot. However, Sergeant McGall and his wife disapproved the relationship between the two young people, and a quarrel emerged when the McGalls decided to send Jessey away in order to split up the young couple:

> "On the morning of Jessey's departure Wroth and McGall exchanged hard words. Apparently as a result they were all summoned to appear before the comptroller general who, according to Wroth, told Mrs McGall 'that he was surprised at her objection stating that it was a good chance for Jessy and that he was a good young man.'[148]"

The comptroller general's opinion on Wroth spared him the loss of his ticket-of-leave, for Wroth was only detained a few days in the Establishment. This event illustrates the fact that even the best behaving ticketer was not considered respectable enough to marry the daugther of a warder – even though warders were in the 'respectable' class, the fact that they worked with convicts placed them on the bottom of the Western Australian social ladder, just above convicts themselves.

The same misfortune happened once again with Susannah Smithies, daughter of Reverend Smithies. Wroth courted the young lady by sending her poems and letters, which were discovered by the Reverend. The clergyman was not as benevolent toward ticketers as his vows engaged him to be, for he took John Acton Wroth aside at the end of a religious service:

146*Ibid,* p. 35
147*Ibid*, p. 31
148*Ibid*, p. 36

> "[...]he accosted Wroth and warned him never again to address a member of his family without consulting him or his good wife. Nor was he to take advantage of the injudicious acceptance by his daughter of such advances. The clergyman stressed that he cherished no ill feeling against any of the convict class and was striving for their general good, but it was utterly impossible for a ticket-of-leave man to aspire to his daughter's hand.[149]"

Reverend Smithies' discourse once again tends to prove the community rejection of convicts. On one hand the clergyman explained that he hold no grievance against convicts, however on the other hand he stated that they were not good enough for his daughter. Rica Erickson sums up the situation as follow:

> "John Wroth was learning that, in the matter of marriage, a convict, even of high degree, would find the barrier between bond and free was almost insurmountable among the genteel class of colonists. Only immigrant girls and those of the lower orders would readily marry an expiree.[150]"

The case of Wroth reflected how ticketers and expirees were once again excluded by the Western Australian community of settlers. Thus, the question of finding people who did not care about a convict past was of high importance. Immigrant women from Ireland were part of that category of people, however only 2000 of them arrived in Western Australia, when almost 10000 convicts were sent in the same amount of time.

In the 1890s, a goldrush brought new settlers in the colony, who did not care about convicts' past. Those families most of the time came from other British colonies in Australia, where segregation against convicts had disappeared for long. Former convicts got the chance to find wives amongst newly-arrived women[151]. Moreover, by that time, most convicts had become expirees, and were able to travel and settle wherever they wanted to - except to Great-Britain – which led to many changes in Western Australian society. Leaving a colony where former convicts felt unwanted was a way to start a new life for real.

Transportation had torn away many families, and reconstruction of convicted men had not been helped by the way colonists excluded them. Ticketers and expirees had to face an extreme loneliness, for their families and wives might had forsaken them, and segregation in the Swan River Colony secluded them even more. The colony's social ladder had settled barriers against possible marriages between former convicts and colonists' daughters. With the example of John Acton Wroth, it is proven that behaviour did not matter in the eyes of settlers, for they considered convicts and their relatives as unable to be respectable.

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149 *Ibid*, p. 43

150 *Ibid*, p. 43

151 "During the goldrush, with the arrival of many people from outside the colony, a greater choice of spouses was presented and the demarcation between the classes began to be eroded." Anne Latham, *op. cit*., p. 79

C) Impact on following generations

1) The convict stain

The discredit cast upon convicts ran onto their wives and children for years after the end of transportation. Between 1850 and 1890, it was difficult for someone belonging to the so-called “bond class” to marry someone from another social class. In fact, convicts' wives all had the same background, and convicts' children were doomed to follow the path of a segregated life:

> “Opportunities for marriages of their children would naturally be restricted almost to their own class. A similar situation arose among pensioner guards, who were usually allotted grants of land in proximity to each other and whose children also often inter-married. Pensioners' daughter sometimes married ticket-of-leave men who had been under their fathers' charge, but on the whole, expirees' wives were from three main categories. They were either the daughters or widows of convicts, or the widows of free class with children in need of support, or they were immigrants girls, some of whom were from English workhouses, but most of whom were from Ireland.[152]”

Marriages with convicts is presented there as the last way for a woman to be able to provide support to her family, or to find someone in the colony, for immigrated women were also ostracised. In this extract it is underlined by the opposition between the “free class” and the “bond class”. The fate of convicts was also shared by pensioner guards, who were segregated for working with convicts, and for sometimes having established links with those same convicts. Yet, even some pensioner guards families refused to mingle with convicts relatives, and that behaviour still echoes nowadays:

> “[...]it was reported in the Fremantle Herald of 26 May 2000 that some female descendants of the pensioner guards sent out with the convicts took it as a point of honour that their families had never intermarried with families sprung from convicts.[153]”

That kind of behaviour exposes how following generations were influenced by the social behaviour in Western Australia after the arrival of convicts. A convict ancestor was most of the time hidden from the family tree, for intermarriages were seen as shameful. When someone found out about his or her convict ancestor(s), two reactions were possible:

- shame, which led to carry on the secret.
- curiosity, which led to research on the convict ancestor's past and broke a taboo.

Until recently, the first reaction was predominant, however the second reaction tended

152*Ibid*, p. 79
153Bob Reece, *op. cit.*, p. 104

to become common for the last decades[154]. It has been followed by the rise of associations specialised in genealogy, such as Perth DPS Project[155].

The convict legacy was hard to bear in the late nineteenth century, leading convict descendants to erase tracks which could lead to the former prisoner in question. That memory lapse on purpose also had effects on historians' works in the twentieth century.

2) Works on convicts prohibited until the 1970s

The social elite of Western Australia had not only excluded convicts, but it also had tried to erase any proof of their presence. The case of destroyed records of convicts had already been seen in other colonies, and Western Australia followed that path by trying to destroy letters in 1934[156].

It was highly recommended to avoid working on convicts, and the case of Frank Crowley is the perfect example of this policy:

> "When he first came to The University of Western Australia in 1949, the young Frank Crowley was warned by the Lieutenant Governor and former conservative Premier Sir James Mitchell to leave the convicts well alone.[157]"

This case surely was not the only, however it highlights the fact that the order to forget about convict past came from the highest spheres of Western Australian administration. The first book dealing with Western Australian convicts was published in 1979[158].

Anyway, the convict past of Western Australia could not be completely erased, for many administrative buildings were owed to work parties in the 1850s and 1860s, such as the emblematic city hall of Perth, or even the Establishment.

Perth City Hall

154"Later generations, seeking information concerning the ships in which their ancestors arrived, have been disconcerted to find from official sources that an expiree headed their ancestral tree. The initial shock is usually followed by intense curiosity." Anne Latham, *op. cit.*, p. 76

155http://members.iinet.net.au/~perthdps/convicts/con-wa.html

156Bob Reece, *op. cit.*, p. 107

157*Ibid.*, p. 108

158*Ibid.*, p. 108

Collateral damages on historians' researches are related to pensioner guards, for they were also erased from the list of acceptable works in Western Australia. This was in fact because working on pensioner guards meant mentioning their work with convicts.

The life of former convicts in Western Australia was in fact very hazardous, for it was difficult for those former criminals to find a wife and reconstruct their lives in a colony where they were not most welcome. The free community of Western Australia had created a social ladder similar to Indian castes, where former convicts, as known as the bond class, were not allowed to mingle with the free class of settlers. For some expirees, the only way to evade that social pressure was to leave the colony, for even founding a family was not seen as a proof of respectability by colonists. For those who choose to stay in Western Australia, the convict stain followed their descendant, leading to a need to wipe from their memory a shameful ancestor. In fact, it was the whole colony which tried to wipe out the convict legacy,

Conclusion

To conclude, the introduction of convicts in Western Australia during eighteen years had tried to follow the pattern of eastern colonies. However, the fact that the Swan River Colony had already be settled led to social anxiety which had repercussions on convicts' integration.

The colony was prepared to host convicts, and was not lacking places for their imprisonment. The living conditions of convicts were better due to the fact that the settlement existed for twenty years before the beginning of transportation. Convicts did not starve like it had been the case in Botany Bay. Moreover, convicts were in majority well-educated and sentenced to low punishments – no more than fourteen years of imprisonment, whereas eastern convicts were mostly sentenced to life imprisonment. Western Australian convicts were thus easier to handle than convicts from eastern colonies. The British government had organised a gradual integration into the colony, which was based on good behaviour. However, instead of reassuring settlers, the fact that convicts were sentenced to low punishments increased the fear of criminality. Colonists doubted that spending only a few years in the Establishment would enable reformation to be effective. False beliefs from popular Victorian sciences – such as phrenology - added to the suspicion against convicts. Consequently, assimilation of convicts and former convicts in the colony was worse than in the eastern colonies.

In consequence, convicts were stigmatised by settlers. It was the succession of what had already happened by forcing rebellious convicts to wear specific clothes. The stigma led some prisoners to be committed for mental disorder, even if the popular belief stated that it was mental disorder which led to criminality. Other convicts experienced an identity crisis due to their uprooting. The suspicion against ticketers and expirees forced them to rely on themselves and a parallel community was established in Western Australia. In fact, the two communities of free settlers and bond men evolved at the same pace, but were separated by an invisible wall. Former prisoners' point of view on themselves was distorted by the image settlers had of convicts, which led ticketers and expirees to the parallel community where they were not granted the same rights as free settlers, which meant that they were segregated. Convicts and their families had to be even more respectful than other citizens, for they were under close surveillance.

The fact that even convicts' relatives were excluded forced them to hide the truth about any convict past. Thus, grandchildren were granted to right to climb the Western Australian social ladder, something their ancestors had been denied the right to do. However, that memory lapse lasted up until nowadays, for some people are not aware of their convict origins, and the will to erase the convict past prevents some historians to do researches due to a lack of

sources. Only well-behaved convicts are kept into records, such as Letch, Horrocks, Wroth or the Carters, but the reality of convicts in the late nineteenth century is not limited to them. Reformation had failed with most convicts, for the living conditions in Western Australia were too much pressure for them, and they ended in the asylum or imprisoned again. At the same time, there are very few information about the Parkhurst boy or the Irish orphaned who were brought to the colony. In fact, History of convicts in Western Australia is still in its early stage.

Appendix 1:

Colonial Office Circular, December 5th, 1828

COLONIAL OFFICE CIRCULAR

Although it is the intention of His Majesty's Government to form a Settlement on the Western Coast of Australia, the Government do not intend to incur any *expense* in conveying Settlers, or in supplying them with necessaries after their arrival.

Such persons, however, as may be prepared to proceed to that country at their own cost, before the end of the year 1829, in parties comprehending a proportion of not less than 5 females to six male settlers, with receive Grants of Land, in fee simple (free of Quit Rent) proportioned to the capital which they may invest upon public or private objects in the Colony, to the satisfaction of His Majesty's Government at home, certified by the Superintendent, or other Officer administering the Colonial Government, at the rate of 40 acres for every sum of £3 so invested, provided they give previous security first, that all supplies sent to the Colony whether of Provision, stores or other articles which may be purchased by the Capitalists there, or which shall have been sent out, for the use of them or their parties, on the requisition of the Secretary of State, if not paid for on delivery in the Colony, shall be paid for at home, each Capitalist being held liable in his proportion — And secondly, that on the event of the establishment being broken up by the Governor or Superintendent, all persons desirous of returning to the British Islands shall be conveyed to their own home at the expense of the Capitalists by whom they have been taken out. The passages of labouring persons, whether paid for by themselves or others, and whether they be male or female, provided the proportion of the sexes before mentioned be preserved, will be considered as an investment of Capital, entitling the party by whom any such payment may have been made, to an allowance of Land at a rate of £15, that is, of 200 acres of Land for the Passage of every such labouring person, over and above any other investment of Capital.

Any Land thus granted which shall not have been brought into cultivation, or otherwise improved or reclaimed from the wild state, to the satisfaction of Government, within 21 years from the date of the Grant, shall at the end of the 21 years revert absolutely to the Crown.

All these conditions with respect to *free* Grant of Land and all contracts of labouring persons, and others who shall have bound themselves for a stipulated term of service will be strictly maintained.

It is not intended that any convicts or other descriptions of Prisoners, be sent to this new Settlement.

The Government will be administered by Captain Stirling of the Royal Navy, as Civil Superintendent of the Settlement, and a Bill in the nature of a Civil Charter, will be submitted to Parliament in the commencement of its next Session.

COLONIAL OFFICER, 5th December, 1828

Appendix 2:

Order in Council, Despatch No. 23, 1 June 1849 – from Earl Grey, Secretary of State (U.K.) to Captain Charles Fitzgerald, Lieutenant-Governor of Western Australia.

"At the Court at Buckingham Palace, the 1st day of May, 1849.

Present:

The Queen's Most Excellent Majesty.

His Royal Highness Prince Albert.

Lord President.
Lord Privy Seal.
Duke of Norfolk.
Lord Chamberlain.
Earl Grey.
Lord John Russell.
Viscount Palmerston.
Sir John Hobhouse, Bart.
Mr. Labouchere.
Sir George Grey, Bart.
Mr. Chancellor of the Exchequer.

Whereas by an Act passed in the fifth year of the reign of His late Majesty King George the Fourth, entitled "An Act for the Transportation of Offenders from Great Britain", it was, amongst other things, enacted, that it should be lawful for His Majesty, by and with the advice of his Privy Council, from time to time to appoint any place or places beyond the seas within or without Her Majesty's dominions to which felons and other offenders under sentence or order of transportation or banishment should be conveyed:

And whereas, in pursuance of the powers so vested in the Crown as aforesaid by the said recited Act, certain orders have been made by the advice of the Privy Council during the reigns of their late Majesties King George the Fourth and King William the Fourth respectively, and of Her present Majesty, for the purpose of appointing places to which such felons and other offenders as aforesaid should be conveyed:

And whereas it is expedient that further and additional provision should be made for the purpose aforesaid:

Now, therefore, in pursuance and exercise of the powers vested in Her Majesty by the said recited Act, Her Majesty, by and with the advice of Her Privy Council, doth order and it is hereby ordered, that upon and from the first day of June in this present year, Her Majesty's settlements in Western Australia shall be places to which felons and other offenders in the United Kingdom then being or thereafter to be under sentence or order of transportation or banishment shall be conveyed under provisions of the said recited Act.

And the Right Honourable Earl Grey and the Right Honourable Sir George Grey, Bart., two of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein accordingly.

(Signed) W. L Bathurst."

Appendix 3:

Rules and regulations for the convict department Western Australia, 1862

« No prisoner shall disobey the orders of the overseer or any other officer[...] or be guilty of swearing, or any indecent or immoral expression or conduct, or of any assault, quarrel, or abusive language, or smoking inside the ward, cell, privy cookhouse, washhouse, or workshops, or any talking or other noise during meal-hours, or after the silence-hours at night; leaving the square allotted as their exercise-ground on any pretence, except to the closet, or converse or hold intercourse with any other prisoner or tradesman employed about the yard, except as authorised by the prison rules, or cause annoyance or disturbance by singing, whistling, or making unnecessary noise, or pass or attempt to pass, without permission, out of his ward or beyond the bounds of the ward or other place to which he may belong, or when at work go without leave beyond the limits assigned for such work, or disfigure the walls or other parts of the prison by writing on them or otherwise, or deface, secrete, destroy, or pull down any paper or notice hung up by authority in or about any part of the prison, or wilfully injure any bedding or other articles, or commit any nuisance, or have in his bay or possession any articles not furnished by the establishment or allowed to be in the possession of a prisoner, or shall give or lend to or borrow from any other prisoner any food, book, or other articles without leave, or refuse or neglect to conform to the rules and regulation or orders of the prison, or otherwise offend.”

Appendix 4:

Transportation ships and convicts landing on Fremantle:

Source: http://members.iinet.net.au/~perthdps/convicts/con-wa.html (07/08/13)

Ship	Origin	Date of Arrival	Number of convicts
Scindian	Portsmouth	June 1st, 1850	75
Hashemy	Portland	October 25th, 1850	100
Mermaid	Portsmouth	May 13th, 1851	208
Pyrenees	Torbay	June 28th, 1851	293
Minden	Plymouth	October 14th, 1851	301
Marion	Portland	November 2nd, 1851	279
William Jardine	Plymouth	August 1st, 1852	212
Dudbrook	Plymouth	February 7th, 1853	228
Pyrenees	Torbay	April 30th, 1853	293
Robert Small	London	August 19th, 1853	303
Phoebe Dunbar	Kingstown	August 30th, 1853	285
General Godwin	Calcutta	March 28th, 1854	15
Sea Park	London	April 5th, 1854	304
Ramillies	London	August 7th, 1854	277
Guide	Calcutta	January 9th, 1855	6
Stag	London	May 23rd, 1855	224
Adelaide	Portland	July 18th, 1855	259
William Hammond	Plymouth	March 29th, 1856	249
Runnymede	Plymouth	September 7th, 1856	248
Clara	London	July 3rd, 1857	262
City of Palaces	Singapore	August 8th, 1857	4
Nile	Plymouth	January 1st, 1858	270
Caducius	Bombay	February 5th, 1858	1
Lord Raglan	Plymouth	June 1st, 1858	268
Albeura	Calcutta	October 28th, 1858	11
Edwin Fox	Plymouth	November 20th, 1858	280
Sultana	Plymouth	August 19th, 1859	224
Frances	Madras	November 19th, 1859	1
Palmerston	Portland	February 11th, 1861	293
Lincelles	Portland	January 28th, 1862	304
Norwood	Portland	June 9th, 1862	290
York	Portland	December 31st, 1862	299
Merchantman	London	February 14th, 1863	191

Clyde	Portland	May 29th, 1863	320
Lord Dalhousie	Portland	December 28th, 1863	270
Clara	London	April 13th, 1864	301
Merchantman	Portland	September 12th, 1864	257
Racehorse	Portland	August 10th, 1865	278
Vimeira	Portland	December 22nd, 1865	278
Belgravia	Portland	July 4th, 1866	276
Corona	Portland	December 22nd, 1866	305
Norwood	Portland	July 13th, 1867	253
Hougoumont	London	January 9th, 1868	279

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