USE OF THESES

This copy is supplied for purposes of private study and research only. Passages from the thesis may not be copied or closely paraphrased without the written consent of the author.
ACKNOWLEDGEMENTS

I owe a debt of gratitude to the many people who contributed their time and assistance to the preparation of this thesis: to Professor John Molony, who first suggested the female factories as a topic of research; to Dr John Ritchie, who supervised the preparation of the draft and gave counsel and encouragement along the way; to Dr Dorothy Shineberg, Dr Niël Gunson, Mrs Barbara Penney, Mr Bill Mandle and Dr Susan Eade, who offered advice, answered my queries and suggested sources of information; to Mr H.G. Cummins and Mrs Yvonne Goulder who lent me family records in their possession; and to Mrs Eileen Duncan for her patient assistance on countless occasions.


Finally, I wish to thank my colleagues at the Canberra College of Advanced Education who listened patiently to my ramblings on the subject of female convicts, and especially to Mrs Sylvia Richardson who allowed me time to pursue my research, to Alan Nicol and John Houldsworth who helped me with the photographs, to Mrs Brigid Crick who helped out with the typing of draft chapters, and to Mrs Elisabeth Gordon who typed the final copy.
<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>9</td>
</tr>
<tr>
<td>Chapter I PATCHWORK POLICIES</td>
<td>14</td>
</tr>
<tr>
<td>Chapter II THE SWEETS OF INDUSTRY</td>
<td>51</td>
</tr>
<tr>
<td>Chapter III IDLE REFRUCTORY DAMSELS</td>
<td>88</td>
</tr>
<tr>
<td>Chapter IV A SAFE AND SALUTARY DISCIPLINE</td>
<td>118</td>
</tr>
<tr>
<td>Chapter V CLAMOUR AND TUMULT</td>
<td>161</td>
</tr>
<tr>
<td>Chapter VI PRESSURES TO CRUSH A WILLOW</td>
<td>202</td>
</tr>
<tr>
<td>Chapter VII JEZEBEL CONDEMNED</td>
<td>244</td>
</tr>
<tr>
<td>Chapter VIII MAGDALENE RECLAIMED</td>
<td>271</td>
</tr>
<tr>
<td>Conclusion</td>
<td>297</td>
</tr>
<tr>
<td>Appendices: Full list given on next page</td>
<td>303</td>
</tr>
<tr>
<td>Bibliography</td>
<td>343</td>
</tr>
</tbody>
</table>
### APPENDICES

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The British Penal Reform Movement</td>
<td>303</td>
</tr>
<tr>
<td>2.</td>
<td>The Minor Female Factories of New South Wales</td>
<td>309</td>
</tr>
<tr>
<td>3.</td>
<td>Factory Courtships</td>
<td>312</td>
</tr>
<tr>
<td>4.</td>
<td>Female Convicts Transported</td>
<td>324</td>
</tr>
<tr>
<td>5.</td>
<td>A General Statement of the Inhabitants of New South Wales ... With an Exact Account of the Same at Van Diemen's Land</td>
<td>325</td>
</tr>
<tr>
<td>6.</td>
<td>Comparative State of the Parramatta Female Factory</td>
<td>326</td>
</tr>
<tr>
<td>7.</td>
<td>Crimes Committed by Women transported to New South Wales 1831 - 1838</td>
<td>327</td>
</tr>
<tr>
<td>8.</td>
<td>Women in the Parramatta Female Factory, 1840 - 1848</td>
<td>328</td>
</tr>
<tr>
<td>9.</td>
<td>Number of Women in the Parramatta Female Factory for Offences committed in the Colony on Last Day of each Month</td>
<td>329</td>
</tr>
<tr>
<td>10.</td>
<td>State of Parramatta Female Factory on Monday, 31 August 1840</td>
<td>330</td>
</tr>
<tr>
<td>11.</td>
<td>Diseases treated at Parramatta Female Factory 25 March 1826 - 8 July 1826</td>
<td>331</td>
</tr>
<tr>
<td>12.</td>
<td>Return of People employed in the Parramatta Female Factory</td>
<td>332</td>
</tr>
<tr>
<td>13.</td>
<td>Women in the Female Factories of Van Diemen's Land for each Quarter from 1833 to 1843</td>
<td>333</td>
</tr>
<tr>
<td>14.</td>
<td>Comparative Statement of the Conduct of Female Convicts, whilst in Private Service in Van Diemen's Land, under the Assignment and Probation Systems</td>
<td>334</td>
</tr>
<tr>
<td>15.</td>
<td>Comparative Statement of Distribution of Convicts in Van Diemen's Land</td>
<td>335</td>
</tr>
</tbody>
</table>
16. Numerical Return of Female Passholders whose Period of Primary Probation on board the "Anson" expired previous to 30 June 1846, showing their Disposal that Day

17. Return of the Number of Female Convicts Tried summarily and committed for Trial at Supreme Court or Quarter Sessions

18. Distribution of Female Convicts in Van Diemen's Land

18a. Comparison of Female Convicts under Punishment in the Female Factories with those not under Punishment - Van Diemen's Land 1847 - 1853, from Reports of Comptroller-General of Convicts

19. Convict Marriages in Van Diemen's Land

20. Literacy of Female Convicts in Van Diemen's Land
16. Numerical Return of Female Passholders whose Period of Primary Probation on board the "Anson" expired previous to 30 June 1846, showing their Disposal that Day

17. Return of the Number of Female Convicts Tried summarily and committed for Trial at Supreme Court or Quarter Sessions

18. Distribution of Female Convicts in Van Diemen's Land

18a. Comparison of Female Convicts under Punishment in the Female Factories with those not under Punishment - Van Diemen's Land 1847 - 1853, from Reports of Comptroller-General of Convicts

19. Convict Marriages in Van Diemen's Land

20. Literacy of Female Convicts in Van Diemen's Land
ILLUSTRATIONS, MAPS AND GROUND PLANS.

Town of Parramatta, 1812. 17a
Historic Sites in Parramatta. 28a
Elizabeth Fry's Plan for a Female Factory, 1823. 33a
Female Penitentiary, or Factory, Parramatta. 36a
An Hour in Newgate. 66a
Elizabeth Fry. 87a
The Parramatta Female Factory. 99a
Plan of Cells Erected at the Parramatta Female Factory. 121a
Hobart Town. 162a
Cascades Female Factory, Plan for Conversion of Mr Lowes' Distillery. 167a
George Town. 170a
Proposal for Female Factory at Launceston. 171a
Plan for Female House of Correction for Launceston, 1832. 172a
Launceston. 178a
Plan of the Cascades Factory. 193a
Plan of Female House of Correction, Launceston, with Proposed Cells, 1840. 205a
Proposal for Conversion of Mr Addison's Property for Use as a Female Factory, 1843. 209a
Hobart, with site of the Anson. 211a
Plan of the Anson. 214a
The Cascades Female Factory. 220a
Ross. 233a
Ross Female Convict Station. 234a
A Diagram of the Likely Contact of Contemporary Observers with the Female Factories, 1804-1854. 245a
Female Convict at Millbank. 271a
Newcastle. 309a
Port Macquarie. 309b
Plan of Brisbane Town. 310a
Female Factories at Moreton Bay and Eagle Farm. 310b
ABBREVIATIONS

A.C.G.  Assistant Commissary General
A.D.B.  Australian Dictionary of Biography
A.O.N.S.W.  Archives of New South Wales
A.O.T.  Archives of Tasmania
C.O.  Colonial Office
Col. Sec.  Colonial Secretary
Comm. Gen.  Commissary General
Committee  Committee of Management of the Parramatta Female Factory
Comp. Gen.  Comptroller-General of Convicts
C.R.E.  Commanding Royal Engineer
C.S.O.  Colonial Secretary's Office, Van Diemen's Land
C.S.I.L.  Colonial Secretary - In-Letters - New South Wales
C.S.O.L.  Colonial Secretary - Out-Letters - New South Wales
H.R.A.  Historical Records of Australia
H.R.N.S.W.  Historical Records of New South Wales
H.S.  Historical Studies
H.T.G.  Hobart Town Gazette
J.P.H.  Journal of Pacific History
J.R.A.H.S.  Journal of the Royal Australian Historical Society
M.L.  Mitchell Library
n.d.  No date
n.p.  No page number
N.L.  National Library of Australia
P.M.O.  Principal Medical Officer
P.P.  Parliamentary Papers of the House of Commons
R.A.H.S.  Royal Australian Historical Society
T.H.R.A.  Tasmanian Historical Research Association
INTRODUCTION

Australian historiography has lacked any comprehensive study of the female convict factories in New South Wales and Van Diemen's Land.1 This thesis endeavours to provide such an account.

The management of female convicts in Australia was, for most of the transportation era, entrusted to two main institutions: the assignment system, which allocated the majority of women individually as servants to free settlers, and the female factories, which catered collectively for those women who, because of some impediment, economic redundancy or the commission of an offence in the colony, remained under direct government control. The aim of this thesis is to examine the role of the female factories in New South Wales and Van Diemen's Land as agents for the control, punishment and reformation of female convicts between 1804 and 1854.

The early years of settlement in New South Wales were marked by frequent complaints about the depravity and wickedness of the female convicts, but it was not until 1804 that steps were taken to remedy the situation. A large room, the 'factory', was set aside above the new gaol at Parramatta to serve as a refuge and workplace for convict women who, hitherto, had freely roamed the street of Sydney and Parramatta to the detriment of civil peace and order. This factory, though comparatively successful as a cloth manufactory, was entirely

unsatisfactory as a refuge for the prisoners and their children, and, in 1821, was replaced by a large new prison on the outskirts of Parramatta which, despite its greater security, retained the essential characteristics of a factory. However, under pressures created by the demands of the penal reform movement in Britain and the expansion of free settlement in Australia, the Parramatta factory was gradually modified and restructured until, by 1840, it had lost much of its character as a factory and had taken on the aspect of a penitentiary similar to those at Millbank and Pentonville in England.

Elsewhere in New South Wales small female factories were associated with the penal stations at Newcastle, Port Macquarie, Bathurst and Moreton Bay, but their remoteness from the centre of affairs, the small number of women involved and their integration as ancillary services in the penal stations proper, precluded them from making a significant contribution to the development of the structures of management for female convicts in New South Wales.²

In Van Diemen's Land female factories were established at Hobart in 1821 and George Town in 1824. Following the pattern established at Parramatta, they functioned, initially, as places of employment for unappropriated female convicts, but the corrective element became predominant much earlier, with the new factory at Launceston, opened in 1834, being designated a House of Correction from the outset. During the next 20 years, as the convict service expanded and, from 1840, absorbed the entire complement of female transports, a network of nine interdependent establishments - probationary and corrective

² See Appendix No. 2.
institutions, hiring depots and nurseries - assumed responsibility for the management of female convicts and the development of new structures of control.

The remarkable thing was that throughout the entire convict era no attempt was made to examine and rationalise the overall system of transportation as it applied specifically to female prisoners. There were many official enquiries into the penal system as a whole, but these centred on the male convicts and their female counterparts were considered merely as adjuncts to the total scheme of things. That is not to say that the women were regarded as being no different from the men, but rather that the male-dominated administration, both at home and in the colonies, was at a loss to know what to do with these women who, in their opinion, had fallen so far short of the ideal of womanhood - the quiet, devout, chaste and obedient wife and mother - and chose, therefore, to keep unappropriated female prisoners as far from mind and sight as possible, rather than admit them to positions of independence in colonial society. At the same time the administration could not escape from a nagging sense of responsibility to save the souls of these fallen women and to restore them to their proper place in society. Thus they justified their seclusion of recalcitrant women in 'convict nunneries' with the claim that, outside of marriage, the reformation of character and the salvation of souls could best be achieved by a withdrawal from the temptations of the world and the inculcation of habits of industry and sobriety through seclusion, close supervision and hard work.

This dualistic attitude to female convicts successfully precluded any long-term constructive thinking on the subject of
female transportation and ensured that the control, punishment and reformation of the women were dependent on a series of 'patchwork policies' enacted in response to the immediate and often conflicting demands of a rapidly expanding and largely unstable society and to the orders from a distant and frequently uninformed Home Government. Thus the colonial administration set up its factories to force females in government employ to contribute to their own upkeep by making articles of value to the colony, to provide a refuge for sick, unemployed and pregnant convict women, to punish colonial offenders and to elevate the morals of society by keeping unassigned women off the streets. The duty of the authorities to provide for the spiritual and moral advancement of the women in their care was met by giving the major Christian denominations official access to the women and, eventually, by providing paid full-time instructresses for each factory.

This thesis will examine the interaction of these factors and the effect they had on the lives of female convicts. The first six chapters will be devoted to the development of government policy and procedures for the control of prisoners in the female factories of New South Wales between 1804 and 1848 and in Van Diemen's Land to the end of the transportation system in the eastern states in 1854. Chapter VII will discuss traditional beliefs concerning the conduct and condition of female convicts in the light of contemporary evidence. Chapter VIII will examine the women's response to the transportation system and attempt to assess the role and value of contemporary penal discipline in preparing the women for re-entry into free society.

The principal contention in this thesis will be that the
desire of the colonial administration to make the female factories both viable economic units and satisfactory penal institutions failed because their aim was incompatible with local political and economic conditions which prevented the women's labour from being fully exploited, with the demands of the Home Government that penal discipline in the colonies be severe enough to act as a deterrent to crime, and with policies which were predicated on a dichotomous view of womankind belonging to either a 'madonna' or a 'magdalene' stereotype, despite the fact that there was ample evidence to show that not all women could be thus categorised. It will be shown that, though some prisoners did avail themselves of the opportunities provided within the factories for their rehabilitation, and others rejected all attempts to reform them, a significant number of female convicts simply merged into colonial society and, by good conduct, hard work and perseverance, avoided the sanctions of summary jurisdiction and kept out of the female factories, thereby removing themselves from the influences of the system of penal discipline which was meant to reform them. Furthermore, these women frequently achieved a degree of respectability which excluded them from the 'magdalene' stereotype, though their style of life could not be said to raise them to the 'madonna's' pedestal.
CHAPTER I

PATCHWORK POLICIES

New South Wales, 1804 - 1825

Instead of the government factory being a house of correction ... it becomes the grand source of all moral corruption, insubordination, and disease, and spreads its pestilential influence throughout the colony.


FORERUNNER 1796 - 1803

The completion in October 1796 of a log gaol in the tiny settlement of Parramatta heralded the birth of a female prison, the Female Factory, which for almost 50 years was destined to annoy the townsfolk, embarrass the government and checker the lives of the women who passed through its doors. This building, constructed under orders from Governor Philip Gidley King, functioned for several years as a detention centre for male and female convicts until, on 28 December 1799, it was burnt to the ground by an unknown arsonist.¹ The gaol itself was an insignificant element in Australia's convict history, but its presence in Parramatta pointed to the advantages that might accrue by removing female convicts from the main settlement at Port Jackson. Though it was not termed a 'factory', the gaol operated at a time when the

¹ Hunter to Portland, 10 June 1797 and 7 January 1800, H.R.A., S. 1, Vol. ii, pp. 21 and 434.
notion of employing unassigned convict women in the manufacture of clothing was gaining support. In 1790 a party of female convicts had been sent to Norfolk Island on the *Lady Juliana* to commence the cultivation of flax in preparation for the establishment of a linen manufactory. Several months later Governor Arthur Phillip wrote to the Secretary of State, Lord Grenville, that:

> I do not reckon on the little Labour which may be got from the Women, though some are employed in the Fields ... as the greatest Part will always find Employment in making their own and the Mens Cloathing, and in the necessary attention to their Children.

The *Minerva*, which left England in 1798, carried equipment for the weaving of coarse linen, and a master-weaver, Edward Wise, who was commissioned to supervise the infant industry. The loss of the log gaol had little effect on the project, for King notified the new Secretary of State, the Duke of Portland, that four men (two flax-dressers and two weavers) and all available female convicts were engaged in the production of linen cloth. By 1801 the rapid expansion of the government flocks provided sufficient raw materials to establish a woollen factory and, within a year, some 20 men and 40 women had produced 676 yards of linen cloth.

---


3. *ibid.*, No. 5, Phillip to Grenville, 17 July 1790. See also, Dundas to Phillip, 10 January 1792, p. 38.


blanketing and 646 yards of linen cloth. 6

In 1802 the Reverend Samuel Marsden was delegated to construct a new gaol in Parramatta and the authorities boasted that the proposed building - which was to combine facilities for confining and punishing refractory convicts with space and equipment for cloth production - would 'answer every purpose of a secure place of confinement for delinquents and a house of industry'. 7 In reality, the basic design of the 'factory', as it was called, was so defective that its role as a penitentiary was severely limited, though it was successful as an economic proposition, with a large percentage of the inmates being gainfully employed. The emphasis was on the economic exploitation of the women: the government took whatever steps were necessary to ensure the success of the scheme, but otherwise issued regulations for the factory only in response to specific circumstances. At no time during this formative period did the government make any constructive attempt to examine the role of the factory in the light of the overall needs of female convicts, with the result that its management was largely determined

6. King to Portland, 10 March 1801, 21 August 1801 and 1 March 1802, H.R.A., S. 1, Vol. iii, pp. 13, 125, 405, 439. See also, Hobart to King, 29 August 1802, H.R.A., S. 1, Vol. iii, p. 563, in which Hobart commented that in the future the colony could expect to export fine wools and linen, while the coarse wools would be retained for use in the colony.

by a series of unrelated and sometimes contradictory edicts. The policies of the government regarding the factory may justifiably be termed 'patchwork policies': they lacked both an identifiable aim as well as consistency in application.

**THE FIRST FACTORY - 1804 - 1821**

The new gaol in Parramatta was completed during 1804, but almost immediately it became apparent that it could contribute little to the physical and mental well-being of its inmates. The ground floor of the main building accommodated male prisoners, and the upper floor - a room 60 feet long and 20 feet wide with storerooms set at one end - was assigned to the female convicts and their children. This one room served in the daytime as a factory for the picking, carding and spinning of wool and flax, and, at night, as a prison dormitory for those women who were confined under magisterial orders. As no beds were provided, the inmates slept on heaps of unwashed wool spread on the floor. The women had to prepare their own rations as best they could over the single fireplace available for their use. The building quickly fell into a state of serious disrepair. By 1819 the floorboards were so warped that the women could converse freely with the male prisoners and any attempt to wash the floors resulted in a shower of dirty water falling through the cracks onto the men's heads. The five barred windows which ventilated the upper floor were a mixed blessing: their broken shutters improved the flow of air, but could not exclude the weather or the noxious odours arising from
STREETS NAMED AFTER:

- QUEEN STREET, GOV. ARTHUR, WILLIAM, JOHN, CHARLES
- HUNTER STREET, GOV. PHILIP, ARTHUR, WILLIAM
- HENRY STREET, CHARLES, JOHN, WILLIAM
- MARY STREET, GOV. THOMAS, CHARLES, WILLIAM
- JAMES STREET, CHARLES, WILLIAM

TOWN PLAN:

- FIRST STREET, Laid out 1788-1790
- HIGH STREET, 1790
- JOHN STREET, 1790
- WILLIAM STREET, 1790
- CHARLES STREET, 1790
- PARK STREET, 1790
- NORTH STREET, 1790
- SOUTH STREET, 1790
- EAST STREET, 1790
- WEST STREET, 1790

NOTES:

- GOVERNOR'S HOUSE
- COURT HOUSE
- HOSPITAL
- CHURCH
- SCHOOL
- TUNNELS
- GARDENS
- GROUNDS
- HANGAR
- RESERVOIR

METHWELL, C. DEPUTY SURVEYOR GENERAL UNDER MACDANNELL & CO.

PLANNED TOWN, 1810.
the drains in the factory yard. 8 

Not all the women were forced to stay overnight in the factory. Some found refuge in an adjoining building, built originally for the reception of pregnant females, but now shared with the men employed in the factory. The security of this building, lacking both a wall and fence, was negligible and the women housed there were free to come or go as they wished. 9 The women themselves were noted for their 'disordered, unruly and licentious appearance', 10 though it was unrealistic to expect them to maintain a high standard of grooming and cleanliness in such conditions. As bad as the conditions in the factory were, they were no worse than those existing in the majority of European gaols at that time. 11 In one respect the factory reflected one trend in prison reform that had begun with the work of the reformer, John Howard. 12 The decision to incorporate a

8. Evidence of Francis Oakes, 22 September 1820, B.T., p. 286; Oakes said great inconvenience arose from having the women living above the men as 'they annoy each other as much as they can & the women steal from one another & throw their things down to the men below; & also throw water down'.


11. Hon. Henry Grey Bennet, in his Letter to Viscount Sidmouth ... on the Transportation Laws, the State of the Hulks, and of the Colonies in New South Wales, London, 1819, gave the following description of Newgate Gaol: 'the tried and untried, young and old, misdemeanant and felon, all confined together, in this place of filth, misery, closeness and damp, suffering under the effect of their furious passions and abandoned wickedness, these miserable victims to neglect and indifference remained nearly three years, and at last, when nearly one half of their punishment had been endured, were banished for life from their native country'.

cloth manufactory in the prison establishment was in accordance with the Penitentiary Houses Act of 1779 which advocated closely supervised communal labour during the day. 13 But the complementary section of Howard's proposal for the reformation of criminals - separate cellular confinement at night - was ignored. Nor was any attempt made to segregate the women from one another, even though there were several distinct groups of females housed in the factory: those who were confined by order of a magistrate for offences committed in the colony; those who were incapacitated by age or infirmity; pregnant women and nursing mothers; newly-arrived convicts; and those who, through no fault of their own, had not been assigned to private service. 14

King's original plan was to promote the production of linen cloth 15 and with this in view he reported to Lord Hobart, Secretary of State for War and the Colonies, in 1804 that:

The extensive room over the new jail at Parramatta will be confined to the rougher parts of preparing the flax and spinning it ... We have now increased our flax seeds to 40 bushells which will keep the manufacture going on very well. 16

15. When the factory was opened in 1804, nine looms were installed: two for fine linen, two for duck, two for wool, one for sacking and two for sailcloth, which together could produce 100 yards of cloth per week. King to Hobart, 14 August 1804, H.R.A., S. 1, Vol. v, p. 12. During 1805 the factory produced 3732½ yards of canvas, sacking, girting and linen, 2201½ yards of blanketing, flannel, coarse cloth and collar cloth, including the portion returned to individuals for wool supplied, and 4647 fathoms of rope, log lines and twine. King to Camden, 15 March 1806, H.R.A., S. 1, Vol. v, p. 665.
With respect to our woollen manufactory, all the fleece saved from government's flock, and what can be obtained from individuals, is worked into blanketting and coarse flannels, which is issued to those at public labour. 17

King saw these manufactories as a means of employing a portion of the convict population and to relieve the pressing demands on the Commissariat Stores for convict clothing, but he did not foresee the growth of a colonial cloth manufacturing industry which would compete with English exports. Thus in October 1805, he informed Hobart's successor, Earl Camden, that:

I have not considered the Wool as an object for Government to attend to, beyond supplying the Manufactory I have established for the employment of Women, the Aged, Cripples, and Infirm part of the Inhabitants. 18

A system whereby a settler would receive one yard of material for every five pounds of raw wool he delivered to the factory, while the surplus, roughly one-fifth of the total production, was sent to the government stores, proved attractive to both Marsden and John Macarthur who were already experimenting with the production of fine wool. 19

In 1808, Commissary Palmer reported of Macarthur:

The Factory, which was a great benefit to the Colony, he took from the Government, and got the same into his own and his Emissaries' hands, in order to work up his Wool. 20

Whether Palmer's accusation was justified or simply part of the campaign to support the deposed Governor, William Bligh,

17. ibid.
Under Oakes' direction, the female convicts were expected to produce enough yarn to keep the male convict weavers and a dozen looms fully occupied. If, in the process, they learnt habits of industry and sobriety, so much the better; but, because it was widely believed that most female convicts were beyond reformation, the authorities felt the factory achieved its purpose if production levels were maintained and the women were placed under 'temporary restraint from indiscriminate intercourse or unchecked dissipation'. Apart from this, scant attention was paid to the welfare of the women. Oakes, whose other duties as baker and Chief Constable of Parramatta conflicted with his responsibilities at the factory, considered himself to have discharged his duty merely by being in attendance during the hours of labour. Security of the building lay in the hands of convict constables and overseers who, however well-meaning, lacked the ability and training to maintain proper order and discipline within the factory, though they could call upon the assistance of the magistrates if the situation got out of hand.

It was impossible to accommodate all the registered inmates within the factory. Official sources suggest that there were some 200 women and 50 children attached to the factory at any one time. Considering the factory proper

25. Evidence of Wm. Bligh, 21 February 1812, Transportation, P.P. No. 341, 1812, loc. cit., p. 34.
27. ibid., pp. 60-62; 69-70.
28. State of Gaola, P.P. No. 579, 1819, loc. cit., p. 15, gave 50 women; Marsden, Calumnies, op. cit., p. 24, gave 150 women and 70 children; Macquarie said there were 200 women, Macquarie to Bathurst, 4 December 1817, H.R.A., S. 1, Vol. ix, p. 504.
was built to house 60 women and even this meant overcrowding - it was obvious that a compromise had to be found: while the women under disciplinary confinement were locked in the factory overnight, the remainder departed after their day's work, either to sleep in the outbuildings or to seek accommodation in the town. The authorities regretted that many women turned to prostitution or robbery to raise the price of accommodation in the town (about four shillings per week) or to replace rations stolen from them by other convicts, but offered no practical solution to the problem. Nor did they attempt to curb irregularities within the factory precincts, and in 1820 Surgeon Thomas Reid of the Morley complained that the female convicts from this ship:

had not got within the Factory before they were surrounded by hordes of idle fellows, convicts, who came provided with bottles of spirits some, and others with provisions, for the purpose of forming a banquet according to custom, which they assured themselves of enjoying without interruption, as a prelude to excesses which decency forbids to mention ... in consequence of a guilty understanding between themselves and the constables.

Several attempts to improve conditions in the factory foundered owing to civil strife and personal vendettas. In 1807 an official report, which stated that the new gaol was badly built and in need of repair, was subsequently ignored because of the Rum Rebellion. In 1808, while in London, Marsden began agitating for new quarters for the women, though he neglected to mention that he had planned the


building which he now condemned. He drafted two memorials on behalf of the women, one to Mr Cooke, the Undersecretary of State at the Colonial Office, and the other to the Archbishop of Canterbury, both of whom promised to promote his proposals. On his return to the colony in 1810, Marsden broached the matter with Macquarie, claiming that official instructions had been given to erect new premises for the women. Macquarie, whose only instructions had been to segregate the newly-arrived female convicts from those already in the colony, declined to act as Marsden demanded without more specific orders, though, in his despatches of November 1812 and October 1814, he sought permission to build a new factory. Impatient at the delay, on 19 July 1815 Marsden wrote to Macquarie claiming that:

Instead of the government factory being a house of correction for the abandoned females, and a benefit to the colonists and other inhabitants as a check upon public vices, it becomes the grand source of all moral corruption, insubordination, and disease, and spreads

32. Marsden, Calumnic, op. cit., p. 13 ff; Castlereagh to Macquarie, May 1809 and Macquarie to Castlereagh, April 1810, H.R.N.S.W., Vol. vii, 1809-11, pp. 146, 340; Evidence of R. Rouse, 27 January 1821, B.T. Box 1, p. 335. The opportunities for Macquarie and Marsden to join forces and exert pressure upon the Home Government on behalf of the women were irrevocably lost when they quarrelled over the appointment of emancipists, Thompson and Lord, to public offices. A.T. Yarwood has discussed the development of the quarrel between Macquarie and Marsden in Samuel Marsden, Melbourne, 1977, pp. 181-227.

33. In his despatch to Liverpool, dated 17 November 1812, (H.R.A., S. 1, Vol. vii, p. 614) Macquarie declared that: 'In case Your Lordship should be pleased to approve of the Factory being carried on to any Extent, and on a larger Scale than it is at present, it will be Necessary to enlarge the Building Very Considerably, and to enclose the Whole with a high Stone Wall, the principal part of the former Buildings and Enclosure having been destroyed by Fire, some time before My Arrival in the Colony.' On 3 February 1814, Bathurst told Macquarie (H.R.A., S. 1, Vol. viii, p. 134) that he regretted that Macquarie was experiencing difficulty in placing female convicts, especially as larger numbers than usual had been sent to the Colony, but he ignored the request for a new factory.
Macquarie, who resented Marsden's interference in official business, promptly replied that he was quite unable to act until official approval of his proposals for the new factory had been received. Marsden waited another 18 months and, as no progress had been made, forwarded copies of his correspondence with Macquarie to influential men in London. The quarrel between these two men was taken a step further when Earl Bathurst, Secretary of State for the Colonies, relayed to Macquarie an extract from a letter criticising his lack of action over the condition of the female convicts at Parramatta. In reality the author was another colonist, Nicholas Bayly, but the Governor was convinced it had been composed by Marsden. Meanwhile, Macquarie had again sought permission to build and, by June 1817, when confirmation of his plans was finally received, he had already announced his intention of erecting a new female factory. Though he made no reference to Marsden's comments, his despatch indicated that he concurred with the plain's view on the subject:

Such a Building is particularly Necessary for keeping those depraved Females at Work within Walls, so as in some degree to be a Check upon their Immoralities and disorderly Vicious Habits.

Macquarie's decision still did not satisfy his opponents and he was again criticised for failing to provide better

35. ibid., p. 28.
conditions for the women. This time the critic was the Hon. Henry Grey Bennet, M.P., who, after lengthy talks with Marsden and other wealthy colonists in England, published two letters about the state of the colony, the first to Viscount Sidmouth in 1819 and the second to Bathurst in 1820. Incensed at Bennet's vitriolic attack, Macquarie published in 1821 a refutation of his charges, claiming that Bennet and Marsden had grossly exaggerated the evils associated with the factory. He wrote:

That a proper receptacle for female convicts at Parramatta is much wanted, is an undeniable fact; But that the want of it has ever been the occasion of enormities at all commensurate with those mentioned in the statement of the Rev. Mr. Marsden, is so far from being true that any person seeing the town of Parramatta by night or by day, would not believe it to be the same place as that which the Rev. Gentleman has described.

Nonetheless, the damage was done, and though Macquarie's plans were eventually put into effect, he was forced to modify them by Commissioner John Thomas Bigge, who rebuked him for what

38. Bennet, Letter to Viscount Sidmouth, op. cit.; H.G. Bennet, A Letter to Earl Bathurst ... on the Condition of ... New South Wales and Van Diemen's Land, London, 1820. In the second letter, Bennet suggested that the Colonial Office should share the blame because it had failed to reply to Macquarie's request for a new factory, p. 72. He also referred to a letter written about the female convicts by Marsden to William Wilberforce on 5 February 1818, pp. 117-9. Marsden had also been in contact with Elizabeth Fry, see letter dated 23 February 1819, in K. Fry and E. Cresswell, Memoir of the Life of Elizabeth Fry, London, 1848; 2nd Edition, Vol. 1, p. 394.


40. Bigge was instructed to determine what alterations were needed, if any, to make the colony fulfil its original purpose as a penal settlement; to see how far 'a system of general discipline, constant work and vigilant superintendence' in a situation of isolation from the mass of the population could be implemented; and thirdly, what new buildings were needed for the reception of the convicts. Bathurst to Bigge, letter No. 2, 6 January 1819, Instructions to Bigge, P.P. No. 532, 1823, loc. cit., p. 4.
he regarded as:

a feeble and unsafe justification for himself, for the delay that has taken place in undertaking the construction of a house of reception for the female convicts at Parramatta; [that is] that the want of authority prevented him from undertaking the construction of a building of such undeniable necessity and importance,41

when he had spent large sums on other ostentatious and less urgent projects. Bigge believed that the existing factory could have been renovated and enlarged at less cost, while still achieving the separation of the various grades of offenders within the institution. He wrote:

The female convicts, who had any disposition to conduct themselves well, might have been provided with the means of separation from those who manifested a contrary disposition; their food might have been prepared without a temptation of exchanging a portion of it for spirits; and they would have become habituated to the same sort of accommodation and tenements, that it was, and still is, their lot to inherit, when assigned to the service of settlers in the colony.42

How the women reacted to their servitude will be discussed in detail in the final chapter of this thesis. It was the official view that, in the period from 1804 to 1821, they preferred life in the factory, where punishments were comparatively light and where temptations abounded, to life in assigned service where they were expected to behave themselves.43

42. ibid., p. 71, Bigge suggested that separate wooden cottages could have been provided for the convict women.
43. ibid., p. 70. See also, evidence of William Cox, 25 November 1819, B.T., Box 5, p. 2004, who said: 'I think that from the manner in which they have been treated there & the Liberty that has been given them to sleep out, a decided Preference has been given by the women to that place & an aversion to service in the respectable families in the country'.
THE SYSTEM STABILISED - THE NEW FACTORY, 1821 - 1825

The new factory, designed by Francis Greenway to house 300 women, was built on a four-acre site on the northern bank of the Parramatta River, west of the settlement and almost opposite the Governor's residence and park. The core of the factory was a three-storey structure with large ground-floor rooms set aside for meals and prayers, and dormitories for 172 women on the upper floors. The single-storey wings attached to the main building provided additional accommodation. The main entrance, porter's lodge, superintendent's quarters, hospital and weaving rooms were located around the outer courtyard while the constables and overseers lived in small lodges which flanked the entrance to an inner courtyard formed by the kitchen, bakehouse, storeroom, offices and workrooms. A kitchen garden and bleaching ground were also provided.

Construction of the new factory had already begun when

---

44. The factory no longer stands, but the site is presently occupied by the Parramatta Mental Hospital.

45. There were four large dormitories, each containing 20 double beds and four small rooms containing a total of 12 single beds. Greenway used a plan suggested by Marsden for the general dimensions of the rooms and the building as a whole, but otherwise ignored the chaplain's suggestions. Both plans aimed at the employment, rather than the punishment, of the women. The contractors were Messrs Watkins and Peyton, whose tender was considerably lower than those of their competitors. No time limit was set, but Bigge offered the use of government mechanics provided the construction was accelerated. Even so, the work suffered from interruptions and industrial strife and as late as August 1821 the contractors were being asked to correct defects in the building. Bigge Report, P.P. No. 448, 1822, loc. cit., p. 73; J. Ritchie, Evidence of the Bigge Report, Melbourne, 1971, Vol. 2, Greenway's evidence, 23 January 1820, pp. 134-5; Sydney Gazette, Vol. xix, No. 907, 7 April 1821; Wentworth Papers, N.L. Mss, D 1, pp. 185, 191, 205, 209, 213, 217, 229 for account of payments to the contractors; Macquarie Papers, N.L. Mss, A 772, pp. 149, 152; A 774, pp. 1, 77, 202, 227.

MAP SHOWING HISTORIC SITES TO BE SEEN IN AND ABOUT PARRAMATTA

Legend
1. Hamilton College
2. Extermination Farm, College
3. Elizabeth Farm, House
4. Sphinx Farmhouse
5. St John's Church
6. Sridlingham
7. The Bridge (1836)
8. Queens Pl.
9. New Government House
10. Female Factory (1806)
11. Parramatta Weir
12. The Reach Inn (1818)
13. Female Orphanage
14. Macquarie House
15. Broughton House
16. All Saints' Church
17. Linnaeus Bridge
18. Arch House
19. John Saltmarsh's Birthplace (1802)
20. All Saints' Cemetery (1821)
21. For Henry Darley's College (1810)
22. Catholic Cemetery
23. Travellers Rest Inn
24. Salt Nepean Bridge
25. Parramatta Weir
26. St John's Cemetery (G. of E.)
27. Continenal Methodist Church
28. White Horse Inn
29. Albert Street Cottages
30. Parramatta Woodlands
31. Methodist, Uniting Residence
32. Baptist Cemetery
33. Methodist Cemetery
34. Boundary House (Maps III-IV) (1817-17)
35. Karboree
36. Governor's Farm
37. Saltwater Weir
38. Rock Hill
39. Coastal Hill, Cook's Grave
40. Governor's House
41. The Bank's Water Supply
42. St Patrick's Church (Catholic)
43. Steam Tram Display

Compiled on behalf of the Parramatta and District Historical Society from data
supplied by Australian National Library
(24.09.87)

Aerial view of Parramatta by Air Photo by
A. W. J. W. (1898)

For further information, contact
Parramatta Historical Society
12, John Street, Parramatta
Telephone 1218

Scale of Miles

1 centimetre represents 1 mile.
Bigge arrived in Sydney on 25 September 1819 and, though he decried the need for new premises, he made no move to prevent Macquarie from finishing the project. The commissioner insisted on a number of modifications to Greenway's design and on the inclusion of several features for the women's comfort and security, even though £1200 was added to the initial outlay of £4800.

Macquarie, wishing to house the women in the new barracks before Bigge returned to England, arranged for their transfer to take place on 1 February 1821, even though the work was incomplete and the furniture and cooking utensils still on order. The scene was described by Marsden for the ladies of the newly-formed British Society for Promoting the Reformation of Female Prisoners:

A house of accommodation is at length provided for the female convicts ... they are at this very moment walking ... to their new habitation in my sight ... I consider the foundation stone laid this morning, for honor, happiness, and religion, to build upon. The females will not now be compelled to live in such scenes of human misery and vice as they have hitherto done ...

No doubt the Governor hoped, by this means, to counteract some

47. Macquarie sent a memorandum to Greenway on 29 January 1818 requesting him to draw up a plan for the factory. B.T. Box 20, p. 3327. Tenders were called in the Sydney Gazette, 14 February 1818 and 21 March 1818, Vol. xvi, Nos. 743 and 748. Macquarie notified Bathurst on 24 March 1819 that the new factory had been started several months before. H.R.A., S. 1, Vol. x, p. 96.


49. Bigge Report, P.P. No. 448, 1822, loc. cit., p. 73. Bigge says 112 women, including 40 under punishment, went to the new building.

50. The First Report of the Committee of the British Society, for Promoting the Reformation of Female Prisoners, London, 1822, pp. 3-4. In this report Marsden's letter is dated 21 February 1821 but the discrepancy is probably due to a typographical error in the report.
of the adverse criticism levelled at him by Bigge, but, when political expediency demanded it, the welfare of the women could be conveniently forgotten. It probably never occurred to Macquarie that the women might have valid objections to their transfer to the new factory, or the right to express an opinion on the subject. They were in custody because they had broken society's laws, and, until such time as they earned society's pardon by hard work and good behaviour, they had forfeited the privileges of law-abiding citizens. If, as a result of the crimes for which they were being justly punished, the women had to suffer discomfort and inconvenience, it was no more than they deserved, and, in any case, it might encourage them to reform their ways. The new factory was intended to provide, through hard work and obedience, the opportunity for unassigned women to earn their release from servitude. If they chose to ignore the opportunity thus provided, they would at least be restrained for the period of their sentence from spreading their corrupting influence abroad in society. The product of their labour would help defray the cost of their upkeep and thus redeem a little of their debt to society for having broken its rules.51

The categories of females in the new factory remained the same - habitual miscreants and colonial offenders, incapacitated and unassignable convicts, pregnant women, nursing

51. J. Henderson, Observations on the Colonies of New South Wales and Van Diemen's Land, Calcutta, 1832, p. 19. Henderson said: 'Production is required from every portion of the community, and more particularly from those who are debtors to the Mother Country, in the forfeit of their crimes, and in the amount expended for their transportation. Production is likewise required, because it tends to their improvement.'
mothers and new arrivals. The factory also served as a House of Correction for free women under sentences of hard labour. The period of time spent in the factory depended on the reason for confinement and the demand for labour. A convict woman committed for a second offence in the colony had to serve the full term of her additional sentence before becoming eligible for release. If she were not under disciplinary confinement, she could be assigned at the discretion of the resident magistrates; if she were well-behaved, she could be released on a ticket-of-leave after a probationary period of from two to four years, depending on the length of the original sentence, though in practice most tickets-of-leave were granted to assigned servants. If she married, she was allowed to live with her husband, provided she committed no act which warranted her return to the factory. Women with infants usually stayed in the factory until their children were three years old when they were placed in the orphanage. If someone offered to take responsibility for both mother and child, a woman's term in the factory might be shortened, but such offers were rarely made except by the child's father who, if he were himself a convict, had to prove he could provide adequately for them. Most settlers were reluctant to issue rations to a woman whose family responsibilities might prevent


53. Bigge Report, P.P. No. 448, 1822, loc. cit., p. 105. That is not to say she was legally released from servitude, though the degree of freedom which marriage usually brought a female convict led many into the mistaken belief that such was the case. This was only clarified in 1837 when Deas Thomson asked the Attorney General to give his opinion of the legal position, which was that she was not free. Circular from F. Deas Thomson, Colonial Secretary of N.S.W., No. 37/25, dated 1 June 1837, in Papers of Dr John Harris, M.L. Mss, A 1597, pp. 30-31.
her contributing significantly to her own upkeep and, unless it was clearly in their own interests to do so, preferred to withhold permission to marry from their assigned servants. What happened to unmarried mothers whose servitude expired before their children were ready to go to the orphanage is not clear, but, because punishment in the factory generally meant the cancellation of indulgences, it seems probable that few women completed their original sentence while still caring for an infant. No necessity was seen for a special regulation to cover the situation and such cases were treated in an ad hoc fashion. Finally, a small group of women who were incapable of adjusting to freedom because of ill-health, old age or insanity, found refuge in the institution until they were eventually released by death. 54

The policy of housing the several grades of female convicts together created a variety of managerial and disciplinary problems within the factory. Solutions were difficult to achieve as decisions had to consider the demands of conflicting interests and the delays caused by waiting for confirmation of orders from England. Further, the limitations inherent in any new colony - inadequate finance, unstable conditions, second-rate personnel and the public's preoccupation with its own affairs - combined with the view that convict women were beyond redemption, did much to mould and limit government policies related to female convicts. No coherent policy to reform the women and to employ them according to their particular talents was formulated.

Expediency was the keynote to all decisions and little care was taken to ensure that specific regulations made sense within the overall framework of penal discipline as applied to female convicts. Instead of providing a final solution to the problem of what to do with unassigned prisoners, the new factory simply provided a greater scope for the mismanagement and coercion of those women who were unfortunate enough to pass through its doors.

The governors had to comply with the directives of the Home Government, which, from the passing of the Penitentiary Houses Act of 1779 and the General Prisons Act of 1791, came increasingly under the influence of the advocates of penal reform. In 1817 Elizabeth Fry, noted for her work among the women of Newgate Gaol, was invited to address a Committee of the House of Commons about her work. In 1823 Bathurst suggested to Macquarie's successor, Sir Thomas Brisbane, that her proposal for the management of female convicts be implemented as occasion allowed. The problem was that conditions in Britain, where policy was devised, differed radically from the colonial situation. The ratio of convict to free population was far lower than it was in the colonies and it was possible to segregate the convicted felons from the rest of society. Even when the 1821 completion of Millbank Penitentiary provided hard labour as an alternative to transportation, the government continued to send most healthy


Prison for Female Convicts

Elizabeth Fry's Plan for a Female Factory, 1823, from copy in the Mitchell Library.
female convicts under the age of 45 years to the colony;\textsuperscript{57} neither the large prisons in the major cities nor the smaller gaols and houses of correction in the counties ever confined excessive numbers of female convicts.\textsuperscript{58} In New South Wales where, prior to the flood of free migration in the late 1830's and early 1840's, the majority of the population were either convict, ex-convict or closely related to convicts, and where the disproportion of the sexes forced many men to seek convict brides, female convicts were not excluded from society at large. Thus the numbers of women housed in the factory prior to the sudden increases of 1842 did not warrant the establishment of a second full-scale penitentiary in the Sydney area and, even then, when over 1000 women were in the factory, the cessation of transportation to New South Wales meant that the increase was only temporary.\textsuperscript{59} In Britain women served their sentences in full before being released and, in theory at least, the reformers had a longer and more consistent opportunity to retrain them for honest, useful lives. It also removed the necessity for supervising the convicts' morals after their release from prison, for the completion of their sentences freed them from the jurisdiction of the law.\textsuperscript{60}

\textsuperscript{57} Millbank Report, P.P. No. 82, 1322, loc. cit., p. 1.

\textsuperscript{58} In 1822 there were 286 gaols, prisons and houses of correction listed for England and Wales alone. Vagrants, P.P. No. 253, 1822, loc. cit., pp. 2-4. See also, Transportation, P.P. No. 341, 1812, loc. cit., p. 10.

\textsuperscript{59} The end of the assignment system meant that all females returned from service remained in the factory until eligible for a ticket-of-leave. See ch. 4, p.145

\textsuperscript{60} A. Griffiths, Memorials of Millbank, And Chapters on Prison History, London, 1875, passim; Rev. J. Field, Prison Discipline, London, 1846, passim.
In the colony where many convicts were released provisionally on tickets-of-leave provided they were well-behaved, the women came under constant police surveillance and were often returned to the factory for misdemeanours which, if committed by free women, would have passed unnoticed. This also applied to women who had been assigned to private service. No distinction was made between minor offences and major crimes and any remission already earned by the women for good conduct was automatically cancelled. Even marriage did not protect them from summary return to the factory for small offences, for husbands could bring charges against their wives under the provisions of convict discipline.

Millbank Penitentiary incorporated a system of separate confinement based on the ideas of reformers such as John Howard and Jeremy Bentham. Prisoners spent the first half of their terms working alone in their cells before becoming eligible for communal labour. Fry, more practical than earlier theorists, saw the benefits of separate confinement for the reformation of prisoners, but also realised that many of the existing prisons in Britain could not be converted to the system of separate cellular confinement. She therefore suggested, as an alternative, a system of classes based on the general character and degree of criminality of the


62. So many men sought to be rid of their wives in this way that E. Deas Thomson, Colonial Secretary, issued an order that married men might bring their wives before the magistrates for only those offences punishable by the law in a free woman. Circular 37/25 to Dr J. Harris, *op. cit.*

convicted women. 64 Bigge, who may have known of her work before he arrived in the colony, declared that:

It should be a principal object to separate at all times, and in all duties, the women who are placed in the factory for punishment, and those who are placed there on arrival from England; and for the accomplishment of this object no consideration of architectural ornament, in the present state of the new building, should be allowed to interfere with the alterations which will certainly be necessary. 65

This in turn influenced Macquarie when he compiled a set of regulations for the new factory, a task which Bigge was invited to undertake, but declined. 66 Thus, a General Class, for those admitted to the factory for the first time had separate divisions for the Aged, the Married and the Young. The well-behaved women were moved after six months' probation to a Merit Class which entitled them to be assigned. The Crime Class consisted of women under colonial sentences and those found guilty of breaches of discipline within the factory. 67 However, when Greenway designed the building no such division of the women was envisaged; it had been conceived as 'merely a place of Confinement' and it was not until mid-1825, when Brisbane extended the factory, that the women of the Crime Class were totally segregated from the women of the General Class. 68 Though it may appear that Mrs Fry's ideas of 'classes' was adopted at the factory, the

66. ibid., p. 73. See also, Rules and Regulations for the Management of the Female Convicts in the New Factory at Parramatta, 31 January 1821, H.L.
67. Rules, ibid., Nos. 1-5.
key to her plan - the way in which women were to be allocated to an appropriate class - was ignored. Her idea was, by assessing the character of each woman, to determine the class to which she should be allocated and to prevent her from being further corrupted by women worse than herself, or to prevent her from corrupting those with better characters. The emphasis was always on prevention of crime and reformation of the individual criminal. 69 The system at Parramatta operated in a completely different way. Division of the women was not made on the basis of their proven character; rather it was made on the immediate reason for their incarceration in the factory. A woman newly arrived in the colony could be assigned to the General Class, even though she may have been an habitual and dangerous criminal; another woman, of generally good character, subjected to the vagaries of the assignment system, might be returned to the Crime Class for a minor misdemeanour. Again, the divisions within the General Class made no provision for separating the women according to their characters, for age and marital status made little difference to the degree of criminality of particular women. The selection of these criteria for allocating women to a class was nothing more than a method of sorting them out according to their economic usefulness, for the labour to which the better-behaved women were sent included spinning, an occupation that enabled them to gain

monetary reward if they exceeded their quota of work. The Crime Class women were employed in picking oakum and crushing rocks which increased their sense of degradation and excluded them from the rewards of the General and Merit Classes. Furthermore, the only women eligible for assignment were the Merit Class; those women sentenced to the Crime Class had to serve their colonial sentence in full before being transferred to the higher grade.

While Macquarie saw the factory as a solution to the problem of unassigned female convicts plaguing the community, Brisbane offered another alternative to confinement in the factory. In May 1822, 32 women were sent from Parramatta to a site adjoining the male convict establishment at Emu Plains where, for the next 14 months, they were employed in light fieldwork. This scheme, had it continued, could have become the blueprint for a permanent solution to the overcrowding at the factory, for it allowed the women to form the kind of associations with male convicts that would most likely lead to marriage and to their release from direct government support. However, allegations reached the reformers in Britain that the governor's real purpose was to

70. Sydney Gazette, Vol. xxiii, No. 1134, 6 October 1825. Between 2 June and 8 December 1823, an allowance was made to the women for extra spinning of 2027 cuts of woollen yarn @ 2d a cut and 2519 cuts of linen yarn @ 1d a cut. See also, Bigge Report, P.P. No. 448, 1822, loc. cit., p. 168. The following schedule of task work was noted by F. Oakes in his evidence to the Bigge Commission, 22 September 1820, B.T. Box 1, pp. 291-2: Picking wool - 2½ to 3 lb per day according to quality of wool; Spinning - 6 cuts per day - about 2 lb yarn; Carding - one woman for one spinner, except when learning, then two-thirds of one spinner's quota.


72. Brisbane to Bathurst, 21 May 1825, 3 June 1825, 10 September 1825, H.R.A., S. 1, Vol. xi, pp. 596, 620 and 813-819 respectively.
prostitute the women as an antidote to homosexual practices said to be prevalent at Emu Plains, and official British and local public opinion forced him to abandon the scheme. Brisbane hotly denied these charges, claiming that 'not a word of imputation was ever cast upon the transaction until it reached us from England'. He further assured Bathurst:

I do solemnly pledge myself to your Lordship, that nothing immoral was contemplated, nor to my knowledge, has ever taken place in the above transaction.

In support of his claims, he published the following summary of the state of the females who had been involved in his scheme after their removal from Emu Plains:

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married and living in the Establishment</td>
<td>9</td>
</tr>
<tr>
<td>Do settled in different part of the Colony</td>
<td>10</td>
</tr>
<tr>
<td>Returned to the Factory at own request</td>
<td>2</td>
</tr>
<tr>
<td>Do for misconduct</td>
<td>2</td>
</tr>
<tr>
<td>Do unfit for field-work</td>
<td>8</td>
</tr>
<tr>
<td>Freed by servitude</td>
<td>1</td>
</tr>
</tbody>
</table>

He hastened to add that, of the 19 women who had married, not one had been returned to the factory for misconduct. Two of the pregnant women, Mary Neal and Catherine Neal, were given permission to marry their lovers.

Not everyone believed the governor's claims and letters of accusation concerning the prostitution of women at Emu Plains continued to circulate. The author of one such letter, Sir John Jamison, admitted that the existence of homosexuality at Emu Plains had never been coven, but continued:

74. Brisbane to Bathurst, 2 June 1825, Transcripts of Missing Despatches, M.L. No. 49, A 1267.
75. *ibid*.
I must add it was cruel to select women out of the Factory for such vile purposes - the object ought to have been made known and volunteers called for. 77

In order to settle the question, a Commission was set up to enquire into the Emu Plains Agricultural Establishment. 78 Statements were made on oath, mostly by convicts, that prostitution of the women did occur and names and details were offered in evidence. 79 Nonetheless, the Commission concluded that the charges were unfounded and notified Brisbane that they believed them to have been made by 'some designing person or persons who were actuated by motives of hostility towards your Excellency's Government'. 80

The Australian newspaper came to Brisbane's defence, though its attack on his opponents was based less on refuting the charges of immorality at Emu Plains than on emphasising the problems created by the policy of segregating male and female convicts. It claimed that:

79. ibid., pp. 818-27. For example, it was alleged that Peter Murdoch, Superintendent at Emu Plains, had 'received verbal orders to permit a regulated intercourse between Men and Women on the Plains', and that the Colonial Secretary, Major Goulburn, had issued verbal instructions that he was 'not to allow more than seven men to have connection with one woman within the hour'. It was further claimed that the convicts paid the overseers and constables for the use of the women, while the women demanded the men's rations in return for their favours. Finally, it was stated that 'the consequence was that the men deserted and lived by plunder and that the women were in a dreadful state of disease, and complained of this treatment'. The various authorities denied all these charges, and Dr West supported their claim by saying that while a number of men were suffering from venereal disease, none of the women were infected.
The *philanthropy* and *purity* of these benevolent enthusiasts have inflicted a deeper injury on the morals of the people, have occasioned more detriment to the Colony, and have tended more to neutralize the industry of all classes, than the most indiscriminate intercourse among the sexes could have accomplished, or the best efforts of sound policy will for years have been able to repair ... Instead of encouraging marriages, instead of adopting wise measures for promoting legal and moral compacts, so essentially important to the accumulating necessities of the Colony, the whining hypocrites of the day set up the howlings of impure faith, the ravings of fanaticism, and the frenzied mockery of religion. The cry was raised against existing abominations; the bad system was abolished, but a worse order of things ensued; and demoralization and crime increased; the sacred rites of the Church were nominally upheld, but offences against God and man were committed with tenfold enormity.

Thus, by their insistence on secluding the women in the factory, instead of allowing them to move into normal society, the reformers had forgotten to choose the lesser of the two evils: they may have prevented indiscriminate intercourse between the sexes, but they made the women useless to themselves, no better morally, and a burden on the community, while depriving the men of female companionship. 82

Another, though less reputable journal, the *Blossom*, also took up the cudgels on Brisbane's behalf. The editor, John Walker Fulton, denounced the reformers who had criticised Brisbane's scheme and appealed to 'the laws of God' to show that the separation of the sexes was unnatural and likely to 'rear a second Gomorrah' in their midst. He claimed that the attack on Brisbane was spearheaded by Surgeon James Hall, R.N., whom he lampooned in the following extract:

> Surgeon Hall, a sanctimonial canter, a professional

---


82. *ibid.*
subsidiary of the notable Mrs Fry, on visiting the Colony in a female convict ship ... spent sundry dry sharp frosty nights among the sedgy flats and river banks in the neighbourhood of Emu Plains, in order to watch with a scrupulous and impatient eye over the virtue of the fair inhabitants of the Settlement.83

Whether or not the accusations laid against Brisbane were justified will probably never be known, for the truth seems to have been lost in the web of claims and counter-claims, accusations and denials, official statements and private notes left by the opposing factions, both of whom had good reason to manipulate the facts in order to promote their own interests in the broader issues of who was to control the colony – the governor or the exclusives.

A major problem in the factory was the provision of suitable personnel to supervise the women. Oakes continued to manage the new factory, with the assistance of a matron, Mrs Ward, who was appointed in 1821, but in July 1822, following allegations that he had been disrespectful to the resident magistrate, Hannibal Macarthur, Oakes' appointment was terminated.84 For the next two years the factory was supervised by William Tuckwell, a young man born in the colony.85 By then the Colonial Office had begun to take note of Elizabeth Fry's recommendations and in 1823 a law was passed stating that henceforward qualified and reliable women were to be appointed to supervise females in British

85. *Sydney Gazette, Vol. xx, No. 982, 11 September 1822; Bigge Report, P.P. No. 448, 1822, loc. cit., p. 73. Bigge regretted this decision, as he thought Tuckwell 'possessed neither the experience nor energy for conducting such an establishment'. 
gaols. As a result, Mrs R. Fulloon was appointed in May 1824, to replace Tuckwell, who remained on as Store-keeper. She gained the reputation of being a competent matron, though her retirement in 1827 was marked by a major riot in the factory. But a transition to the reformers' wishes had been made and, through the remaining period of the factory's history, a matron was always appointed to control the women.

The factory regulations endorsed a visiting policy similar to that advocated by Howard. The Resident Chaplain and the Magistrate of Parramatta were to share the responsibility for making weekly visits to the factory to check on the state of the establishment, to hear charges against badly behaved convicts and to order suitable punishments for those found guilty of misconduct. In 1821, within months of arriving in Sydney, Dr Henry Grattan Douglass was made a magistrate, appointed Officer-in-Charge of the Colonial General Hospital at Parramatta, and given responsibility for the supervision of the factory in his role as Visiting Magistrate and Surgeon. Marsden, who had long considered the factory as part of his bailiwick, resented Douglass's intrusion and a feud developed between the two men which was

88. *Tuckwell replaced the Secretary, Mr Fulloon, from 19 October 1825. Sydney Gazette*, Vol. xxiii, No. 1147, 20 October 1825.
89. *Mrs Fulloon remarried during her term at the factory and after her retirement as Mrs Raine, established a boarding and day school for young ladies in 12 O'Connell Street, Sydney. Sydney Gazette*, 6 January 1831, Vol. xxix, No. 1, p. 916.
to have far-reaching consequences and it was not until a Committee of Management was appointed in 1826 that Marsden again took an active part in the supervision of the female convicts.

Another serious problem was the provision of suitable and effective punishments. Macquarie envisaged the establishment as a 'factory' rather than a 'penitentiary', but the refractory behaviour of the women and the need to maintain order within the factory forced him to punish infringements of discipline. The 1821 regulations authorised solitary confinement on bread and water for serious misbehaviour, and six solitary confinement cells were constructed. Theoretically these cells were places of severe punishment - they were clean and dry, but quite dark and contained only one piece of furniture, a deal board on which the prisoner could rest - but in fact they were readily accessible to the other women who passed on gossip and titbits of food to the cells' occupants. Brisbane issued plans to use the women of the Crime Class to operate a

91. The feud that developed between Marsden and Douglass will be discussed in more detail in ch. 8. See also, Bigge Report, P.P. No. 448, 1822, loc. cit., pp. 90-96; Statement, Including a Correspondence Between the Commissioners of the Court of Enquiry, and the Rev. Samuel Marsden, Relative to a Charge of Illegal Punishment Preferred Against Doctor Douglass, Held at Parramatta, in July 1826, Sydney, 1828. See also, Yarwood, op. cit., pp. 228-250.


93. 1821 Regulations, op. cit., No. 15.
treadmill, though the idea was never implemented. Instead the women were set to break stones for the streets of Parramatta, though this never proved to be a very effective punishment, for the women generally managed to break the wooden pickaxe handles faster than they could be replaced. Women in the other classes were punished by a reduction in rations and demotion to the Crime Class. Corporal punishment was forbidden, but the magistrates occasionally resorted to unusual and harsh punishment to degrade their prisoners. On 11 October 1815 Bridget Rook and Margaret Murphy were ordered to be chained together for the theft of a gown from Mary Carney 'until the gown is restored to the proper owner'. In December 1821, for absconding from the factory, Catherine Riley was sentenced to one week's solitary confinement on bread and water, to be followed by being chained to a log and having her head shaved. Within a month Latita Waddle, another absconder, was sentenced to the same punishment. Other women were sent to Coal River, where they were forced to wear collars of steel, or to the penal station at Moreton Bay. Perhaps the most effective punishment was the shaving of the head and the wearing of a cap of disgrace. The women resented this assault on their

94. Brisbane to Bathurst, 28 April 1823, H.R.A., S. 1, Vol. xi, p. 76. There was a treadmill for the men in the Carters' Barracks, Sydney.


98. T. Mellish, A Convict's Recollections of New South Wales, 1825, p. 54.
beauty, which they believed shamed them before their companions. 99 Punishments inflicted during this period were irregular and not subject to a properly organised penal code. The reformers were far away, the authorities too busy, the populace unconcerned, and the women themselves politically impotent. Except for a major miscarriage of justice, the magistrates and the factory personnel were rarely questioned about the severity or the effect of their sentences. 100

The overall effect of the reformers' influence was not strong during this period of the factory's history, yet it was to foreshadow changes which would come to fruition during the next 30 years. For the period 1804-1825 the role of the female factory as a penitentiary was subordinate to its role as a manufactory—a role which had developed so strongly during the period of the first factory as to determine the character of the new factory, both in its physical structure and its managerial organisation. In theory, the female prisoners were to be taught to read, write and cipher, and to acquire skills which could promote in them a desire for reform, fit them for a future life of honesty and contribute to the welfare of the community as a whole. 101 In reality, they were offered little more than the opportunity to acquire and practise skills which would enhance their usefulness, either to the government as labourers within the factory, or

100. Correspondence Between Commissioners ... and Marsden, op. cit., passim. See also, ch. 2, for Jane New case and ch. 8 for Ann Rumsby case.
to wealthy settlers as competent household servants. The literacy campaign was entrusted to the voluntary efforts of any prisoners who had chanced to gain some degree of education.\(^{102}\) The reason for this was obvious. In the early history of New South Wales emphasis was placed on the exploitation of the land and on the development of primary industries and the labour force had to be appropriate to these demands. Thus, whereas trained female servants were in constant demand to ease the burden of life in harsh and often uncongenial surroundings, there was virtually nothing that experienced industrial workers could contribute to the economy of the infant colony. With this in mind, the establishment of a factory may seem to be a contradiction in an otherwise industrially underdeveloped land. It must, however, be seen as a 'domestic' arm of the colonial government establishment, for the cost and unreliability of obtaining from Britain supplies of cheap clothing for the convicts made it imperative that a local source of supply be found. Furthermore, by employing the women in this way, the expense of their upkeep could be defrayed from the colonial revenue rather than from funds derived from the Home Government.\(^{103}\) At the same time the coarse quality of the 'Parramatta' cloth was such that there was no danger of it competing with the fine cloths imported from England for the use of free settlers, nor of it

---

102. Wm. Palma, 'Remarks suggested by a Visit to the Female Factory ... on 30 December 1836', Mss, D 661/18/11, County Record Office, Stafford, p. 1.

becoming an exportable product in its own right. 104

From the outset, the practical employment of the female convicts took precedence over their rehabilitation and intellectual development. The new prison was still very much 'the factory' and the energies of the management were largely devoted to the advancement of this activity. The new factory contained all the space and equipment necessary for the production of cloth. 105 Tenders for the supply of raw wool and scutched flax, carding combs and oil were published regularly in the Sydney Gazette and every effort was made to ensure that the women were kept hard at work. 106 The overseers were encouraged to coerce the women into exceeding their quotas of work, for, in addition to a small salary, they were rewarded for their efforts through a percentage system whereby they earned 5 per cent each of the profits of the work done by the women. Thus, between 20 July 1822 and 30 November 1824, Tuckwell and William Smith, Master Manufacturer, shared 10 per cent of £7843.17.2½ which represented the value of the work done during this period. 107 The women did not share in this reward, though they were allowed a small payment for the yarn spun in excess of their quota. 108

104. Evidence of James Macarthur, Transportation, P.P. No. 518, 1837, p. 194. No encouragement was given to the fine wool industry before Brisbane.

105. Though not to the point where power-assisted machinery was installed.


108. A.O.N.S.W. 2/855, No. 8, ibid. Between 10 November 1823 and 29 November 1824 the women did 4066 cuts @ 1d each over their set tasks. Evidence of Francis Oakes, 22 September 1820, B.T. Box 1, p. 292.
The success of the factory as a viable manufactory was recognised by the editor of the *Sydney Gazette* who, on 14 June 1822 declared:

A calculation has lately been made ... of the various aggregate expences attending the Factory ... with which Government is unavoidably burdened. This having been done, an estimate was drawn up to shew what has been effected in that short lapse of time by the women employed in the manufacture of cloth. In this female penitentiary ... the inmates being comfortably clothed, well fed, and otherwise happily accommodated, the expences must unavoidably be heavy; but it is pleasing to report that upon balancing the work performed by the women with the Sum expended by the Government the sum of £13, and upwards, appeared to be in favour of the Factory although 6d. per lb was allowed for the wool, and only half-a-crown per yard allowed for the manufacture of 60,180 yards of cloth ... 109

By 1825 Brisbane claimed that he had implemented Bigge's recommendations for female convicts - they were supervised more carefully on their arrival and during their transfer to the factory; they were assigned under the direction of the matron and magistrate of Parramatta; and a separate building for the Crime Class was almost complete. 110 Nonetheless, the Grand Jurors who inspected the factory on 15 August 1825 thought differently - they complained that no proper water supply had been provided; the bread was of an inferior quality; there was a shortage of clothing and shoes; iron bedsteads were lacking; the young children suffered through want of better food and a nursery where they could be kept warm and dry - despite the fact that they 'were informed that the Factory was a very profitable Establishment'. 111

---

response seems to have been made to the Grand Jury's presentment and the situation remained the same when Brisbane retired.

The concept of the female factory as a manufactory of woollen and linen cloth was about to be eroded by the combined effect of two changes in government policy. The first of these was the reversal by the Home Government in 1822 of a decision made in 1819 to raise the duty on colonial wools imported into Britain from 1d to 3d per pound. This decision hastened the development of Australian wool exports and made the colonists reluctant to allow their ever-improving clips to remain in the colony when they could be sold more profitably overseas. The second change was the banning by the Colonial Government in 1826 of the percentage payments on the work of prisoners, thus removing from the overseers the incentive to coerce the women into maximum productivity.

The effect of these two decisions was not felt immediately, but they were to create a crisis in the factory which was to lead Brisbane's successor, Lieutenant General Ralph Darling, to reorganise the establishment, a reorganisation which was gradually to tip the balance in favour of the factory being more a penitentiary than a manufactory.


CHAPTER II

THE SWEETS OF INDUSTRY

New South Wales, 1826 - 1831

Unless the time of these poor females, who have abandoned themselves to idleness and vice, be fully occupied while they are in prison, there can be little or no hope that their confinement will lead to their reformation ... We cannot promote the reformation of such persons more effectually than by making them experimentally acquainted with the sweets of industry.


The Macquarie era had witnessed the gradual transformation of New South Wales from a small penal settlement to a relatively prosperous and burgeoning colony. As a result of this expansion both Brisbane and Darling were unable to maintain the same degree of direct personal participation in the details of colonial administration as Macquarie had shown. Determined to avoid the chaos of the Brisbane administration when subordinate officers had refused to support the governor's decisions and when 'every Department appeared to act for itself, without check or control, and ... without any apparent responsibility',\(^1\) Darling established in 1826 a 'multiplicity of forms, checks and counter-checks'

---

to ensure the efficient running of the colonial government. 2

The Parramatta female factory was included in Darling's reorganisation of the colonial administration and, for the first time, a serious attempt was made to define and to remedy the deficiencies in the management of female convicts. The managerial structures and the economic function of the factory were reviewed and stricter controls over the punishment and distribution of the women were introduced. During this period the role of the factory as a refuge and workplace for unassigned female convicts remained predominant, but the foundations were laid for the gradual conversion of the institution from its rather catholic purpose into an unalloyed penitentiary, though this change was not fully accomplished until the administration of Governor Sir George Gipps. 3

Shortly after his arrival in the colony, Darling, who had access to Brisbane's papers, and who may have read the Grand Jurors' report of their visit to the factory, 4 appointed a second board:

2. Introduction, H.R.A., S. 1, Vol. xiv, p. xvii. Frederick Watson, in this introduction to the despatches of Darling, commented: 'Reforms were urgently required and Darling was appointed governor with instructions to introduce them. Owing to his training, Darling was perhaps the wrong man to have chosen for the duty. His long experience as a military staff officer had accustomed him to the precise forms of military administration, and, when he reorganised the civil departments in the colony, he erred somewhat in the multiplicity of forms, checks and counter-checks, introduced as part of the daily routine of the public offices. From the semi-chaos of the last years of Sir Thomas Brisbane's administration, there was a rapid change to an excess of "red tape".'

3. This transformation will be discussed in detail in ch. 3 of this thesis.

to inquire into the conduct of that Establishment, and ascertain what alterations would be necessary in order to its being placed on a better footing.5

This time the board's recommendations were not allowed to lapse, but were incorporated into a Minute which Darling presented to the Executive Council on 15 August 1828.6

This Minute, together with the record of the Executive Council's discussion and the covering despatch forwarded to Bathurst, concentrated on the major and recurrent problems of the female factory. Darling realised that much of the managerial inefficiency and inadequate conditions which existed in the factory could have been avoided if an independent supervisory authority had been appointed with powers to develop and implement policies for the control and punishment of female convicts and with the means to correct deficiencies in the system as soon as they became apparent. He therefore appointed a Board of Management with full authority over the factory, subject only to the provisions of the law and the ultimate responsibility of the governor and his council. This board was to make weekly visits to the factory, to report to the governor twice yearly on the state of the institution and to devise ways in which the management and discipline of the female convicts could be improved. Drawn from the ranks of prominent citizens, the board served with credit throughout the Darling administration.7

5. Darling to Bathurst, 3 September 1826, H.R.A., S. 1, Vol. xii, p. 524.
6. ibid., p. 526.
The completion of the new factory had formalised the government's reluctance to withdraw supervision from female convicts unless they married or were assigned to private service. At the same time, the demands of religion and morality had to be upheld by the state and, even though for many couples marriage might be nothing more than an economic proposition or the road to greater freedom, liaisons had to receive the sanction of the church before they could be officially recognised by the government. These factors, combined with the transportation of larger numbers of female convicts, contributed in the 1820's to the increase in the number of women confined to the establishment. Darling had either to make proper provision for accommodation and employment within the factory, or to bring about a reduction of committals. Failing that, he had to devise new ways of appropriating surplus females, but in a way which would neither offend the established order, nor place an additional financial burden on the colony.

The first step in solving the dilemma had been taken by Brisbane who, under pressure from the Home Government to introduce a system of classifying the women along the lines recommended by Elizabeth Fry, had, by July 1825, completed a new wing at the factory to house and completely segregate the 60 women who were then in the crime class. At the same time a new class system was introduced which was to remain

8. Bathurst to Brisbane, 9 September 1822, H.R.A., S. 1, Vol. x, p. 789. Bathurst insisted 'That at Parramatta it is absolutely necessary that Classification should be established ...'.
in force until the factory closed in 1848. It simplified the system of classification developed by Macquarie in 1821, but continued to categorise the women on the basis of their economic usefulness rather than on their potential for moral reformation. The third, or crime, class absorbed the women who were found guilty of secondary offences, together with females who were reputed to be incorrigible. During their imprisonment, generally for periods of from three to twelve months, these women came under 'more ... restraint than the other Women, and all indulgence of Tea, Sugar, &c [was] withheld', their heads were shaved and, as in the earlier period, they were allocated tasks of a degrading and stultifying nature to increase their sense of punishment. The second class was composed of women sent to the factory for minor offences, together with those who, having completed a term of punishment in the crime class, had to undergo a period of probation before becoming eligible for release. Successful probationers were transferred to the first class to join the women who had been returned to the factory for reasons beyond their own control and whose conduct was thereby regarded as being beyond reproach. Both classes were


11. Brisbane had planned to introduce the treadmill for the crime class but this plan never eventuated. Brisbane to Bathurst, 28 April 1823, H.R.A., S. 1, Vol. xi, p. 76. The picking of oakum and the crushing of rocks was continued, see ch. 1, p. 38. See also, Sydney Gazette, Vol. xxiii, No. 1161, 8 December 1825, p. 1. In a directive to the Committee of Management, dated 12 December 1826, the Colonial Secretary stated that: 'the regulation of cutting close the hair should be confined to Women who are Prisoners of the Crown'. A.O.N.S.W., C.S.O.L., 4/3716, No. 8298, p. 18. A further directive, dated 20 January 1827, stated that all prisoners in future were to have their hair cut on first committal to the Penitentiary Class. A.O.N.S.W., C.S.O.L., 4/3716, No. 105, p. 119.
employed in the spinning of yarn, but only the first class
women, who had proved that they were amenable to a full day's
labour - either by serving previously without fault, or by
proving their willingness to amend their ways by passing
their period of probation - were eligible for assignment to
private service or could be granted permission to marry from
the factory.12 Pregnant women and nursing mothers continued
to be confined in the factory, though initially no set rule
was laid down concerning the class to which they were to be
sent. Some were apparently allocated directly to the first
class, for the Board of Management announced in 1829, when
the rules for the award of tickets-of-leave were being
reviewed, that pregnant women not living with their husbands
should be sent to the second class lest the bearing of an
illegitimate child should become the means of a convict
obtaining a ticket-of-leave. From then on the second class
and the factory hospital became the refuge for these women
and their infants, and the factory as a whole earned the
reputation of being a lying-in hospital, even though the
second class never exceeded a third of the total number of
women in the factory, and many of the children who appeared
on its registers had been born in Britain.13

xxvii, No. 1706, 5 September 1829. John Dunmore Lang, An
Historical and Statistical Account of New South Wales, Both as
a Penal Settlement and as a British Colony, London, 1834,

13. Proclamations, New South Wales, 1830, loc. cit., Government
Notice, p. D 21; 'Letters from New South Wales Colonial
Secretary to Bench of Magistrates', M.L. A 664, Circular 29/44,
4 September 1829, p. 46; Sydney Gazette, Vol. xxvii, No. 1634,
19 March 1829; Circular letter dated 11 September 1829,
in Secondary Punishment, P.P. No. 82, 1834, loc. cit., p. 82.
The new classification system and the segregation of the third class did not solve the problem of overcrowding in the factory and the Executive Council suggested that a hulk be moored in the Parramatta River to relieve the situation. Darling was quick to reject the suggestion, not on the grounds that it would be harmful to the women, but because in the long term it would be cheaper and more satisfactory to build additional permanent cells to meet the need.14

The Board of Management proposed further alterations and extensions necessary for the total separation of the three classes, and, by mid-1828, the construction of offices, a porter's lodge, workshops and a dining hall for the third class were completed and the wall was raised to a height of 16 feet. The final touch was the installation of a force pump to distribute water to each separate section of the factory, thereby denying the women even this excuse for gathering together. Darling boasted to the Secretary for War and the Colonies, William Huskisson, that:

I have now great satisfaction in Reporting that the Establishment is at length rendered as complete as could be expected; and I trust the efficiency of the Measures which have been adopted will be admitted ...15

Brisbane and Darling had succeeded in classifying the women, but they had both missed the crucial point in Elizabeth Fry's recommendations - that the women should be classified, not on the immediate reason for their admission to the factory, nor on the basis of their economic value, but

according to their real degree of criminality and the long-range hope of their being reformed. Thus the women were to be subject to 'vigilant and unremitting inspection' and any change in their classification was to be made by the officers - with the advice and under the superintendence of a Ladies' Committee - and was to reflect the changes in the convict's conduct. 16 In explanation of this omission in the classification scheme used at the factory, it must be seen that any implementation of Elizabeth Fry's plan would have required the keeping of comprehensive records and a degree of expertise on the part of factory personnel which was simply not available in the colony at the salary level the government was prepared to pay.

Another important issue raised by the 1826 Board of Inquiry was the aggravation of social problems brought about by the very existence of the factory. Darling brought the problem to Bathurst's attention in his covering despatch:

I am sorry to observe that the disposal of the Women in an eligible manner, though most desirable, is extremely perplexing and embarrassing. Crimes, which are the consequence of men of depraved and vicious habits being assembled in bodies and secluded, as it were, from the World, are I apprehend very common; and the difficulty of counteracting the evil with the necessary attention to morality and decorum appears almost insurmountable. While the disproportion of the sexes generally is extreme, there are not less than three hundred Women immured in the Factory, some of whom, from their conduct when at large are necessarily kept in confinement, and the others have but little, if any opportunity of being married. 17

Had admission to the factory been restricted to those

17. Darling to Bathurst, 3 September 1826, H.R.A., S. 1, Vol. xii, p. 525.
women, convict or free, who were convicted of criminal
offences within the colony, or even extended to those found
guilty of serious or repeated breaches of convict discipline,
the numbers could have been drastically reduced.\textsuperscript{18} The
trouble was that, though in essence the colony was regarded
as an open prison for transported felons, contemporary society
made no provision for unappropriated females. Women were
expected to progress from the role of daughters to that of
wives and mothers. Single women remained within their own
family-units as spinster sisters or maiden aunts, or were
absorbed by other families as governesses or servants, and
those who achieved a degree of independence beyond these catego-
gories were usually ostracised by 'respectable' society which
assumed that they must be, to some extent at least, immoral.
Convict women were at a double disadvantage. Transportation,
in most instances, severed family connections and deprived
the women of the respectability associated with the institution
of the family.\textsuperscript{19} The assignment system was intended to over-
come this loss by integrating the women into colonial families
as servants, but it failed in many instances because the bad
reputation of the women made their masters uneasy and they
reacted by returning the women to government service at the
first sign of trouble. In 1831 James Busby brought this

\textsuperscript{18} See appendix No. 6 for details of average numbers of women in
classes.

\textsuperscript{19} Darling arranged for the wives of male convicts to join their
husbands but no similar provision was made for female convicts.
Furthermore, it was very difficult for a woman to earn her passage
money home, and unless she was prepared to prostitute herself to a
ship's master her sentence of transportation usually proved to be
a lifetime exile. Enclosure No. 3 dated 17 June 1826, in Darling
to Bathurst, 3 September 1826, \textit{H.R.A.}, S. 1, Vol. xii, p. 528.
situation to the notice of the Home Government when he gave evidence before the Select Committee on Secondary Punishment. He declared that the female convicts were at a disadvantage when compared with the male convicts because:

The demand for her services in a menial capacity is not so great, in proportion to the number at the disposal of the government, as to make it the interest of her master either to induce her to good conduct by the temptation of pecuniary rewards, or to screen her from punishment when deserved.20

The magistrates, for their part, felt duty-bound to uphold the authority of the masters, and complaints against convict servants, however trivial, were rarely dismissed.21

Marriage, which at one stroke could remove the female convict from government responsibility, reduce the number of women waiting to be assigned and curb the immoral conduct of male convicts, seemed the obvious long-term solution, though finding the means to encourage convict marriages without arousing the disapproval of the British reformers - Brisbane had been forced to abandon his plan to promote convict marriages by dispersing groups of females to the male convict gangs - was no easy matter. In July 1826 Darling informed Under-Secretary Hay that:

I have framed some Regulations with a view to encouraging Matrimony, and relieving the Factory, which are important objects, the disproportion of the Sexes being so great; and I am glad to think they have already had some effect. The object may fail in many instances, but, if it succeeds in some, it is worth that experiment.22

22. Darling to Hay, 26 July 1826, H.R.A., S. 1, V.1. xii, p. 450.
Well-behaved convicts married to free men could be assigned to their husbands; if both partners were convicts, every effort was to be made to assign them to the same master.

Another clause provided that:

No woman, being the Wife of a Free Man or of a man holding a "Ticket-of-Leave," is to be kept in the Factory, except under the immediate Sentence of the Law, when she will be confined in the Penitentiary, and, at the expiration of her sentence, will be returned to her Husband.23

Finally, to encourage male mechanics to take convict women as wives, Darling stated that:

Persons who are married and who sleep out of Barracks, will be permitted to work for themselves on Fridays and Saturdays, as a means of enabling them to maintain their Families.24

He was, however, unwilling to give instructions for single women to be released from the factory on the same terms as a number of unmarried male prisoners who were granted leave to sleep out of Barracks and to work for themselves on Saturdays.25

Surgeon Peter Cunningham, writing in 1827, agreed with Darling that convict marriages should be promoted, pointing out that:

mewing these veterans in vice up in the factory, when such a disparity of sexes exists among us, not only tends materially to check the advancement of population in our young community, but gives rise to the most abominable of crimes, while manifestly tending to the seduction and prostitution of our young colonial females, who may be justly said to be sacrificed to the fanciful speculations of preserving an ideal morality among our depraved English importations.26

24. ibid.
25. ibid.
The only solution he could see was the disbanding of the factory and the disbursement of the women, but he recognised the unlikelihood of this happening so long as the colony was ruled from Britain for, in his view, the colonial administration:

was forced into this system by the theorists of the day who, in their zeal for introducing a *millennium* among us, avert their eyes from the gross worldly results to which their Utopian speculations lead.27

Several years later these views were again taken up, this time by another visitor to the colony, John Henderson. He declared that marriage was the best solution to the overcrowding at the factory because, in addition to reducing the number of inmates, it would soften the characters of the women who married, thus making them more amenable to assimilation into normal colonial society.28 He added that a colony which was rich in natural resources, yet devoid of an adequate population to exploit them fully could ill-afford to lose up to half its possible births through a system which encouraged unmarried pregnant women to risk an abortion in preference to being returned to the factory where they immediately lost any claim to a remission of sentence for good behaviour.29 He noted that the government had hitherto avoided any direct moves to force convict women into marriage because of fears that it would tend to increase crime in England, and that the church would denounce any such attempt as immoral and contrary to scripture. He suspected that an

29. see ch. 7, p. 268.
even more important reason was the reluctance of the members of government and the wealthy free settlers to lose their supply of cheap female labour, which was only guaranteed to them so long as the majority of female convicts remained single. Finally, he believed that, had the government taken a stand on this issue, it would have met with easy success, since the unmarried convicts, for the most part, were anxious to find wives for themselves, while the females were in no way coy and were just as anxious as the men to find marriage partners. He proposed that the female convicts be divided into three classes: the best and prettiest women to be placed in the first class and offered in marriage to men who had earned the privilege through good behaviour; the second class of women to become the wives of men on an equal footing and the third group to be married off regardless of the cost by providing the remaining men with some inducement to take them as wives, even if the women were 'as old as Methuselah, and as ugly as iniquity'. Henderson was not alone in his view that female convicts should be persuaded, even compelled, to marry for the good of society, regardless of their own feelings in the matter. G.H. Hammersley, in an undated manuscript entitled 'A Few Observations on the Situation of the Female Convicts in New South Wales', wrote:

it will be found that nothing would meliorate the situation of the female prisoners as much as matrimony. This would even preserve many men from Hunger and Nakedness, from Chains and Prisons and from Corporal Punishment and the Gallos (sic) ... Matrimony would lessen these Evils (jealousies, thefts, intrigues, etc.) by giving the woman and her children a common interest

31. ibid., p. 22.
in the Property of the man ... [It] would stimulate her to Industry, excite her Frugality, and attach her to her Husband, as well as guard her against the Insinuations of the Seducer.\(^{32}\)

In whatever form it was proposed, marriage was seen as the panacea for the problem of disposing of unappropriated female convicts. The financial burden of supporting a married female convict would be transferred from the government to her husband, if he were a free man or a ticket-of-leave holder, or through him to his master who became responsible for the maintenance of the wives and families of male convict servants.\(^{33}\) It was firmly believed that the characters of both parties would benefit from marriage and be assisted to reform, for the ultimate good of the whole community.

Finally, marriage alone would restore the fallen convict woman to her proper place in society - as a wife and mother - and, by placing her under the surveillance of a possessive husband, would prevent her from reverting to her old habits.\(^{34}\)

Darling's proposals to reduce the number of inmates by promoting convict marriages had little effect. During the latter half of 1827 only 13 women were married from the factory, one more than the number for the corresponding


\(^{34}\) Henderson, op. cit., p. 18.
period in 1828. Moreover, the first three years of Darling's administration saw a rapid increase in the number of prisoners, that is, from 226 women and 15 children on 31 December 1825 to 537 women and 71 children on 31 December 1828, brought about by the transportation of 1074 females from Britain during the same period. His regulations appeared to have reduced the incidence of convict marriages in general, for in 1831 Rev. Thomas Hobbes Scott, Archdeacon of New South Wales from 1824 to 1829, informed Lord Howick that:

Latterly the restrictions and impediments, made with laudable views, have had the opposite effect intended: and concubinage again has become very prevalent.

The Board of Management, alarmed by the increase in the number of women in the factory, considered in their report

35. Darling to Huskisson, 15 May 1828, and Darling to Murray, 18 February 1829, H.R.A., S. 1, Vol. xiv, pp. 186 and 653 respectively. Letters in A.O.N.S.W., C.S.O.L., 4/3717 and 4/3718 for 1828 and 1829 show that permission to marry was given to 181 couples, but the records do not state how many of these marriages involved factory inmates, or how many were between a convict (male or female) and a free person. Furthermore, the fact that permission was granted did not necessarily mean that the marriage took place. The lists forwarded to the Committee were rather in the nature of reference lists for the purpose of checking the women's status, and to hasten the arrangements when the couple requested that the ceremony take place.

36. The figure for 1828 included 36 free women who had been confined to the factory, as to a house of correction. Darling to Murray, 18 February 1829, H.R.A., S. 1, Vol. xiv, pp. 651, 653.


38. Col. Sec. to Committee, 16 January 1829, A.O.N.S.W., C.S.O.L., 4/3718, No. 29/22, p. 41. Darling to Murray, 18 February 1829, H.R.A., S. 1, Vol. xiv, p. 651. Darling himself may have been responsible for the increase in the number of convicts sent to the colony. In his evidence to the Select Committee on the Police of the Metropolis on 17 March 1828, J.H. Capper declared that Darling had requested more convicts 'in consequence of his entering fully into the first intentions of the Government, in making New South Wales a penal settlement' and that, to reduce the disparity between the sexes, all women who were sentenced to transportation should continue to be sent out unless poor health or old age prevented the sentence from being executed. Evidence of J.H. Capper, 17 March 1828, Police of the Metropolis, P.P. No. 533, 1828, loc. cit., pp. 102-103.
of 19 January 1829 ways in which the distribution of the prisoners could be accelerated. Their first proposal for change came into effect on 17 March 1829 in a government order:

With the View of encouraging good Behaviour among Female Convicts, HIS EXCELLENCY the GOVERNOR has been pleased to direct, that the existing Regulations relative to the granting of Tickets of Leave shall be modified with respect to them, and that they shall be allowed that Indulgence, after the following periods of uninterrupted good Conduct in Service, in the Married State, or as Monitresses in the Factory, Viz:—

A Female under Sentence
for 7 years, after 2 years;
for 14 years, after 3 years;
and for Life, after 4 years.39

At the same time the fee of 2/8d levied on all tickets-of-leave was abolished.40 The new regulations were supplemented by the promise of a reward to all women who maintained unbroken good service either as a servant or in the married state. The money for this was to come from a fund established for the purpose by a Committee of Ladies which had been formed under the leadership of Mrs Eliza Darling during 1828. Payments were to be made at the rate of £1. 5. 0 for a minimum of two years' service, and 15/0d for one year.41 Not wishing to keep the women in the factory longer than necessary, Darling agreed to allow 'the best conducted women permission to go out for a time and look for persons to take them into their employment'.42 The combination of these

40. N.S.W. Colonial Secretary - Statistical Information 1828, and 1828 Blue Book, No. 2/867, p. 22.
An Hour in Newgate,
decisions had some success whereas earlier efforts had met with failure. In July 1830 Darling told Sir George Murray, Secretary of State for the Colonies, that the number of women in the factory had been reduced to about 400, despite the arrival of a further 324 women during the preceding six months. During the same period, 62 women received tickets-of-leave, more than 40 were rewarded by the Ladies' Committee, and a further 163 female prisoners married free men or holders of tickets-of-leave.43

A second question raised by the Board of Management in 1829 was the number of inmates who, in their opinion, should not have been maintained at government expense. These included illegitimate children who remained in the factory until they were old enough to be removed to the government orphanage. The Board considered that:

some measure might be adopted to oblige the Fathers to provide for their illegitimate offspring by the payment of a sum of money, or a weekly rate for its support ...44

but doubted if such a stand could be taken because the women:

would not hesitate to swear their children to any one; and, in the case of a Master turning away servants ... they might not infrequently accuse him of being the father of their children.45

This reservation won the day and the Board's suggestion was never implemented. Another recommendation, that of forcing husbands to remove their wives from the factory immediately


44. Darling to Murray, 18 February 1829, *H.R.A.*, S. 1, Vol. xiv, p. 654. It must be noted that not all the children were colonial illegitimates. See ch. 7, p. 266.

after the termination of their sentences, had greater success, and, on 9 September 1829, the governor and council endorsed 'An Act to compel Married Men to withdraw their Wives from the Female Factory at Parramatta, or to maintain them after the expiration of their Sentence'. This Act allowed three days for the removal of such women from the factory or the payment of 2/6d per day if they remained there beyond the three-day period.

Apart from responding to suggestions by the Board of Management, Darling was prompted to ask for new legislation to be drafted as a direct result of the activities of one convict woman. Jane Henry, alias Maria Wilkinson, was sentenced to seven years transportation in Chester in 1822 and arrived in Van Diemen's Land in 1825. There she remained until October 1827, when she was granted permission to accompany her husband, James New, whom she had married in the colony, to New South Wales. On 5 January 1829 Jane New was tried and sentenced for theft from the dwelling house of Madame Renns, the sentence of death was recorded against her and she was transferred to the female factory at Parramatta as a transportee convicted of a colonial offence. Her assignment to her husband was revoked. The Chief Justice questioned the validity of the conviction on the grounds that the governor had no jurisdiction over her as a convicted felon

46. 10 Geo IV, No. 5, dated 9 September 1829, in Proclamations, New South Wales, 1829, loc. cit.
47. J. Stephen, Petition to the House of Commons and the Correspondence with the Colonial Department, on the Charges Preferred by Lieutenant-General Darling, Governor of New South Wales, Against John Stephen, Jun., Esq., etc., London, 1830, p. 42.
because she had not been transported to New South Wales, and that therefore she should have been treated as a free woman convicted of a first offence. A Writ of Habeas Corpus was taken out on her behalf and heard in the Supreme Court on 21 March 1829. The Judges decided that she should be remanded in custody pending her removal to Van Diemen's Land, but she escaped and was subsequently recaptured in Liverpool. She escaped a second time from the factory on 5 April and was never recaptured. When it was rumoured that John Stephen, junior, Commissioner of the Supreme Court, had aided and abetted her to escape, the house of Amos Crisp, of Minto, who rented an apartment to Stephen, was raided: women's clothes were found and the bed was still warm, but no woman was discovered. A search of the premises revealed two separate documents, written and signed by Stephen. The first was a certificate of freedom in the name of Jane New, dated 27 April 1829; the second a similar statement in the name of Mrs Dickson, dated 10 May. Crisp claimed that the woman who had occupied the room was Mrs Dickson and that he knew nothing of Jane New. Stephen gave a lengthy account as to how he happened to have both documents in his residence, but Darling disbelieved his story and removed Stephen from office. The ramifications of this case, though Jane New herself disappeared, continued for another twelve months, with new legislation being passed - I Wm IV, No. XXXIX,

50. ibid., pp. 26-29.
dated 16 July 1830 - by which authority over convicts who
removed themselves or were removed officially to another
colony was vested in the governors of both places.52

Darling decided to revise the rules relating to the
assignment system, since inadequate control had led to
abuses in the distribution of the women, and to the wastage
of government revenues, as the cost of removing servants,
appointed and dismissed with unwarranted frequency, was
charged to the state. A government order issued in 1813 had
required that a bond be entered into for the proper main-
tenance of convict servants, but little attention seems to
have been paid to it, and until the Brisbane administration,
assignment was often a matter of patronage.53 During 1825
three orders were issued, placing the distribution of the
women in the hands of the matron, subject to Council approval,
provided a proper application form was completed.54 Once
again the orders seem to have been disregarded and in
February 1826, Darling issued another notice reminding pros-
pective masters that all applications for female servants
should be forwarded to the factory and that, where the
applicant was not sufficiently well-known, his request should
be accompanied by a character reference signed by a

52. I Wm IV, No. XXXIX, dated 16 July 1830, An Act to Amend an Act
passed in the Fifth Year of His present Majesty, for the
Transportation of Offenders from Great Britain; and for punishing
Offences committed by Transports kept to labour in the Colonies,
in Proclamations, New South Wales, 1830, loc. cit.

53. Government and General Order, dated Sydney, 24 July 1813, and

54. Government and General Orders, dated 22 June, 13 July and 14
December 1825 and published in the Sydney Gazette, Vol. xxiii,
Nos. 1127, 1130 and 1163 respectively.
magistrate, a clergyman or a prominent settler. Still the settlers ignored the regulations and in November of the same year Darling warned them that in future no application would be processed unless it was on the proper form, and that those who, having been granted servants, failed to make suitable arrangements for their collection would be denied further applications. While his action regulated the assignment of women, it did not prevent settlers from returning them to government service for insignificant breaches of discipline. Thus, in February 1830, Darling issued another government notice stating that:

Whereas very great Inconvenience is occasioned by the frequent Changing of Male and Female Convict Servants, and particularly of the latter, by the Persons to whom they are assigned, and ... often ... without any adequate Cause, His Excellency the GOVERNOR ... is pleased to direct ... that, in future, Persons to whom Convicts are assigned, or lent, shall be required to defray all Expenses attending their return to Government, excepting only in such Cases as they shall be committed for Trial, or ordered by one or more Magistrates to be punished for some Offence.

Apart from these regulations, the request for female convict servants was left to individual settlers. At the height of the overcrowding in 1829, Murray suggested to Darling that the women be dispersed by compelling 'every Settler to take off the hands of Government one Convict Woman for every two, or for every three men who may be assigned to him'. Darling rejected Murray's proposal, declaring that many of

the women would be returned to the factory in a state of 'destitution and disease' if the settlers were forced to take them unwillingly. Fortunately for Darling, improved economic conditions following the recession of 1828-29 had led to an increased demand for female convict servants, enabling him to dispose of more women than usual by reducing, from 11 May 1830, the probationary term in the second class from three to two months. In addition, depending on demand, special orders were issued for the immediate assignment of the best-behaved women in the second class, and between 26 August 1830 and 14 March 1831 orders were given for 285 women to be assigned in this manner. These measures proved so successful that in April 1831 the government was able to announce that all women without children in the first and second classes had been assigned and that settlers still requiring servants could, if they chose, accept women with children. Finally, from 28 May 1831, the

61. McLeay and Harington to Committee A. N.S.W., C.S.O.L., 4/3719 - orders for the transfer of women from the second to first class took place on:
   26 August 1830 - 25 women (No. 30/302, p. 38)
   6 December 1830 - 30 women (No. 30/425, p. 138)
   21 December 1830 - 30 women (No. 30/451, p. 157)
   10 January 1831 - 60 women (No. 31/11, p. 183)
   18 January 1831 - 40 women (No. 31/20, p. 193)
   14 February 1831 - 30 women (No. 31/53, p. 223)
   22 February 1831 - 30 women (No. 31/70, p. 233)
   28 February 1831 - 20 women (No. 31/81, p. 241)
   14 March 1831 - 20 women (No. 31/95, p. 252).

See also, Harington to Committee, 31 March 1831, No. 31/22, p. 276.
privilege of marriage, previously restricted to women in the first class, was extended to women confined in the second class. 63

Another issue raised by the 1826 Board of Inquiry was the need to provide the women with a ration sufficient for the maintenance of good health without erring on the side of generosity: any extravagance was to be avoided if the running costs of the factory were to be kept within the limits imposed by an already heavily committed colonial budget. The Board of Inquiry declared that the existing ration—1 lb bread, ¼ lb meat, ¼ oz tea, ½ oz sugar and 1 oz salt per day—was quite inadequate and recommended a substantial increase in the allowance. In addition it proposed that a distinction be made between the rations given to the assignable women and those given to the crime class, thereby harnessing the sustenance of the women to the overall disciplinary procedure within the factory. The daily rations proposed by the Board were:

<table>
<thead>
<tr>
<th>1st and 2nd Class</th>
<th>3rd Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>⅔ lb Wheaten Bread</td>
<td>⅔ lb Bread (⅔ wheaten and ¼ Indian corn)</td>
</tr>
<tr>
<td>¼ lb Fresh Meat</td>
<td>¼ lb Fresh Meat</td>
</tr>
<tr>
<td>1 lb Green Vegetables, or</td>
<td>1 lb Green Vegetables, or</td>
</tr>
<tr>
<td>½ lb Potatoes</td>
<td>½ lb Potatoes</td>
</tr>
<tr>
<td>1 oz Flour to thicken soup</td>
<td>1 oz Indian Corn Meal to thicken soup</td>
</tr>
<tr>
<td>¾ oz Tea for morning and evening</td>
<td>¾ oz Indian Corn Meal</td>
</tr>
<tr>
<td>½ oz Sugar</td>
<td>½ oz Sugar</td>
</tr>
<tr>
<td>1 oz Salt</td>
<td>1 oz Salt</td>
</tr>
<tr>
<td>1/6 pint of milk</td>
<td>1/8 oz Tea for evening</td>
</tr>
</tbody>
</table>

The Executive Council thought the third class ration excessive and reduced the bread allowance from 1¼ lb to ¾ lb.

64. Darling to Bathurst, 3 September 1826, H.R.A., S. 1, Vol. xii, p. 526.
supplementing it with an additional 4½ oz of corn meal. The tea allowance was deleted. The second class also suffered a reduction, corn meal being substituted for the flour, and the milk ration being withdrawn. Broadly speaking, this diet was retained in subsequent years, though temporary shortages, economy drives and fraudulent dealings made inroads into the quality and quantity of rations supplied to the factory, occasionally with disastrous results.65

Perhaps the most crucial decision of the Darling administration, insofar as the factory was concerned, was the discontinuation of the practice of:

remunerating Persons employed under Government by a per Centage on the Produce raised, or on the Work performed under their Superintendence.66

Under this system the matron had received a salary of £126 plus an average centage of £90 per year. Neither the secretary/storekeeper67 nor the master manufacturer received

65. *ibid.*, pp. 526-7: See also, the annual statements of rations for government establishments as published in the *Sydney Gazette* and later in the *N.S.W. Government Gazette*. Variations to the diet occurred from time to time: for example, on 13 June 1828 an announcement in the *Sydney Gazette* that a shortage of food was imminent resulted in the male convict ration of bread being reduced to 7 lbs per week, with a corresponding cut in the female ration. (*Sydney Gazette*, Vol. xxvi, No. 1516, 13 June 1828.) In January of the same year, the contractor was unable to supply fresh vegetables to the factory, and he was allowed to substitute rice and peas. A.O.N.S.W., C.S.O.L., 4/3717, 11 January 1828, No. 28/13, p. 210. See also, ch. 3 for a discussion of fraudulent dealings during the Gipps administration.

66. Government Notice, dated 31 June 1826 and published in the *Sydney Gazette*, Vol. xxiv, No. 1220, 1 July 1826. This decision was contrary to a recommendation of the *Bigge Report*, see Bathurst to Brisbane, 9 September 1822, *H.R.A.*, S. 1, Vol. x, p. 789: 'He [Bigge] is of the opinion that the local Superintendent should be free and have a certain proportion of the Profit of the Produce sold for the benefit of the Government'.

67. Tuckwell became secretary as well as storekeeper when Mr Fulloon resigned as secretary on 19 October 1825, *Sydney Gazette*, Vol. xxiii, No. 1147, 20 October 1825.
regular wages, but the centage paid to them averaged £180 and £315 per annum respectively. In lieu of these amounts, the Board of Inquiry proposed in the Minute framed by Darling for presentation to the Executive Council that the matron be paid £150, the secretary £100 and the master manufacturer £120. The Executive Council objected to the Board's proposals, pointing out that it was:

of the utmost importance in an Establishment such as the Female Factory, the duties of which are laborious and disagreeable in the extreme, that the remuneration of the persons, employed in the management of it, should be such as to ensure their honest and zealous exertions.

With this in view, they suggested that the matron receive a salary of £200 and each of the men £150. Darling informed the Secretary of State for the Colonies that the latter amounts would be paid to the factory personnel, but later records indicate that they were actually paid approximately what the Board of Inquiry had recommended.

The problem of hiring and retaining qualified staff was thus aggravated and within two years the matron, Mrs Raine,

68. Darling to Bathurst, 3 September 1826, H.R.A., S. 1, Vol. xii, Enclosure No. 1, p. 526. The centage payments were not extended to the matron before the end of 1824.

69. ibid., Enclosure No. 2, p. 527; Sydney Gazette, Vol. xxiv, No. 1220, 1 July 1826. See also the comment in Sydney Gazette, Vol. xxiv, No. 1218, 24 June 1826, in support of the decision on the grounds that: 'we always questioned whether a percentage on the work performed, did not present a temptation to keep the best and most industrious women in the factory while the lazy and worthless were let out to service'.

70. The returns of the female factory as contained in the N.S.W. Colonial Secretary - Statistical Information, 1828, op. cit., pp. 92-3, states that in 1828 the matron was paid £150 and the storekeeper £100. 7. 6.
had resigned and the position of master manufacturer had lapsed, though the services of a clerk were obtained for the outlay of £91. 5. 0 per year. The remaining staff - three monitresses and a portress - were also constantly changing and, during the period of Darling's rule, no less than 25 different women filled these four positions. Darling appreciated the magnitude of the task of keeping upwards of 400 women under control with a staff totalling five women and two men, for on 16 May 1828 he wrote to Huskisson that:

I presume to think, Sir, that no instance can be produced in any part of this world of a like number of prisoners being retained in due subjection by such slender means, or at so very trifling an expense.

That the staff succeeded in maintaining control over the women insofar as they were prevented from free exit and entry is unquestionable. However, the evidence suggests that the withdrawal of the centage system and the paucity of remuneration for the work performed by the staff, at a time

71. Mrs Raine, previously Mrs Fulloon was succeeded as matron by Mrs Ann Gordon on 1 October 1827. By 1831 Mrs Raine had set up a Boarding and Day School for Young Ladies, at 12 O'Connell Street, Sydney, Sydney Gazette, Vol. xxix, No. 1916, 6 January 1831; see also, for notification of her desire to resign, Darling to Hay, 10 February 1827, H.R.A., S. 1, Vol. xiii, p. 104; Returns of the Female Factory, A.O.N.S.W., 4/7327, 1829, n.p.; pension disallowed, 4/3716, No. 150, p. 144; rejection of her eldest daughter's application to be assistant matron, 4/3716, No. 181, p. 161 and No. 495, p. 315; her final departure and the appointment of Mrs Gordon, 4/3717, No. 956, p. 22 and No. 975, p. 34.

72. N.S.W. Colonial Secretary - Statistical Information, 1828, op. cit., pp. 92-3; Darling to Goderich, 26 July 1831, H.R.A., S. 1, Vol. xvi, p. 312.


75. A notable exception was the riot which took place in October 1827, and which will be discussed in detail in ch. 8 of this thesis.
when there was an increasing number of females being committed to the factory, and when the attractions of the expanding wool market sharpened competition for the purchase of Australian wools, crippled their incentive to maintain, still less extend, the production levels which had been reached during the Macquarie and Brisbane administrations. 76

In the absence of a complete set of accounts for the factory for this period, it is difficult to document the exact rate of decline in production, but decline it did, and by 1836 the women had no regular employment apart from necessary household chores and tasks set purely for punishment. An overall profit of £13 had been made during the first 16 months of operation in the new factory, from February 1821 to May 1822, calculated on the production of 60,180 yards of cloth rated at 2/6d per yard, that is, cloth to the value of £7552.10.0. Expenditure covered the supervision and maintenance of the women and the purchase price of the raw wool at 6d per pound. 77 Between 20 July 1822 and

76. The importance of the export market for Australian wool must be kept in perspective, as J. Ritchie points out in Appendix No. v of his book, Punishment and Profit, op. cit. He argues that: 'Far from being well-established, fine wool was in its infancy in New South Wales between 1819-1822 ... The major concern of the New South Wales' pastoralists was the production of beef and mutton for the local market. Because of many hindrances, only those with supplementary sources of income could afford to grow wool for export, and, at this period, the great bulk of that exported was coarse wool which brought disillusioning financial returns' (p. 293). Elsewhere he points out that 'it was not until the end of the 1820s that significant and regular exports of Australian wool were made, and that wool rivalled the commissariat as a source of pastoral income' and that 'it was not until 1834 that wool headed whaling and sealing as Australia's main export industry' (p. 284).

77. Sydney Gazette, Vol. xx, 14 June 1822; Oakes believed that with proper machinery and better fleeces, the factory could have produced 1000 yards of cloth per week, B.T. Box 1, evidence dated 22 September 1820, pp. 293-4.
30 November 1824 the factory was credited with work valued at £7843.17. 2½, the greatest part being calculated on 42,449 yards of woollen and 2268 yards of linen cloth rated at 3/6d per yard. The remainder of the output consisted of convict clothing sewn in the factory, and the manufacture of rope and shoemaker's hemp, each produced in relatively small quantities. If these figures are accurate, then the average production rate per month between 1822 and 1824 dropped to less than half that of 1821-22. A contributing factor may have been the announcement that from 1 January 1823 the proposed duty of 3d per pound on all wool imported into Britain from the colonies would be disallowed, and that the current duty of 1d per pound would be maintained. Certainly the woolgrowers of New South Wales took advantage of the situation, for wool exports to Britain increased from 172,880 lbs in 1822 to 275,560 lbs in 1824 and 552,960 lbs in 1826. The next available set of accounts for the factory are those which accompanied the half-yearly report of the Board of Management at the close of 1828. In this case the value of work done dropped to £1210.10.8 for the

78. Sydney Gazette, Vol. xxiii, No. 1134, 6 October 1825; 'Vouchers to the Treasurers Disbursements, 1822-1824', A.O.N.S.W., 2/855, No. 8 and 2/858, No. 83.


six months ending 31 December 1828, despite the fact that the number of prisoners had more than doubled since 1822. Furthermore, the total expenditure represented almost three times the value of the work done, that is, £3298. 9. 6½. Part of the increased expenditure was due to the rise in the price of rations brought about by food shortages due to the drought of 1827-29, coupled with an over-speculation in the wool trade on the part of landowners. 81 This rise in costs would have been partly offset by a reduction in rations from June 1828 82 and by decreased payments, already noted, to the factory personnel once the percentage system of remuneration had been discontinued. A clear comparison of the accounts is not easy, for the earlier records made an allowance for the value of the cloth produced, even though the actual weaving was done by male convicts attached to the factory through the weaving shop in the Parramatta lumber yard, whereas in the 1828 accounts a little more than half the value of the work done was attributed to the yarn spun by the women and the remainder to slop clothing made up in the factory. 83 If, as was generally allowed, 1½ lbs of yarn was reckoned to equal one yard of cloth, a rough calculation for an average month would amount to approximately 2194 yards, or a little less over the whole year than what was stated early in 1828 to be the average production level, that is,


30,000 yards of cloth.\textsuperscript{84} This comparison, though perhaps not entirely accurate, suggests that the total production of woollen and linen cloth declined between 1821 and 1828, and that the percentage of the running cost which was defrayed by the women's labour dropped during the same period from an overall profit to approximately one-third of the total annual expenditure of the factory. This paralleled the decline in the percentage of the women who were actually employed in productive labour. In 1821-22 all but a few incapacitated women were engaged in the spinning of yarn.\textsuperscript{85} By 1828 the number of women actually employed in the various tasks of the factory totalled no more than half the full complement of females, while of these, between 100 and 150 were engaged as spinners.\textsuperscript{86} Thus there was always a precarious balance between the ability of the management to keep the women busy and the maintenance of a regular supply of work for them to do.

Such a situation may have been the fulfilment of a prediction made in England in 1821 that:

Temporary and partial penitentiary establishments can never procure, in any considerable degree, the means of


\textsuperscript{85} See ch. 1, p. 48

\textsuperscript{86} Darling to Huskisson, 7 March 1828, \textit{H.R.A.}, S. 1, Vol. xiv, Enclosure No. 2, p. 21; \textit{Transportation}, P.P. No. 518, 1837, \textit{Loc. cit.}, p. 194. A contributing factor was the decision made in October 1827, 'that each woman shall in future have the exclusive management of her own children to the age of three years ... and that during that period she shall be employed in some other kind of labour, than that of spinning wool, in order to avoid the supposed bad effects of the atmosphere in the workshops on the children', Col. Sec. to Committee, 15 October 1827, A.O.N.S.W., C.S.O.L., 4/3717, No. 983, p. 40.
rendering profitable the convict work, and of instructing them so, as (at the expiration of their sentence) to enable them to support themselves. 87

Alternatively, these figures may have been the reflection of the new administrative procedures introduced by Darling. 88

It must be remembered that the amounts quoted in the sources represented a transfer of funds on paper for the purposes of bookkeeping and not the value of the goods on the open market: the produce of the factory was transferred to the commissariat stores for distribution as required. The figures given represented the assumed value of the goods to the government and were thereby susceptible to the manipulation of skilful public accountants, particularly if they wished to conceal the fact that certain interested parties were siphoning off part of the profits of the women's labour. 89 The increased valuation given to Parramatta cloth during this period may have reflected a genuine escalation in the value of cloth in general, or it may have been a deliberate attempt to hide the declining production of the factory. The evidence is not clear and caution must be exercised in making definitive judgments about what happened.

Between 1821 and 1832 only one despatch to the Home Government stated explicitly that the management of the


88. Introduction, H.R.A., S. 1, Vol. xiv, p. xix. In July 1827 Goderich gave orders for the colonial accounts to be divided into two parts, (1) the civil administration, to be defrayed from resources raised in the colony, and (2) the maintenance and control of convicts, to be defrayed from bills drawn on the British Treasury.

89. Enclosure, McLeay and Lithgow to Darling, 26 February 1827, in Darling to Hay, 6 March 1827, H.R.A., S. 1, Vol. xiii, p. 144.
factory was having difficulty in maintaining a supply of work for the women to do. This despatch, accompanying the report of the Board of Management in 1828, was one in which Darling told Murray that:

Much pains have been taken to devise means of employment for these women, but their number is now so great it has been found impracticable to furnish them with constant occupation.90

The factory was obviously not a viable economic proposition if it could do no more than meet one-third of its running costs from the women's labour. Nonetheless, the authorities persisted in their view that the difficulties would be resolved if the correct formula could be discovered, and that a permanent solution was imminent. Thus, when in 1829 the members of the Board of Management admitted that:

the labour of the women has not been pushed so far as could be wished,

they hastened to add that:

its value has increased sufficient to diminish the Expense of Maintenance below what it was calculated at the last Half Year.91

The transfer to the factory of two establishments which hitherto had been the preserve of male convicts, was a further mark of the colonial administration's confidence that a rise in production levels could be expected. In 1827 Darling expressed the hope that all convict clothing normally manufactured in the colony would, in the future, be produced in the factory. In June 1828 he arranged for the tailor's shop at the Hyde Park Barracks to be transferred to the

91. ibid., p. 657.
factory, and the following year decided to:

transfer the weaving establishment to the factory, and get rid of the individuals employed in this branch, which would be a saving of the expense of maintenance of about 30 men.

Tenders were called regularly throughout this period for the supply of wool and flax and occasionally for cloth suitable for making convict clothing. The formation of the Committee of Ladies in 1828 was expected to improve the situation still further:

by the adoption of an Evening School, to inculcate moral Instruction, and excite and raise into being a better feeling for their condition, and a desire to improve (by becoming good Servants) their stations in Society.

If the women could be persuaded to behave themselves in service, this would reduce the number in the factory and require less work to keep them occupied. The Ladies' Committee made it a prime objective to solicit work from local families and published in the Sydney Gazette on


94. Tenders were published in the Sydney Gazette and requests included: 20,000 lbs raw wool on 3 June 1825 and 13 January 1827, 1 ton flax on 11 March 1826 and 1500 lbs scutched flax on 29 March 1827. On 17 December 1827 a tender for the supply of washed wool and colonial flax for a whole year was published, and similar contracts were again offered on 3 November 1829. See also, A.O.N.S.W., C.S.O.L., 4/3718, McLeay to Mrs Gordon, 23 March 1829, No. 29/135, p. 100. On 28 March 1829 Mrs Gordon was asked to purchase cloth for 1000 shirts to be made in the factory, 4/3718, No. 29/147, p. 116. On 3 December 1829 the Committee was asked to order a supply of wool to meet the ordinary demands for six months plus a reserve of three months' supply. 4/3718, No. 29/493, p. 332. On 10 December 1829, 800 yards of blue gurrah cloth was ordered for making into dresses for the women. 4/3718, No. 29/507, p. 343.

7 December 1828 a short list of work that could be undertaken by the women and the cost of their labour. The materials were to be supplied by the customers and payment was to be made on collection of the finished articles from the factory.96 A few months later a second, and much longer notice, was inserted in the same paper, and the announcement made that the profits from the women's labour were to be applied to a fund to reward well-behaved convict servants in private service.97

Finally, the type of work set for each class was reviewed and changes were made which would allow for the assignment of the women without disturbing the arrangements for the processing of wool and flax and the manufacture of convict clothing. These changes were described by Mrs Darling in a letter to Elizabeth Fry in the last months of her husband's administration. She wrote:

The Penitentiary Class consists of those women who are under sentence of magistrates for offences ... for three, some four, some six, some twelve months, according to their crime; these are kept at hard labour or coarse work; they spin and card wool, and weave it into a kind of cloth, of which the clothing of the male prisoners is made ... The Second Class ... are employed in making up the clothing worn by themselves and the male prisoners. The First Class consists of those who are assigned as servants; but there are in this class many individuals and this number must of course increase, whom, from age or some bodily infirmity, no one will take into their families; the others, until they are assigned, are employed in needle-work furnished by the ladies, and by them also sold to the poorer and labouring classes at a very moderate profit ...98

The predictions made by Darling and the Board of Management for an increase in the production of yarn and cloth

98. Evidence of Mrs Fry on 23 March 1832, quoting from a letter from Mrs Darling, Secondary Punishment, P.P. No. 547, 1832, loc. cit., p. 128.
in the factory were premature, for a further impetus was
given to the wool-exporting industry when the prices for wool
on the British market recovered after the slump in 1829 and
when the combined costs of freight, insurance and brokerage
amounted to only 3 3/4d per pound. 99 Finally, on 2 July
1831, Alexander McLeay, the Colonial Secretary, was directed
by Darling to enquire of the Board of Management
whether any expedient could be devised for
advantageously employing the Women ... other than by
means of the Weaving Establishment, as it appears to
the Governor that independent of its affording work for
the prisoners it is of no material public benefit—
the Cloth manufactured being liable ... to be either of
a bad quality, or not to be furnished until too late for
the periodical issues for which it is required, and the
trouble and inconvenience occasioned to the Government
from irregularities being very Considerable.100

The Board apparently agreed with the governor for, on 23
July, McLeay announced the decision to discontinue the
weaving establishment 101 and on 15 September tenders were
called for private persons to undertake the weaving of
factory yarn into good quality, scoured and finished
Parramatta cloth of 27 inches width, at the usual rate of

99. Letter dated London, 7 November 1829, from James to William
Macarthur in Sibella Macarthur Onslow, Ed., Some Early Records of
the Macarthur of Camden, Sydney 1914, p. 429. During the 1826-9
period, prices for wool had dropped from between 1/0d and 2/0d
per pound (1827) by 50 per cent to 75 per cent. See W.H. Breton,
Excursions in New South Wales, Western Australia and Van Diemen's
Land During the Years 1830, 1831, 1832 and 1833, 2nd edition,
London 1834, p. 401; H.W. Parker, The Rise, Progress and Present
State of Van Diemen's Land, London 1833, p. 208; Colonial
Advocate, 1 March 1828, p. 34.

100. McLeay to Committee, 2 July 1831, A.O.N.S.W., C.S.O.L., 4/3719,
No. 31/251, p. 393. See also, No. 31/49, 10 February 1831, p. 218;
31/131, 8 April 1831, p. 283 and 31/139, 13 April 1831, p. 290.

101. McLeay to Committee, 23 July 1831, A.O.N.S.W., C.S.O.L., 4/3719,
No. 31/274, p. 416.
one yard of cloth for each 1½ lbs of yarn supplied.\textsuperscript{102}

Within a month a further tender was called, this time for the disposal of 22 looms, one warping mill and several winding wheels which were no longer required for the government service.\textsuperscript{103} This retrenchment was offset by the purchase in April 1832 of 100 new spinning wheels,\textsuperscript{104} but changes in policy which occurred during the early months of Sir Richard Bourke's administration made it apparent that the government had at last recognised the futility of trying to make the factory an independent and viable economic proposition.\textsuperscript{105}

Darling was recalled and left the colony on 22 October 1831. Although the people of New South Wales were divided in their opinion as to the success of his administration,\textsuperscript{106} few questioned the worth of his work at the Parramatta female factory. In a letter to the British Ladies' Society for Promoting the Reformation of Female Prisoners, Marsden wrote:

\begin{quote}
It will give you pleasure to hear the state of our Penitentiary at Parramatta. The whole system is, I think, as good as we can make it at present. I have witnessed the state of the female prisoners in this colony for almost thirty-seven years, but I never saw them under such order and discipline as they are at this time ... Much praise is due to the Governor and Mrs. Darling for the support and countenance they have
\end{quote}

\begin{enumerate}
\item[102.] McLoay to Committee, 23 July 1831, A.O.N.S.W., C.S.O.L., 4/3719, No. 31/272, p. 414. McLoay said the yarn would be sold, not contracted out.
\item[104.] Notice from the Commissariat Department in the \textit{N.S.W. Government Gazette}, Vol. 1, No. 7, 18 April 1832, p. 64.
\item[105.] This will be discussed more fully in ch. 3 of this thesis.
\end{enumerate}
afforded to this establishment.107

This sentiment was echoed in Busby's evidence given to the Select Committee on Secondary Punishment in 1832.108

Elizabeth Fry, commenting on a letter from Mrs Darling, added:

I think ... [they] speak too modestly of the success which has followed their exertions. The difficulties and discouragements are many, and much remains to be done; but this was to be expected, while the success was doubtful; and yet that has exceeded all we even hoped ...109

When Darling took up his duties in 1825 the factory was poorly managed and many abuses and inconsistencies flourished. Darling reviewed the managerial structures and economic functions of the establishment and introduced stricter controls over the punishment and distribution of the female convicts. The predominant role of the factory as a refuge and workplace for unassigned women remained, but the penal character of the institution was expanded and strengthened. This is not to say that in 1831 the female factory had become a model institution, but within the structures of the colony it appeared to be an efficient component in the overall pattern of convict management.


Elizabeth Fry.
J. Whitney, *Elizabeth Fry,
CHAPTER III

IDLE REFRACTORY DAMSELS

New South Wales, 1832 - 1837

In the third class ... I found nearly three hundred women ... altogether in one court, some sleeping in groups on the ground, some quarrelling, some swearing and singing - a few ... in a state of intoxication.


When Sir Richard Bourke assumed office as Governor of New South Wales on 2 December 1831 he was not faced, as Darling had been in 1825, with the need to make urgent reforms at the Parramatta female factory. The intervening years had been ones of reform and it was generally accepted that the administration of that establishment was functioning as well as could be expected within the colonial environment. Nothing, however, remained static for long in the rapidly expanding colony and, during the ensuing months, circumstances forced Bourke to sanction some changes to the administration, though, on the whole, Darling's work remained intact until 1836 when the scandalous conduct of Matron Ann ...'s family precipitated a major reorganisation of the factory.

The first change of the Bourke period has already been noted: the purchase of 100 spinning wheels to offset the

loss of employment created by the closure of the factory's weaving establishment in 1831. Then in June 1832 the government decided to stop purchasing raw wool by contract and to substitute a system whereby contractors would employ the women to spin wool on their behalf, making payment to the government for the labour involved.

In the first instance the contract offered was for six months though it is not clear if the government accepted the only tender submitted, that of Mr Simeon Lord, at the rate of 2½d per pound of wool spun. By October 1832 the members of the Committee of Management were complaining that more work was needed, and late in December they admitted that the women of the third class had had no employment whatsoever after 1 December. Temporary measures were taken to relieve the shortage of work, and McLeay was confident that, when Lord's contract for 1833 commenced, the problem would be solved. This contract, which had been offered in October 1832, required a weekly supply of 800 lbs of raw wool, the provision of the oil used in its processing and the maintenance of the spinning wheels and cards. McLeay's hopes were shortlived, for within four weeks, Lord, who was also the

---

2. See ch. 2, p. 85
3. McLeay to Committee, 13 June 1832, A.O.N.S.W., C.S.O.L., 4/3720, No. 32/229, p. 268. Five to six tons of New Zealand flax held in the factory store were to be sold. See also, notice in the N.S.W. Government Gazette, Vol. 1, No. 15, 13 June 1832, p. 127.
5. McLeay to Committee, 5 October 1832 and 22 December 1832, A.O.N.S.W., C.S.O.L., 4/3720, Nos. 32/371 and 32/419, pp. 418 and 475 respectively.
government weaving contractor, complained to the Commissariat that the women were producing only 350 lbs of yarn per week and that this was totally inadequate if he was to meet the quota of cloth needed for the convict slops required for distribution on 1 May for the approaching winter. When McLeay informed the members of the Committee of Management of Lord's complaint they hastily replied that the contractor was himself at fault for he had persisted in supplying wool of a very inferior quality which prevented the women from spinning the same quantity as usual. Lord himself may not have been able to procure better quality wool, for exports to Britain were on the increase as a letter from the London woolbrokers, Messrs Donaldson, Wilkinson & Co., dated 26 April 1833, and subsequently published in the *New South Wales Magazine*, clearly showed. They wrote:

> the wools of the Colony are in increased demand and ... the late sales have realized prices which cannot fail to spread general satisfaction. The import from both Colonies has fallen short of the expected supplies ... and our manufacture are at the same time in full and profitable employ: so that there is no doubt the coming fleeces from your fine Colony will meet with a most propitious market.

Whether this statement had a direct influence on the government is not clear, but no further tenders for the supply of wool for the factory were offered and when the members of the Committee of Management met for their annual meeting, on

---

1 April 1834, they forwarded a Minute to the governor recommending that:

as the present state of the Wool Market is such that sufficient quantity cannot be procured to keep the women constantly employed in Spinning, etc., the Board would respectfully suggest the construction of a Mill capable of being worked by the Power of 30 women ...10

Bourke rejected the idea of introducing a treadmill, conceded that a handmill could be used, but stated bluntly that he thought the breaking of stones for the streets of Parramatta 'wd be useful in every way'.11

Thus, when James Backhouse visited the factory on 1 September 1835, he reported that:

The number of females sentenced to confinement in this factory, exclusive of those assignable, is about 250; who, it is to be regretted, are nearly destitute of employment. Formerly, women of this character were employed in spinning, and in weaving coarse, woollen cloth, but this occupation has been abandoned. The rooms where it was carried on, are empty, and like those of other parts of the building, have the glass of the windows much broken ...12

10. Minute of the Proceedings of the Board of Management, 1 April 1834, A.O.N.S.W., C.S.I.L., 4/2234.5, 1834, No. 34/2383.

11. ibid., annotation to the above letter. On 22 December 1827, Darling informed Hay (H.R.A., S. 1, Vol. xiii, p. 664) that a Parkes' Steel Grinding Mill, worked by hand, had been received and would be tried initially in the female factory, though he thought the experiment might fail 'as the Women from the great encrease of numbers are not at present as orderly as they hitherto have been'. On 28 May 1831, the Committee were asked to purchase handmills as a substitute punishment for solitary confinement when the cells were occupied; and in a second letter recommended that the maize required for the factory be ground in them. McLeay to Committee, 28 May 1831, A.O.N.S.W., C.S.O.L., 4/3719, No. 31/194, p. 341 and 1 June 1831, No. 31/200, p. 348.

12. James Backhouse, A Narrative of a Visit to the Australian Colonies, London 1843, pp. 300-1. In a: appr.lix to the same book, entitled 'A Report on New South Wales', he wrote: 'the female prisoners in the factories at Parramatta and Bathurst ... being generally without employment, as was the case when we visited these establishments, become inured to idleness, often to such a degree, as not to be again recovered to industrious habits' (p. cxxxii).
It is necessary to explain why the production of yarn and cloth at the factory was abandoned. The expansion of the wool trade, the reluctance of the convict women to co-operate and the withdrawal of the percentage system of remunerating the factory managers all played a part, though the final decision to cease production was dictated by economy. Busby claimed in 1831 that the actual cost of convict slops had dropped from £6. 9. 0, to £2. 5. 0. since they had been made in the colony, but William Walker, a Sydney merchant, commented that, as the production of fine wools increased, there would be less coarse wool available for convict clothing and blankets, and that it would therefore be better to import them from England. Bourke apparently agreed with Walker for, in 1836, when Mrs Charlotte Anley visited the factory on behalf of Elizabeth Fry, he informed her that the production of cloth at Parramatta was no longer economical, since cloth of a similar quality could be imported from Yorkshire at a third of the cost. Whether the governor was wholly responsible for this decision is unclear. A letter published in the *Sydney Gazette* under the name of *Vindex* claimed:

> It would appear from the admission of the Colonial Secretary, one of the defunct Committee, that the English Government is chargeable with the principal cause of misgovernment in the Factory, by sending out a peremptory order to the Governor to discontinue the

---


14. Charlotte Anley, *The Prisoners of Australia*, London 1841, p. 51. Elsewhere she wrote: 'Another prominent evil, and doubtless the very source of many others, was the want of occupation for the prisoners throughout the factory, none whatever being provided beyond the mere household work of the institution, which could, of course, employ but a small proportion of its inmates; and that for only a very brief part of each day' (pp. 41-2).
manufacture of coarse woollen cloth, which has always found employment in picking, carding and spinning for the idle refractory damsels, sent there for punishment.15

The idea that it would be cheaper to import cloth from Britain than to manufacture it in the colony was not new; it had been expressed in 1823 by Bigge in his report on Agriculture and Trade:

The production and growth of fine wool has already been noticed, and may be considered as the great staple of its future exports. The manufacture of it in the colony is not an object that is much to be desired in its present infant state; and it will be much more conformable to its real interests and to the interchange of mutual benefits and the surest bond of union between two distant countries that the colony ... should continue to profit by the great natural advantages ... of climate and extent of pasturage, by remitting to England, fine wool in its raw state, and in receiving in return, the same or other produce in their manufactured state.16

The traditional mercantilist view was taken by William Charles Wentworth in the third edition of his book, *A Statistical Account of the British Settlements in Australasia*, published in London in 1824, in which he declared that the introduction of machinery into the manufacture of cloth had so reduced costs in Britain that she could produce cloth cheaper than any other country in the world; this meant that her colonies should be the producers of raw materials and that Britain alone should be the manufacturer. This in turn would mean profits for everyone, as the colonial population provided new and expanding markets for British

manufactures. 17

Whether the withdrawal of labour from the majority of women in the factory who were thus deprived of any chance to participate in useful work can be justified on humanitarian grounds is another question. 18 Certainly, it was contrary to the widely accepted belief that:

idleness is the fertile source of crime; not only as it induces poverty, its necessary consequence, but as it affords leisure for the imagination to expatiate on schemes of vicious enterprise, which form the constant topic of conversation and reflection amongst the unemployed; but these visions often fade and leave the mind in a state of gloom, which can only be cheered by the use of strong liquor. Hence drunkenness is the inseparable companion of idleness; and unoccupied prisoners will run any risk in procuring for themselves the means of intoxication. 19

17. Wentworth, Statistical Account, op. cit., Vol. 1, p. 456. This view was also held by John Macarthur, who wrote to Bigge on 7 February 1821 that, once the fine wool trade was established in the colony, 'what nation could export a yard of fine cloth at the price the English Manufacturer could produce it aided as he would by cheap wool, machinery, capital and skill'. S. Macarthur-Onslow, op. cit., p. 350. See also, Brisbane to Horton, 16 June 1825, Enclosure No. 2, Letter from Major Ovens to Goulburn, H.R.A., S. 1, Vol. xi, pp. 650-1.

18. In 1835 James Backhouse, who visited the factory to make a report to the governor, wrote: 'the assignable women were occupied with needlework, and the place they were in was clean'. Backhouse, Narrative, op. cit., p. 301, entry dated 1 September 1835. See also, Appendix No. O, p. cxxxii. To what extent clothing was still being made in the factory is not clear, though it seems probable that the women were called on from time to time to fulfil special orders, or to assist the contractor when his own workers fell behind schedule.

19. Provincial Penitentiaries, op. cit., p. 9. This was also the view of Elizabeth Fry who wrote in 1827 that: 'unless the time of these poor females, who have abandoned themselves to idleness and vice, be fully occupied while they are in prison, there can be little or no hope that their confinement will lead to their reformation. Without this important aid to the work of prison discipline, their attention will still be directed to the criminal objects which have previously occupied them, and much of their time will probably be spent in contriving plans for future evil. We cannot promote the reformation of such persons more effectually than by making them experimentally acquainted with the sweets of industry'. Fry, Observations, op. cit., p. 48.
That this warning was not unfounded can be seen from a description of the factory in 1836, when morale was at its lowest ebb:

In the third class, composed of characters the most depraved and desperate, I found nearly three hundred women. They were altogether in one court, some sleeping in groups on the ground, some quarrelling, some swearing and singing, a few of them apparently in a state of intoxication.20

The decline in the factory during the early years of Bourke's administration may have resulted from his belief that transportation to Australia would shortly be abandoned.21 The idea had been discussed in government circles in Britain before Bourke left for the colony. In 1829 Hay raised the matter with Sir Robert Peel in the Home Office. About the same time he wrote to the Governor of Van Diemen's Land, Colonel George Arthur, for his views on the subject. The following year a Commission of Inquiry on Colonial Expenditure and Revenue questioned the high cost of transportation to Australia, though it made no recommendations that the system should be abandoned. Then, when in November 1830 the Whigs assumed office, Viscount Howick, Secretary at War, approached the Home and Navy Offices with the proposition that money could be saved if convicts were shipped to Mauritius and Trinidad rather than to the antipodes.22 Finally, a Select Committee was appointed to examine the relationship between secondary punishments in general and the

20. *A Concise View of ... British Ladies' Society*, op. cit., p. 54. This letter was not cited by author, but as it coincided with the visit of Charlotte Anlcy to the factory in 1836, it is probable that she was the author. See Anlcy, *op. cit.*, pp. 13-16.


rising crime rate in Britain. A preliminary report was issued on 27 September 1831 and the final report tabled on 22 June 1832. The members of the Select Committee stated that:

the rapidly and constantly progressive increase of crime in this country, has baffled for years the efforts of the Philanthropist and the Statesman; and hitherto every effort at prevention, whether by the extension and amendment of the Criminal Code, or the establishment of a more efficient Police, has failed to arrest its progress, or to diminish the frightful catalogue which our criminal records annually present. 23

As a result of their enquiries, the Select Committee made it clear that they favoured the continuation of transportation as the best means of reducing crime in Britain. They stressed, however, the need to make it a fearful punishment by increasing its severity and by applying a scale of punishments related to the magnitude of the crimes committed. 24

Arthur, in his correspondence with the Colonial Office, supported these views, but thought that transportation should be carried into effect after the first conviction and not left until the criminal had committed several offences. 25

23. Secondary Punishment, P.P. No. 547, 1832, loc. cit., p. 3. It was stated that the number of persons charged at the Assizes and Quarter Sessions were as follows, in seven year periods:

<table>
<thead>
<tr>
<th>Period</th>
<th>Committals</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>to 31 December 1817</td>
<td>56,308</td>
<td>35,259</td>
</tr>
<tr>
<td>31 December 1824</td>
<td>92,840</td>
<td>62,412</td>
</tr>
<tr>
<td>31 December 1831</td>
<td>121,518</td>
<td>85,257</td>
</tr>
</tbody>
</table>


25. Despatch, Arthur to Goderich, 27 February 1833, Secondary Punishment, P.P. No. 82, 1834, loc. cit., p. 65, in which he stated that: 'transportation is the only measure calculated to diminish the prevalence of crime in the present condition of the Labouring classes in England'. See also, ibid., Arthur to Hay, 25 July 1832, p. 8; Arthur to Hay, 12 December 1832, p. 86; Arthur to Goderich, 27 February 1833, p. 67; Arthur to Stanley, 4 February 1834, Secondary Punishment, P.P. No. 614, 1834, loc. cit., pp. 36-40.
Official correspondence during 1833 indicated that the government decided to adopt the Select Committee's recommendation. On 21 March Hay informed Arthur that:

Lord Melbourne has, of late, given orders for the transportation of convicts to a much greater extent than had been done before, and that under these orders many offenders have been transported upon their first convictions ...26

In particular, all convicts sentenced to transportation in Middlesex and Surrey were to be sent abroad, a measure which Melbourne hoped would:

have the effect of removing from the Metropolis the more practised offenders, and diminish also in some degree the increase of crime.27

Bourke was not officially informed of the government's decision until the Secretary of State for the Colonies, E.G. Stanley, told him on 21 August 1833 that transportation would continue until a sufficient supply of free labour enabled the colonists to dispense with convict servants.28 Bourke had already realised that this would be the case, for on 18 June 1833 he wrote to Lord Fitzroy Somerset, Military Secretary to the Horse Guards in London, stating that more troops were required to control the increasing number of convicts arriving in the colony. He said he regretted the delay in making his request and would have acted earlier if he had not had:

27. ibid., Phillips to Hay, 20 May 1833, p. 83; see also, Hay to Phillips, 25 June 1833, p. 84; Phillips to Hay, 22 July 1833, p. 87.
some reason to suppose that the importation of convicts would have considerably diminished or ceased altogether.29

Bourke's belief that transportation to Australia would shortly be abandoned undoubtedly led him to set aside any thought of expanding the convict establishment, especially if it were likely to entail major capital expenditure. Nonetheless, he must have realised that, even if an order were issued for the immediate cessation of transportation, the policy of the Home Government would ensure that the convicts already in the colony would remain there until they had served the remainder of their original and colonial sentences, thereby, of necessity, prolonging the penal institution for years to come.30 Thus Bourke could not ignore his responsibility for the ongoing management of the convicts and, as the evidence shows, worked hard to remedy the deficiencies in the system and to ameliorate the harsher provisions of the penal code introduced by Darling.31 For example, in the 'Act to Consolidate and Amend the Laws for the Transportation and Punishment of Offenders in New South Wales' (3 Wm. IV No. 3, dated 24 August 1832) Bourke revised legislation for the summary jurisdiction of magistrates over convicts and

30. See above, footnotes 26 and 27. See also, Secondary Punishment, P.P. No. 547, 1832, loc. cit., p. 16. The report concluded that: 'Unless there existed some such mode of disposing of criminals whose offences do not merit the penalty of death, but whose morals are so depraved that their reformation can hardly be expected, no alternative would remain between perpetual imprisonment and the constant infusion into society of malefactors, who, after the term of their punishment had arrived, would again be thrown as outcasts on the world, without friends, without character, and without the means of gaining an honest livelihood' (p. 16).
31 King, in ch. 15, lists a number of Bourke's achievements with regard to convict management, p. 196 ff.
prevented them from sentencing offenders to many of the harsh punishments which had frequently been used during his predecessor's administration.\textsuperscript{32} The women were included in the benefits of this Act: the maximum sentences under summary jurisdiction were reduced from two years to 12 months in the third class of the factory, and from one month to 14 days in solitary confinement on bread and water, with an additional provision that they could be kept at hard labour for a maximum of two months. No provision had been made under Darling to limit the number of consecutive sentences to which a prisoner might be sentenced, but Bourke introduced a clause stating that additional punishments, though legal, should never exceed in total more than double the sentence for a first offence.\textsuperscript{33}

Since Bourke was aware of the needs of the convicts in general, the reason why the factory was allowed to decline to the state of stagnation reached in 1836 lay in the apparent stability of the managerial structures devised by Darling and the Board of Management, and in their confidence in Matron Gordon. The Board of Management had commended her efforts in 1828:

\begin{quote}
It is pleasing to the Board to have it in their power to report their continued satisfaction at the cleanliness, order and regularity observable in the establishment, and their approbation of the manner in which the matron, Mrs. Gordon, performs the arduous duties of her office.\textsuperscript{34}
\end{quote}

\textsuperscript{32} Proclamations, New South Wales, 1830, loc. cit., 11 Geo. IV, No. 12, 12 May 1830; Acts and Ordinances of New South Wales 1832-37, loc. cit., 3 Wm. IV, No. 3, 24 August 1832.

\textsuperscript{33} ibid.

\textsuperscript{34} Darling to Murray, 18 February 1829, H.R.A.*, S. 1, Vol. xiv, p. 655.
The order, cleanliness and decorum were again commended in two letters to Elizabeth Fry, the first written by Mrs Darling in 1830 and the second by Marsden shortly afterwards. As both letters were placed before the Select Committee on Secondary Punishment in 1832, together with other evidence that suggested the success of Darling's measures and the subsequent smooth running of the factory, Colonial Office interest in the establishment diminished during the early years of Bourke's administration, and he was expected merely to supervise its operation and make the occasional ad hoc pragmatic change when circumstances necessitated. Indeed, prior to 1836, the only comment on the factory that Bourke received from the Secretaries of State for the Colonies was a recommendation in September 1834 that a paper prepared by the ladies of the British Society for Promoting the Reformation of Female Prisoners should be examined and its suggestions adopted at the factory where practicable.

Notwithstanding this, the factory did receive a share of adverse criticism between 1831 and 1837. Visitors to the colony expressed alarm at the appalling conduct and neglected


36. Grey to Bourke, 4 September 1834, *H.R.A.*, S. 1, Vol. xviii, p. 502. The paper was passed on to the Committee on 10 February 1835, see Minute dated 2 February 1835, Governor's Minutes 1835, A.O.N.S.W., 4/998. The Committee neglected to comment and despite three reminders it seems likely that the Committee was disbanded before any reply was made to the governor. A.C.N.S.W., C.S.O.L., 4/3722, 17 December 1835, No. 35/297, p. 224; 12 January 1836, No. 36/6, p. 239, and Governor's Minutes, 1836, 4/999, No. M3678. Glenelg reminded Bourke of this paper and suggested that he should make every effort to implement Mrs Fry's ideas. Glenelg to Bourke, 5 February 1836, *H.R.A.*, S. 1, Vol. xviii, p. 289.
condition of the prisoners at Parramatta. The colonial newspapers seized upon the lurid details of the exploits of the more unruly women, but lost no opportunity to condemn the policies which, in their opinion, encouraged misbehaviour.

On 24 August 1836 the Monitor reported:

> The abuses which prevail in this 'penal' establishment have long been a matter of public notoriety ... The ungovernable impudence of female convict servants has long been a subject of complaint ... but this by no means surprises us when we look to the 'discipline' maintained in the Female Factory ... when for ... gross impropriety they are sentenced to the "third class", if they should happen to be good needle-women ... they are very speedily released from "punishment" and taken into the special favor of the ruling powers. Some of them boast they can get "two glasses of rum every day", if they chose to work for them ... In short, ... the abuses of the "Factory System" are such as call loudly on the British Government for "reform".37

Despite public discussion of the factory, official correspondence between McLeay, the Board of Management and Matron Gordon gave little indication of any approaching crisis in the factory. The majority of letters concerned routine matters - the purchase of supplies, assignment of female servants, granting of marriage licences, maintenance of sanitation services, arrival of female convict transport ships, and the transfer of children to the orphanages. Such matters seldom required more than a perfunctory comment by Bourke and a standard letter of reply from McLeay. Sometimes a situation demanded the special attention of the governor - the request for a mitigation of a sentence in extenuating circumstances, temporary changes to the approved rations, or the transfer of an incorrigible female to a penal station - but nothing occurred which appeared to require a major inquiry. Even when one of the periodic riots erupted in the

third class, the flurry of correspondence between the committee and the governor waned as soon as the women had been quelled and the ringleaders punished. All in all, from 1832 to 1835 the managerial structures devised by Darling served to conceal a gradual decline in efficiency and effective discipline; as a result, the government was lulled into believing that there existed no major cause for concern. 38

The government's complacency was shattered in mid-1836 when reports of the scandalous behaviour of Matron Gordon's family forced Bourke to enquire into the affairs of the factory. News of the trouble filtered through to England and by December 1836 Lord Glenelg, Secretary of State for War and the Colonies, was so alarmed that he asked Bourke what was actually going on at Parramatta. In his despatch he wrote:

I cannot refrain from informing you that reports most unfavourable to its discipline and superintendence have reached me from various quarters, and it is with regret that I have been unable, on any certain authority, to satisfy myself that I could reject such reports as unfounded, or to remove the impression, which is gaining ground in this country, that sufficient care has not been bestowed by the colonial authorities on the internal condition of the establishment. 39

In a second despatch, marked 'private', Glenelg added:

I have been unwilling in a Public despatch to refer to mere rumours affecting the character of any Individual, but I feel it my duty to inform you confidentially that it has been represented to me that the Husband and family of the Matron of that Establishment are not, from their habits or character, calculated to secure to the

38. These letters are contained in collections in the New South Wales Archives:–
(1) A.O.N.S.W., C.S.I.L., for the years 1832 to 1836, Nos. 4/2191.3, 4/2277.4 and 4/2317.2.
(2) A.O.N.S.W., C.S.O.L., letters to the Female Factory, 4/3718 to 4/3723 inclusive.

Office of the Matron that respect and deference without which her superintendence must be very inefficient ... [but would] ... diminish and neutralize the influence which it is most essential she should actively exert in discountenancing vice and immorality of every description among those placed under her charge.40

The gossips who went to Glenelg were well-informed. On 15 July the Board of Management had met to discuss serious charges made by the midwife, Mrs Mary Anne Neale, against the matron's husband, Robert Gordon. Mrs Neale claimed that some two months previously, while she and her young daughter were walking in front of the factory, she had heard a whistle. When she turned, Gordon emerged from the bush and indecently exposed himself before her. When this attempt to impress her failed, and when his subsequent efforts to gain her affections were rebuffed, he tried to discredit her among her colleagues. He had, she claimed, questioned the hospital nurse, Sarah Devereaux, about the midwife's habits. On the evening of 17 June he tried to persuade Joseph Snape, the porter, to enter Mrs Neale's room because he believed that she and the storekeeper, Mr Tuckwell, were making love. Snape, who knew Mrs Neale was at that moment visiting Mrs Snape, refused to accede to Gordon's request to invade the privacy of Mrs Neale's apartment. Finally, on 4 July, Gordon accused Mrs Neale in the presence of the women of the first class of having stolen and concealed government property. On this occasion he was supported by his daughter, Maria, who, said

40. ibid., p. 613. Sir W.E. Parry wrote to Mrs Fry on 26 November 1836, promising to make certain disclosures about the factory when he saw her (he was staying at Congham Lodge, Lynn). He declined to put his statement in writing for fear of a libel action being taken against him, but said his information involved 'very serious charges against various persons in that ill-fated colony'. M.L. Ap 6.13, p. 2.
Mrs Neale, 'flew at me like a fury, calling me all the nasty
cuts she could think of'. When Mrs Neale rebuked her for her
language and stated that she would be made accountable for
her conduct, Maria:

crying with passion, turned towards the women and said,
how can you bare to see me used so; and the women
shouted at me one and all, some said you old thief, and
some you old whore ...41

Sarah Devereaux and Joseph Snape both supported the truth of
the charges made by Mrs Neale, and Snape added that, in his
opinion, Gordon had tried to 'prejudice the character of Mrs
Neale and to raise an unjust suspicion against her'. For his
part, he said the midwife was 'a well-conducted woman' and had
she been otherwise he would have been aware of it.42 Mrs
Gordon seems not to have been closely involved in the affair,
beyond interrupting her husband's questions to Sarah Devereaux
and begging her to remain silent about what had happened. The
committee, whose inquiries were cut short by the arrival of
Bishop Broughton to see Marsden, simply requested the governor
to issue an order excluding Gordon from the factory. Bourke
replied that such an order had been given more than a year
before following the committee's inquiry, on 10 and 11 October
1834, into Gordon's reputedly immoral behaviour.43 He asked
why the order had been ignored and requested that the minutes
of the recent investigation be forwarded to him. On 27 July

41. Mrs Neale's evidence and the committee's Minute of Proceedings,
   15 July 1836, A.O.N.S.W., C.S.I.L., 4/2317.2, No. 36/6164. McLeay to
42. ibid.
43. ibid., also, Harington to Committee, 6 February 1835 and 25 April
1835, A.O.N.S.W., C.S.O.L., 4/3722, Nos. 35/21 and 35/98, pp. 77
and 114 respectively. McLeay to Committee, 22 July 1836, 4/3722,
No. 36/168, p. 326.
Marsden, Matthew Anderson and S. Wright, members of the committee who had heard the charges and evidence, submitted the minutes of their proceedings with a covering letter stating that they were:

fully satisfied that the Conduct of the Matron's two eldest daughters is highly immoral and disgraceful in proof of which we have to state that the eldest daughter has at this time two illegitimate children living in the Factory.44

James Mudie, a prominent squatter and one of Bourke's most virulent opponents, claimed openly that one of these children was none other than the governor's grandson.45 This rumour was taken up by another of Bourke's opponents, E.A. Slade, who reported it to the Select Committee on Transportation which opened its proceedings in 1837. James Macarthur agreed that Mrs Gordon was a 'very improper character for such an office', but added she had been of good repute when appointed by Darling.46 Of the factory itself, he wrote:

The disorderly state of that establishment, and the depraved conduct of its inmates, more especially during the latter eighteen months, baffle description. It might be truly designated as a hot-bed of depravity, where idleness gave full scope for the growth of every vicious propensity, and from which a contagious influence was spreading itself far and wide throughout the community.47

As for the matron's daughters, he called them 'notorious prostitutes', but he discounted Mudie's claim concerning the child's paternity and persuaded Sir George Grey to have Slade

46. Evidence of E.A. Slade, 25 April 1837 and James Macarthur, 23 May 1837, Transportation, P.P. No. 518, 1837, loc. cit., pp. 52 ff and 201 respectively.
re-examined and his libellous statements expunged from the
records. Bourke himself exonerated Mrs Gordon from blame
in the affair, but extended his prohibition on Robert Gordon
to both daughters. More importantly, he decided the time had
come for a thorough reorganisation of the factory.

In a minute dated 4 August 1836 and written on the
reverse side of the Gordon correspondence, Bourke informed the
Colonial Secretary that, independently of the current scandal,
sufficient evidence had emerged to convince him:

it is necessary to place the Factory at Parramatta upon
an entirely new footing. The numbers ... have rendered
the place much more a Gaol than an Asylum, and it
requires in consequence the Government of a Prison. A
Matron alone is not sufficient to the task of controlling
and superintending so large a number of Prisoners. I
propose therefore to place a Man and his Wife at the Head
of the Establishment, the one as Keeper the other as
Matron with a sufficient number of Male and Female
Turnkeys - and to have the Prison Rules (4 Geo 4 Cap: 64)
as far as they apply, carried into effect in the
management of the Factory.49

Once the decision was made, Bourke acted quickly to
introduce the changes. The committee was informed on 5 August
of his decision, and within a week Thomas Bell was invited to
inspect the factory with the view to his becoming the keeper
and his wife replacing the matron. On 19 August Mrs Gordon
was informed officially that her employment would be
terminated on 31 August and that she should vacate her apart-
ments by that date. Further letters were sent on 22 August:
to Thomas and Sarah Bell confirming their appointments as

48. King, op. cit., p. 222 and her footnote No. 39. See also, Evidence
of J. Macarthur, 5 February 1838, Transportation, P.P. No. 669,
1838, loc. cit., pp. 12-13; and a letter from Richard Bourke,
Junior, to his father, 27 May 1837, Bourke Papers, M.L. Vol. 12.

49. Minute, dated 4 August 1836, on correspondence Committee to Col.
Sec., A.O.N.S.W., C.S.I.L., 4/2317.2, No. 36/6164. See reply,
Harington to Committee, 5 August 1836, C.S.O.L., 4/3722, No. 36/174,
p. 330.
keeper and matron respectively; to Tuckwell severing his employment; to the committee thanking them for past services, and informing them that the Board of Management was to be immediately disbanded; and to the Police Magistrate, P.L. Campbell, giving him details of the impending changes to the establishment.  

The number of women and children in the factory had increased over the years, despite the measures introduced by Darling. On 3 September 1836 there were 590 women and 134 children confined there. The women were classified as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under colonial sentence</td>
<td>273</td>
</tr>
<tr>
<td>In solitary confinement</td>
<td>5</td>
</tr>
<tr>
<td>Nursing children</td>
<td>108</td>
</tr>
<tr>
<td>Old and infirm</td>
<td>23</td>
</tr>
<tr>
<td>Monitresses, servants and cooks</td>
<td>22</td>
</tr>
<tr>
<td>In hospital</td>
<td>22</td>
</tr>
<tr>
<td>Sick in factory</td>
<td>8</td>
</tr>
<tr>
<td>Assigned, waiting to be withdrawn</td>
<td>15</td>
</tr>
<tr>
<td>Number assignable</td>
<td>114</td>
</tr>
</tbody>
</table>

Of the children, 68 were under one year, 32 under two years, and 34 under three years of age. The staff had also increased gradually during the preceding decade and in 1836 consisted of the matron and her assistant, six convict monitresses, a portress, midwife, constable, gatekeeper, storekeeper, clerk, and chaplain. The new regulations authorised the following positions: a keeper and his wife, as

---

50. A.O.N.S.W., C.S.O.L., 4/3722, Harington to Committee, 5 August 1836, No. 36/174, p. 330; McLeay to Committee, 11 August 1836, No. 36/176, p. 332; McLeay to Gordon, 19 August 1836, No. 36/183, p. 334; McLeay to Bell, 22 August 1836, No. 36/185, p. 337; McLeay to Committee, 22 August 1836, No. 36/181, p. 335; McLeay to Tuckwell, 22 August 1836, No. 36/182, p. 335. See also, Minute dated 21 August 1836, No. M3694, Governor's Minutes, 1836.

matron, three male and four female turnkeys, a clerk, a midwife, a schoolteacher and two chaplains, one Anglican and one Roman Catholic. Perh:... to avoid the dissension which had so troubled t... factory, Bell was permitted to select his subordinates and to submit the list to the governor for his approval. He retained the services of Mrs Neale, as well as those of Joseph Snape and his wife, Maria, and selected John MacRae to replace Tuckwell as clerk/storekeeper.

Bourke had not forgotten the wishes of the Home Government that a ladies' committee should play a major role in the management of the factory, and with this in mind had written to Broughton on 13 August to suggest a number of ladies who might, under the patronage of Mrs Broughton, be prepared to form a new Committee for the Charitable Superintendence of Female Prisoners. By October, seven of the ladies had met together and formed a committee, and they and other interested ladies were invited to Government House to mark the Commencement of their task. However, nothing more was heard of their work and when Gipps arrived the task of visiting the women in the factory was organized under the supervision of his wife.

The real power at the factory was to be vested in the

---

52. ibid.
55. Memorandum dated 5 October 1836, A.O.N.S.W., Governor's Minutes, 1836, 4/999, No. M3742.
56. See ch. 4 of this thesis, p. 129.
office of Visiting Justice. Campbell, the first incumbent, exercised the supervisory powers previously assumed by the Board of Management, together with the normal summary jurisdiction which belonged to him in his capacity of a magistrate. The 'Rules for the Government of the Female Factory' drawn up by Bourke delineated his responsibilities: he was to make a thorough inspection of the establishment twice weekly, examine all records of the factory, and punish prisoners within the provisions of 3 Wm IV No. 3. He had the power to take all necessary steps to suppress disturbances and to enquire into any extraordinary circumstances which might arise. He was to examine all correspondence related to the factory; no assignment lists, salary abstracts, requisitions or other matters could be approved by the colonial secretary or the governor unless Campbell had previously countersigned them. Finally, he was to forward a comprehensive monthly report to the governor, together with his observations for the improvement of the factory administration.

The regulations also covered the duties of the other members of the factory staff: the matron, keeper, turnkeys, wardswomen, chaplains and surgeon. Rules for the management of the prisoners were included, a distinction being made between those applying solely to the prisoners of the Crown in the third class and those applying to the women who were sent there for asylum. The classification scheme established by Darling was retained, though a modification in the form of

57. 'Rules for the Government of the Female Factory', Mss in the Dixson Library, Sydney. A note on the front cover says, "These Regulations were drawn up by Sir Richard Bourke and are in force to this date - 28 February 1839 - P.L. Campbell".
subdivisions within the classes were introduced. The third class was divided into two subdivisions, the first consisting of the most badly-behaved women and the second of those whom the matron believed could be reformed. Women with infants were to be kept in an entirely separate class, and it was anticipated that a special set of rules would be drafted for them, though there is no record that this was done. Work was to be provided for the various classes as far as circumstances would permit: the first class would continue to act as needlewomen, the laundry and hospital staff would be drawn from the second class, and the third class would again crush rocks for the streets of Parramatta, though this time it was intended to supervise the work more strictly than previously. 58

Bourke's efforts to find work for the needlewomen were comparatively successful and, between November 1836 and the end of 1837, orders were met for a quantity of clothing for the Male Orphan School, for 1200 flannel waistcoats for the 4th Regiment, for 150 suits of slop clothing for the winter issue and the shirts required for the summer issue. 59

Occupying the third class was less successful for, on 31 August 1837, Campbell had to inform the governor that the task, in his opinion, brutalised and demoralised the women, rather than assisting with their reformation. He had always held reservations about the value of employing the women in

58. *ibid.*

59. Harington to Bell, 14 November 1836, A.O.N.S.W., C.S.O.L., 4/3722, No. 36/265, p. 377; Thomson to Bell, 30 March 1837 and 10 April 1837, and Harington to Bell, 7 October 1837, A.O.N.S.W., C.S.O.L., 4/3724, Nos. 35/57, 37/64, 37/238, pp. 1, 6, 100 respectively.
breaking rocks, but had only voiced his disapproval when an 'exceedingly hard stone' was substituted for that which the women were normally engaged in breaking, and when he had observed that:

the Iron Sledges, with which men break the larger Blocks, split and fly to pieces (sic) without making any impression upon this exceedingly hard Stone.60

Even more alarming to Campbell was the dilapidated state of the buildings and in each of his reports he commented that, unless repairs and alterations were made, it would be impossible to enforce the discipline that Bourke desired. He even suggested that an entirely new prison be built to replace the factory, though, if that were not possible, at least 20 solitary confinement cells should be built to house the most refractory prisoners. He did, however, state that month by month the women were under better discipline and that the credit was largely due to the efficiency of Thomas and Sarah Bell.61

Bourke was also highly satisfied with the work of the Bells and, on 21 November 1837, two weeks before he finished his term of office, he and Judge Burton inspected the factory and noted that:

the appearance of the women was direct and proper. The Wards Rooms Bedding and furniture of every kind remarkably clean, the Books of the Establishment in the Clerks office extremely well kept and except that part of the Building still needing repair the whole Establishment appeared in excellent order and exhibited

60. Campbell to Colonial Secretary, 31 August 1837, A.O.N.S.W., C.S.I.L., 4/2359.1, No. 37/8226.

61. Campbell to McLeay and Reply, 30 November 1836, A.O.N.S.W., Letters to J. Burton, file No. 4765, No. 138. See also, A.O.N.S.W., C.S.I.L., 4/2359.1, Campbell to McLeay, 31 December 1836, 77. 37/750; Campbell to Thomson, 1 August 1837, 31 August 1837, 1 October 1837, and 31 October 1837, Nos. 37/7138, 37/8226, 37/9347, and 37/10273 respectively.
very advantageously the care and intelligence with
which the Keeper and Matron discharged their
respective duties.62

Unfortunately, the governor had at the same time to
inform the Bells that their appointments were to be terminated
in the near future because Glenelg had arranged for new staff
to be sent from England. In his despatch to Bourke on 10
December 1836 Glenelg indicated his deep concern that every
possible step be taken for the moral reformation of the female
convicts who, after a relatively short period of servitude,
would be cast loose upon society and would, if not reformed,
have an adverse effect upon the colony as a whole. He thought
that measures which in recent years had been introduced so
successfully into English prisons should be 'zealously
pursued' in Australia which carried so great a burden of
convicts.63 The following May he again referred to this
subject and stated that it was desirable that the matron of the
factory have some personal experience of the recent develop-
ments in England, especially as they related to the discipline
of female convicts. He therefore informed Bourke that he
intended to appoint a suitably qualified matron in England,
and send her to Parramatta, hopefully accompanied by a
qualified schoolmistress who would establish a school for the
women.64

On 5 July 1837 he sent Bourke the names of his appointees.
Mrs Julia Leach was to be matron; she had been selected by

62. Thomson to Bell, 22 November 1837, A.O.N.S.W., C.C.O.L., 4/3724,
    No. 37/286, p. 123.
Elizabeth Fry and had impeccable references. She was experienced in the management of female convicts in England and her late husband had, for a time, been an instructor of convicts on Norfolk Island. John Clapham, who was to take charge of the buildings and stores, had for some years served efficiently as a turnkey at Cold Bath Fields Prison. His wife was to act as schoolmistress at the factory. Arrangements for their transfer to Sydney were underway and the Bells were requested to vacate their situations when the new staff arrived. 65

During 1837 another crucial change in the penal system was foreshadowed. Questions were being asked in England about the efficacy of transportation as a whole and, in particular, about the assignment system, believed by many to be something of a lottery which neither guaranteed regulated punishment or reward, nor acted as a deterrent to would-be criminals. The mainstream of informed opinion was moving towards the idea that punishment and reformation of criminals could best be achieved by a system of separate or cellular confinement in properly designed penitentiaries, though a difference of opinion occurred as to whether these penitentiaries should be located in the colonies or at home. Sir William Molesworth, a 26 year-old Radical member of parliament, supported the view that transportation should be totally abolished as it was nothing more than another form of slavery. On 8 April 1837 he persuaded the House of Commons to appoint a 15 man committee, under his chairmanship:

  to enquire into the System of Transportation its Influence on the Moral State of Society in the penal

colonies and how far it is Susceptible to Improvement. 66

It was apparent from the outset that the committee would

denounce transportation and assignment: some of the members

were carefully selected from the ranks of those who supported

Molesworth's views, the choice of witnesses was dictated by

the same motives, and the line of questioning left little

opportunity for an opposing opinion to be expressed. Evidence

was taken between 14 April and 30 June 1837, and on 14 July a

copy of the minutes of evidence and a short report was

presented to parliament, together with the request that the

committee be reappointed during the next parliamentary session

to complete its inquiries. The Committee of Inquiry, important

though it was in defining the anti-transportation argument, had

little real effect on the policy of the government. This

opinion has recently been set forward by John Ritchie in an

article, 'Towards Ending an Unclean Thing', in which he

states:

> It is my view that the Whig Government had largely
anticipated Molesworth's enquiry and that it was
relatively uninfluenced by his recommendations. I would
also suggest that the Government chose Molesworth to head
the Transportation Committee as a means to placate the
Radicals and as an attempt to muzzle one of its major

67 critics in the House by keeping him otherwise engaged.

Ritchie points out that on 23 March 1837 Lord John Russell,

Home Secretary, introduced proposals for mitigating the

severity of the criminal laws, that two days later he

discussed his suggestions with Prime Minister Melbourne,

66. *Transportation*, P.P. No. 518, 1837, *loc. cit.*, p. iii. See also,

J. Ritchie, 'Towards Ending an Unclean Thing', *Historical Studies*,

Vol. 17, No. 67, October 1976, *passim*.

the Chancellor of the Exchequer, Thomas Spring Rice, Howick, and Glenelg, and that on 15 April Russell and Glenelg together decided that assignment was to be abandoned, the number of transportees reduced, and free immigration to meet the demands of labour be promoted. The total abolition of transportation was rejected as being likely to cause dislocation to the colonial labour supply and inconvenience to the landowners who were dependent on convict labour. In May 1837 Glenelg informed Bourke of his decision:

Being strongly impressed with the evils which appear to me, to a certain extent, necessarily inherent in the system of assignment, I trust that the measures in progress for the increase of free emigration to the Australian colonies will adequately supply the future demand for labour, without continuing a practice which is open to so many objections.

He asked Bourke to make any suggestions which would hasten the withdrawal of convicts from private service.

In his reply Bourke told Glenelg that he had published a notice in the Government Gazette offering inducements to the colonists to accept free labour. He added that the cost of maintaining the present complement of convicts at government expense would be enormous and, because he believed neither the British Treasury nor the colonists would be prepared to bear the additional expense, proposed that, if the assignment system were abandoned, the number of offenders transported in future should not exceed one-sixth of the number transported annually under the existing system. He concluded:

If the abolition be resolved on, it should, without doubt be gradual, as the sudden interruption of the accustomed supply of labour would occasion much distress.

68. *ibid.*, pp. 159-160.
the Chancellor of the Exchequer, Thomas Spring Rice, Howick, and Glenelg, and that on 15 April Russell and Glenelg together decided that assignment was to be abandoned, the number of transportees reduced, and free immigration to meet the demands of labour be promoted.\textsuperscript{68} The total abolition of transportation was rejected as being likely to cause dislocation to the colonial labour supply and inconvenience to the landowners who were dependent on convict labour. In May 1837 Glenelg informed Bourke of his decision:

Being strongly impressed with the evils which appear to me, to a certain extent, necessarily inherent in the system of assignment, I trust that the measures in progress for the increase of free emigration to the Australian colonies will adequately supply the future demand for labour, without continuing a practice which is open to so many objections.\textsuperscript{69}

He asked Bourke to make any suggestions which would hasten the withdrawal of convicts from private service.

In his reply Bourke told Glenelg that he had published a notice in the Government Gazette offering inducements to the colonists to accept free labour. He added that the cost of maintaining the present complement of convicts at government expense would be enormous and, because he believed neither the British Treasury nor the colonists would be prepared to bear the additional expense, proposed that, if the assignment system were abandoned, the number of offenders transported in future should not exceed one-sixth of the number transported annually under the existing system. He concluded:

If the abolition be resolved on, it should, without doubt be gradual, as the sudden interruption of the accustomed supply of labour would occasion much distress.

\textsuperscript{68} \textit{ibid.}, pp. 159-160.

\textsuperscript{69} Glenelg to Bourke, 26 May 1837, \textit{H.R.A.}, S. 1., Vol. xviii, p. 763.
Early notice of the intention to contract the supply should be given to this government, that regulations may be introduced for diminishing assignments upon equitable principles.70

Bourke, however, was relieved of the need to grapple personally with the problems he outlined to Glenelg. It was not until 1839 that his successor, Sir George Gipps, was notified of the Home Government's decision to abolish the assignment system and a further 12 months before the cessation of transportation to New South Wales was announced.71

The governor's last official duty in the colony as regards the penal system was to transmit on 4 December 1837, the day before his departure, a schedule of 'Answers to the Queries touching the Treatment of Convicts in New South Wales, presented by the Prison Discipline Society'.72 This document dealt primarily with the male convicts, but his view of the behaviour of emancipists and ticket-of-leave holders—many of whom were married to female convicts—may be seen as some indication of his satisfaction with the overall management of female convicts:

Real reformation of heart and disposition can be known to Him only who is the Searcher of Hearts. It may be stated, however, of the convicts in general, that a large proportion of those who have served their sentences, or obtained pardons, or tickets of leave, scattered over all parts of this immense colony, conduct themselves in such manner as to keep out of the hands of the police and the clutches of the law. In their homes and families they will not be found, in the same proportion, free from the grosser vices and immoralities to which the lower classes of the people are subject. Nevertheless, there are very many of admitted probity and industry, and

71. See ch. 4.
many who bring up their children virtuously and decently ...73

Bourke had, during his administration, held out hope to those convicts, male and female, who were prepared to reform; at the same time he ensured that those who persisted in bad behaviour would be punished with all the stringency that the penal system, with all its deficiencies, could muster. He found the female factory at Parramatta a well-run institution where homeless convict women could find refuge and work, and where the refractory could be punished. When he left the colony the factory had lost almost all of its character as a manufactory. He had turned it into a prison, with prison rules and discipline, but had maintained the distinction between the first and the penal classes which guaranteed innocent females a refuge when circumstances prevented them from finding work in private service. It was finally left to Gipps to introduce the methods of controlling female prisoners that had been advocated by penal reformers for over 20 years.

CHAPTER IV

A SAFE AND SALUTARY DISCIPLINE

New South Wales, 1838 - 1848

Separate confinement ... is a most Safe and Salutary system of Discipline and may with propriety be enforced during the whole or any part of a Prisoner's sentence.


The Parramatta female factory was brought to the attention of Sir George Gipps during the discussions which preceded his commission as Governor of New South Wales on 5 October 1837.\(^1\) Glenelg, who remembered the Gordon scandal and wished to prevent any repetition of the problems which beset the factory during 1836, welcomed the opportunity afforded by Gipps' presence in England to outline his ideas for the improvement of the factory, and to furnish him with a copy of the instructions issued to Julia Leach and John Clapham, the new matron and house steward respectively.\(^2\)

The sources do not indicate if discussions between Glenelg and Gipps extended to the current trends in penal reform - the Molesworth report on transportation, or the early abandonment of the assignment system in favour of work gangs and colonial penitentiaries - but it seems improbable that topics of such

---

vital concern to the colony would have been ignored.\(^3\)

Certainly, when Gipps observed that the instructions issued to Leach and Clapham were based on a policy of cellular confinement, he expressed no surprise at the policy itself, but showed his concern that the Colonial Office had apparently overlooked the true situation at the factory. Unwilling to allow such a misapprehension to continue, he told Glenelg:

> these instructions appear to have been framed on the supposition that each prisoner is confined in a separate Cell, whereas, according to the most authentic information I can obtain, the very reverse of this is the case, the women being simply divided into three classes ..., in which ..., as many as fifty are congregated ....\(^4\)

Gipps believed the successful implementation of his instructions would depend on steps being taken to remedy this deficiency and that, if permission were granted him before he left England, to incur necessary expenses, time would be saved in providing the third class, at least, with separate cells.\(^5\)

Three weeks later he informed Glenelg that he had conferred with William Crawford and Whitworth Russell, Inspectors of Prisons for the Home District, and had toured Millbank Penitentiary. He renewed his pleas for authority to adapt the factory buildings to the separate confinement system and asked that a supply of articles for the ventilation and ventilation of 50 cells be sent to New South Wales.\(^6\) Gipps' request was granted the day before his departure, but with stipulations

---

3. See ch. 3, p. 113ff.
5. ibid.
that expenditure be restricted to items 'indispensable for ensuring the separation ... required by the improved system of discipline about to be introduced into the factory' and that he should keep Glenelg informed of his progress.  

Gipps took the opportunity before his departure to discuss with Elizabeth Fry the discipline of the women and the duties of the matron and house steward. For many years she had emphasised the importance of having a woman at the head of every female prison and the reversal of Bourke's decision to appoint a keeper at the female factory was a direct vindication of her opinion.  

Gipps reached Sydney on 23 February 1838 and a week later visited the factory. His inspection confirmed Bourke's last report: the buildings, though clean, needed repair and were totally unsuited to conversion into separate confinement cells; the women were neat, relatively quiet and under control, but apart from the necessary household chores, they were without employment. Even the penal class was idle despite the large pile of rocks waiting to be crushed, because the women broke the hammer handles faster than they could be replaced. 

9. On 19 February 1838 Mrs Leach wrote to the Colonial Secretary, Edward Deas Thomson: 'May I beg your timely interference as regards immediate employment for those women whose number in increasing so rapidly in 3d Class and their idleness so extreme it is with the greatest difficulty they have been prevailed upon to cut up sufficient wood to keep the coppers going - whereas if they were fully occupied doing the various things about the premises would rather be considered an indulgence - my fear is their indolence will get to so great a height some meal will not be prepared and I am apprehensive of what a scence (sic) would then take place and am anxious to prevent'. Leach to Col. Sec., 19 February 1838, A.O.N.S.W., C.S.I.L., 1838, 4/2401.1, No. 38/1796.
Gipps decided to proceed with his plan to build a new cell block, but apparently felt some doubt as to how his decision would be received for, when he informed Glenelg of his intentions, he expressed the hope that he would not be thought to have exceeded his 'discretionary powers'.

Glenelg accepted Gipps' proposals without demur and, apart from a warning that the recommendations of the Molesworth Committee could lead to an early discontinuation of transportation and that this should be considered when making 'changes of a permanent nature' at the factory, he made no move to prevent Gipps from implementing the decision to build a new block of cells. Had he foreseen that Gipps would build a cell-block which would contravene the current standards of prison design, he may have been less confident about relaxing his own vigilance. As it was, he was impressed by Gipps' enthusiasm for his task and felt no qualms about entrusting him with the detailed work of introducing the measures proposed by the government for improving the factory.

The most pressing problem facing Gipps was the quarrel which erupted between Mrs Leach and the Claphams during their voyage to Sydney on the Bencoolen. The trouble began when the house steward tried to exert authority over the matron, and it continued after their arrival at the factory. By the time Gipps appeared on the scene, the quarrel had developed into an open breach with each side making accusations against the

12. See below, p. 137 ff
other. Clapham thought Mrs Leach was 'anything except a Christian' and claimed 'she was tipsey more than once and scarcely ever missed a day without quarrelling with some one'. 14 He told Gipps that, had she remained in her apartment, he 'could have changed the system & given Government satisfaction' but this had not been possible because she had opposed his advice 'with all her might'. 15 He even suggested she was of unsound mind - sometimes she would enter the Third Class and:

*call them all the brutes wretches, &c ... or ... she would go dancing & snapping her fingers, clapping first one & then another on the back; saying she would be their friend ... and ... get their sentences mitigated &c ...* 16

Mrs Leach countered these charges with the claim that Clapham behaved 'very disrespectfully' and had proclaimed himself as 'Governor of the Factory to every person' until, on learning that he was to be subordinate to the matron, he was 'cruel enough to attack her character in various ways to the Governor'. 17

Gipps was unable to apportion blame for the quarrel, but thought that he should support the authority of Mrs Leach as matron. He therefore gave Clapham the choice between cooperating with her or being dismissed. 18 Nonetheless, the trouble between Mrs Leach and the Claphams worsened. Matters

16. *ibid.*
17. Leach to Fry, 10 April 1838, C.O. 201/281.
achieved a climax on 28 April 1838 when, during a routine visit to Parramatta, Gipps was informed by Campbell that Clapham had attempted to address the women under the pretence of mustering them, had entered their sleeping quarters after hours, had continued to make unwarranted accusations against the matron and had been disrespectful to the magistrate. Equally alarming was the polarisation of the prisoners in favour of one or other of the protagonists, and the likelihood of violence between the two factions. 19 On 30 April the magistrate threatened to withhold his signature on the salary abstracts because Clapham failed to submit a written report of the peculations and misconduct he claimed had been occurring in the factory, 20 and Gipps felt he had no alternative but to remove Clapham from office and issued a dismissal notice effective from 1 May. 21

On 11 May Clapham wrote a lengthy letter to Gipps complaining of unjust treatment and stated that he and his wife considered themselves only under suspension, pending an appeal to the Colonial Office. He described instances of peculation by the staff and misconduct by the prisoners. The majority of his charges related to irregularities in the distribution of rations:

March 5th. I saw two Prisoners in the 1st Class enjoying themselves over a fine Piece of Roast Beef and Baked Pudding.

April 6th. I saw a Prisoner come out of Mrs Giltner's in the 3rd Class with a large Tin full of Tea. I saw the

Male Prisoners who were repairing the coppers cooking Beef Steaks in the 2nd Class Kitchen amongst the Female Prisoners; no officer present. - The Females about twenty in number sitting round the Kitchen smoking; so drunk that they could scarcely sit on the forms.22

More serious was the charge that monitresses were illegally selling rations to prisoners, and that the main offender was the woman who distributed the children's rations, a practice that was detrimental to the health of the youngsters. He accused the staff of misappropriating prisoners' labour and government property for their own private advantage, and, though he made no specific charges against Mrs Leach, he was later to tell Mrs Fry he had refused to comply with the matron's suggestions that they should 'make use of such articles as came into the factory for the use of the prisoners'.23 Finally, he deplored the misconduct of 'trustee' prisoners and claimed that in March:

Grace Lynch, a Monitor in the 2nd Class when she received her Meat from the Store threw it on the ground kicked it about with her feet and made use of the most dreadful Oaths I ever heard, her Turnkey was with her who instead of correcting laughed at her.24

I saw Lynch ... put her arm round a man's neck and kiss him several times, in the presence of her Turnkey and several Prisoners who seemed to enjoy it by laughing at her. The man had come to sweep the Chimneys &c.25

Clapham declared that he had informed Campbell of the abuses in the factory and had verbal instructions to curb them but, when he tried to interfere, Gipps had charged him with 'haranguing the Prisoners, and making (himself) very officious'.26

25. ibid.
26. ibid.
Campbell prepared a schedule for Gipps in which he commented separately on each of Clapham's charges. He suggested that Clapham had mistakenly described privileges normally granted to the convict staff of the factory as 'misconduct'; that it was preferable for the women to be employed, even if the product was used by the staff; that actual infringements of the regulations should have been dealt with by Clapham himself, or reported in writing to the magistrate; and that it was unreasonable for Clapham to have expected the factory to have attained 'the perfection of an Established Penitentiary' when it had been designed as a 'House of Reception'. As to the conduct of Lynch, Campbell had heard that 'Clapham himself forgave her' and that the onlookers laughed because the chimney sweep, whom she kissed, had been covered in soot. Campbell acknowledged the 'strictness, zealousness, honesty, and sobriety' of Clapham, but implied that, though he was a good subordinate, he lacked the expertise and wisdom requisite in a senior officer of such an establishment. Campbell's version of the affair was accepted by Gipps and the decision to dismiss the Claphams upheld.27

In a separate document Clapham charged his predecessor, Thomas Bell, with stealing four chairs, two buckets and a number of sheets from the factory at the time of his departure; and with converting baby linen into shirts for his sons and removing his property from the factory in casks

belonging to the government.\textsuperscript{28} He had based these charges on evidence of the midwife, Mrs Mumford, and a female prisoner named 'Sarge', both of whom were later shown to have reason to dislike Bell - Mumford because Bell had interrupted her adulterous liaison with a married man by confining her in the factory 'on account of her drunken Propensities' and for her habit of passing mail between the prisoners and their friends outside; 'Sarge' because Bell had exposed her theft of items belonging to Mrs Mackay, from whose service she had been returned to the third class for three months' punishment.\textsuperscript{29} Bell denied misappropriating government property, but admitted to using some old casks in which to pack his belongings and to possessing several chairs with broad arrow markings in lieu of a similar number of unmarked chairs located, after a search, in the factory.\textsuperscript{30} Campbell verified Bell's innocence and said the riotous conduct of the women on the day of his departure was such that the keeper had been unable to attend to his own baggage and opportunity had existed for those motivated by malice to place a number of trifling articles on the drays without Bell's knowledge.\textsuperscript{31}

Gipps forwarded copies of these documents to Glenelg; in a covering despatch, he stated:

\textsuperscript{28} I have not been able to locate a copy of this letter, but it may be the one referred to by Gipps, dated 13 March, in his despatch to Glenelg, 7 July 1838, \textit{H.R.A.}, S. 1, Vol. xix, p. 470. The charges made by Clapham against Bell are detailed in the replies of Campbell and Bell.

\textsuperscript{29} Bell to Col. Sec., 15 May 1838, \textit{A.O.N.S.W.}, C.S.I.L., 4/2401.1, No. 38/4860.

\textsuperscript{30} \textit{ibid}.

These documents doubtless expose proceedings in the Factory that would be highly reprehensible in any well organized prison; but I must ... candidly say that, after all I had heard, and what I have ... seen of the Factory, there was nothing brought to light by them, which in the least astonished me. It was an acknowledged fact that the state of discipline ... was very different from what it ought to be ... and I entertain no hope whatever of material amendment in it until I shall have the means of placing a large portion of the women in separate confinement.32

Gipps added that, since Mrs Leach was 'so deficient in self command', he preferred to retrench her and reinstate the Bells.33 Gipps had, in fact, made this decision as early as 9 May when he had discovered that the matron had ignored the serious misconduct of two subordinate officers.34 He told her that, while appreciating that her leniency was motivated by feelings of charity, nevertheless:

such a want of firmness and efficient control ... must be fraught with evils of the greatest magnitude to the Establishment ...35

Gipps commended Mrs Leach for her 'high moral and religious principles' and suggested she should resign from her position so that her future employment in the colony would not be jeopardised.36 She accepted his offer, though somewhat reluctantly, and delayed her departure to 24 August 1838 on which date the Bells were reinstated.37

33. ibid. See also, Bundle of letters re appointment of Bells, A.O.N.S.W., C.S.I.L., 4/2610.1, No. 43/6173.
34. The letter does not name the officers, nor give details of the charges, and I have been unable to locate any report from Campbell which would supply the information.
35. 'Letter from the Secretary of Sir George Gipps, Government House, Sydney, 9 May 1838, requesting her resignation, as Matron of the Female Factory at Parramatta', M.L. Doc. 672.
36. ibid.
The matter did not rest there, however, for discussions about the status of Leach and Clapham were just commencing in England. Glenelg received Gipps’ initial report on the quarrel in June 1838 and discussed it with Mrs Fry. A month later she handed Glenelg a report written by Mrs Leach following her arrival in the colony, but he decided to await further information before making any decision. On 5 December 1838 Mrs Fry forwarded to Glenelg extracts of correspondence recently received from Parramatta. Two letters, from Clapham and Leach, dated 26 March and 10 April respectively, described the unsatisfactory state of the factory. A second letter from Clapham, dated 14 May, complained bitterly of the injustice of his dismissal for which he blamed Campbell:

a young inexperienced man who ... receives £100 a year for riding from his own house twice a week to sign his name in a book at the Factory.

Mrs Benson, a friend of Marsden, wrote that the factory was:

a demoralizing refuge for the most wicked and abandoned of our Sex Where every encouragement to Vice and idleness is held out & pleasing relaxation to all who will not remain in Service ...

Another colonial correspondent, J.F. Staff, concurred with her opinion:

It would break your heart to take a view ... of our factory, containing between 6 or 700 women more like wild beasts than human beings supported in perfect idleness & luxury instead of it being a prison for punishment ...

41. Mrs Benson to Fry, n.d., in Fry correspondence, 5 December 1838, C.O. 201/281.
42. Staff to Fry, n.d., in Fry correspondence, ibid.
On 19 December Mrs Fry informed Glenelg that she accepted Gipps' opinion that Mrs Leach, though innocent of 'moral deviation' was 'rather excitable and flighty in her deportment', and that Clapham had subverted the truth 'from the great desire to make himself appear to be of more importance and above his real station in life'. She commended Gipps for his and his wife's efforts to improve the factory and expressed the hope that the new cell-block would relieve the situation. 43

The matter was concluded on 4 January 1839 when Glenelg notified Mrs Fry that he regretted the failure of her attempt to place well-qualified and efficient staff at the head of the factory, but thought that future appointments should be left to Gipps whom he believed would 'adopt every practicable means of placing that establishment on a better footing'. 44

Despite the conversations between Gipps and Mrs Fry in England, the second strand in her policy for the good governance of female convicts - the formation of ladies' committees to visit and superintend female prisons - was almost totally ignored during his administration. Whether the committee formed during 1836 lapsed with Bourke's departure is not clear, 45 but, when Lady Gipps and her housekeeper commenced needlework classes in the factory towards the end of 1838, the local ladies were not involved and when the vice-regal family

43. Fry to Glenelg, 19 December 1838, C.O. 201/281.
45. There is a comment in a letter written by Anne Deas Thomson, wife of the colonial secretary, to her father, Richard Bourke, in August 1838 deploring the failure of the Ladies' Committee to pay several well-behaved female convicts the rewards publicly promised for good conduct in the factory or in assigned service. Anne Deas Thomson to Bourke, 16 August 1838, Bourke Papers, M.L. Uncat. Mss, Set 403, Item 7.
returned to Sydney at the end of the summer the venture lapsed for want of a suitable person to superintend it. 46
There is no evidence to suggest that the ladies refused to visit the factory or assist Lady Gipps in her needlework classes - on the contrary, it seems likely that Gipps himself declined their services, even though there were no funds to continue his wife's work with other than voluntary labour. 47
He made his position clear in October 1840 in a despatch to Lord John Russell, Glenelg's successor in the Colonial Office:

a clashing of authority would ... arise between the Committee and the Visiting Magistrate, in whom the principal authority ... is now vested, and who ... is under responsibility to the government which could not be imposed on an unpaid Committee. 48

Gipps' success in withstanding pressure to reappoint a ladies' committee must be attributed in part to the fact that the women were not deprived of female counsel. Indeed, the arrival in the colony on 31 December 1838 of seven Irish Sisters of Charity to establish in Parramatta Australia's

47. ibid., p. 3.
48. ibid., p. 4. We must ask if the fear of losing supervisory power over the factory was the main reason for Gipps' refusal to appoint a ladies' committee. They had had a record of irregular attendance at the factory and he must have been aware of this. One also wonders if there was little sympathy between the wives of Parramatta's prominent citizens and Gipps, for elsewhere in her letter to Bourke, op. cit., Anne Deas Thomson wrote that Gipps' frequent visits to the factory and his exhortations to the third class met with 'the considerable amusement of the good folks in general' and later, 'He seems to have formed a very inadequate idea of the difficulty and obstacles that interpose to the progress of any work of considerable labour in this Colony & is quite surprised things are not immediately done when he orders them ...'.
first convent ensured that, at no expense to the government, the female convicts would receive regular instruction by Christian women. At the same time Gipps could avoid relinquishing supervisory control over the factory to a voluntary organisation, which would have occurred had he appointed a ladies' committee according to Mrs Fry's recommendations.

With the governor's approval and under the guidance of Reverend Mother de Sales O'Brien, the Sisters visited the factory for an hour each morning and evening to minister to the women, more than half of whom were Catholic. The records of their activities reflect the bitterness which marred Catholic and Protestant relationships during the early-nineteenth century. The Annals of the Order provide much valuable and otherwise unobtainable details about the factory, though these records are strongly biased in favour of the Sisters and against the Protestants who resisted their involvement in the factory. Thus, the Sisters' presence was lauded as:

a great check on certain evil practices which had been carried on there by officials and others for some years ... It is but natural to suppose that the good influence of the Sisters would upset many of his (the Evil One) wily schemes for the destruction of those poor abandoned souls. Hence it is not surprizing that a

49. A house and grounds were purchased for the Sisters by Mr William Davis of Church Hill on the site which is presently occupied by the Sisters of Mercy Convent in Parramatta. The seven nuns were: Rev. Mother de Sales O'Brien, Sisters M. Baptist de Lacy, M. Laurence Cator, M. John Cahill, M. Xavier Williams, a novice, and two postulants, Sisters Mary Augustine and Mary Ignatius. The Irish Sisters subsequently exchanged their convent with the Sisters of Mercy for another property. M.M. Gertrude Davis, 'Annals of the Australian Branch of the Irish Sisters of Charity, 1838-1882', typescript copy, held by the Sisters of Charity in their library at the Mother House of the Order, Potts Point, Sydney, p. 19. See also, Cardinal P.F. Moran, History of the Catholic Church in Australasia, Sydney, n.d., p. 960.

tumult was raised. These wicked officials decided that the nuns must be got rid of. "Something must be done." The Protestant Minister was taken into their confidence - he at once organized a Committee of Protestant laymen who appointed from amongst their number a Select Committee of Enquiry to visit the factory and examine the Convicts of their persuasion. These good men could "find no cause" in the poor nuns and their work.51

Later, when the first attack failed and the nuns continued their ministry, the annalist claimed:

a serious charge of proselytism was trumped up by a few zealots and in support of this charge some of the officials complained that the Visits of the Nuns interrupted the work of the Convicts to the detriment of the public interest.52

Protestant opposition to Catholic participation in the factory stemmed from the work of Father John Joseph Therry who had arrived in Sydney in 1820.53 Therry's authority to visit the factory was withdrawn on 5 January 1827 - within 24 hours of the appointment of his colleague, Father Daniel Power, as Roman Catholic Chaplain to the colony - despite the pleas of Matron Raine that there was work enough for both chaplains.54

The following year the Committee of Management was asked to investigate a complaint by Matron Gordon that Power had refused to read prayers in the room allocated to the Catholics and had commandeered, in an 'imperious and highly improper manner', the Protestants' room.55 The Catholics, in turn, complained in April 1830 that, following Power's recent death, two Catholic women had died without the last rites because of

51. Davis, op. cit., p. 42.
52. ibid., p. 42.
Mrs Gordon's tardiness in calling a priest. Darling upheld the complaint and rebuked the matron, demanding that:

in future whenever any of the Sick in your Establishment should require to see a Roman Catholic Clergyman, you will immediately transmit the same to me, in order that it may be Carried into effect without loss of time.

Friction between the two groups was generated throughout the early years of Bourke's administration, even though the overworked Catholic clergy could do little more than visit the factory once in three to four weeks, whereas the Anglicans continued to hold weekly services for the women and exercised the right of daily entry into the establishment by virtue of Marsden's dual role as chaplain and committee member. Then, in 1836, Bourke's reorganisation of the factory upset the balance of responsibility for the prisoners' religious welfare, which had hitherto rested so strongly in Protestant hands. The appointment of a Roman Catholic Chaplain with the same salary as the Anglican Chaplain, £50 per annum, equalised their status and enabled the Catholic priest to set time aside each day to visit the women, while the transfer of supervisory powers over the factory from the Committee of Management to the Police Magistrate destroyed much of Marsden's justification for his close association with the

57. McLeay to Gordon, 7 June 1830, A.O.N.S.W., C.S.O.L., 4/3718, No. 30/189, p. 507.
Those who feared that the rising tide of Catholic immigration would alter the basic structure of the colony from a predominantly English Protestant society to an Irish Catholic settlement viewed with some dismay this increasing participation of the Catholic priests in the day-to-day life of the factory. The intrusion of the Sisters into the arena increased their anger and galvanized them into open attacks on their opponents. Judge Burton summed up the extremist Protestant opinion of the nuns:

They are indefatigable in propagating their mischievous doctrines. Six Sisters of Charity are labouring day and night amongst us. Upon whatever side you look these Sisters are seen, making their exits and their entrances, diffusing in all direction the subtle poison which lurks under a fair exterior.

Special occasions in the Catholic calendar - Lenten observances, Easter masses and confirmation services - tended to arouse the religious fervour of the prisoners and provided excellent opportunities for the Protestants to accuse the nuns of proselytizing among the non-Catholic women. The most notable occasion of this kind occurred in 1844. Bishop

59. Letter from T. Bell, 9 September 1837, A.O.N.S.W., C.S.I.L., 4/2351.1, No. 37/1558; N.S.W. Colonial Secretary Statistical Information 1828, op. cit., pp. 122-3. Marsden was paid £50 per annum for taking Divine Service. The fear of Catholic interference in the factory was the one topic on which both Leach and Clapham agreed. Leach told Fry: 'The Roman Catholic Priest is admitted at all hours - to whom (the Catholic turnkeys) turn my motives inside out'. Clapham wrote: 'You cannot have the remotest idea what a sink of iniquity the factory is. Popery is at the head of it'. Leach to Fry, 10 April 1838 and Clapham to Fry, 14 May 1838, C.O. 201/281.

60. John N. Molony, An Architect of Freedom, Canberra 1973, and Naomi Turner, Sinews of Sectarian Warfare?, Canberra 1972, both discuss the dissension between the Protestant and Catholic elements in the community.


Broughton heard on 1 June that four Anglican women, Mary Foot, Maria Anson, Mary Ann French and Ann Donelly, together with two Presbyterians, had been re-baptized by the Catholic priest several days previously, and that seven more baptisms were to follow. With this in mind, he had attended the factory on Sunday, 4 June, and preached a sermon entitled 'Take Heed' in which he condemned the activities of the Catholic clergy. In the preface to the first edition of his sermon, published for the public's information, Broughton stated:

on several occasions during the past ten years, the Government has interposed to check and discourage all attempts at proselytism among prisoners under confinement; and more than one communication has been addressed to clergymen, prohibiting such attempts, by the distribution of Tracts, or in any other matter ... If any attempts have been made in opposition to it, I can hardly believe that they have been engaged in, or promoted, by members of the Church of England ...

In his preface to the second edition of the same sermon, Broughton expanded his theme to include instances of proselytism elsewhere in the colony, instances which he regarded as:

proof of a very wide-spread and systematic purpose and endeavour to seduce away from their own Church poor uneducated persons, placed under circumstances which peculiarly expose them to a misleading influence.

Whatever the truth of the charges laid by Catholics and Protestants alike, and whatever Gipps' personal views may have been, the governor saw no reason to exclude the Sisters from the factory or to place restrictions upon their work. Furthermore, there is no evidence to suggest that the behaviour of

---

63. W.G. Broughton, Take Heed: A Sermon Preached to the Female Factory, 4 June 1844, Sydney, 1844, p. 3. To the women, Broughton said: 'I hear that there have been among you agents of the Church of Rome, tampering with your belief, and secretly endeavouring to draw you from it by representations which need but little examination to convince you how groundless they are', p. 7.

64. ibid., pp. 4-5.
the convict women deteriorated as a result of the nuns' influence. If the contemporary opinion of the prisoners is to be relied upon, the women were so bad they could not become worse; any influence the Sisters exerted could only improve them. 65 The nuns could justly argue that Catholic women had the same right to the consolations of their faith as Protestant convicts, and that converts to the Church should not be rejected. To what extent the prisoners as a whole responded to the Sisters' work is not clear; declarations by Catholic apologists that the women invariably treated the nuns with respect and modified their behaviour under the Sisters' influence must be treated with due caution. However, one piece of evidence does exist to indicate that the Sisters' work was not entirely lost on their charges. In 1843 one woman wished to commemorate the confirmation of more than 100 Catholic prisoners and to show her appreciation of the nuns' labours by producing a memento to be donated to the convent. Although lacking artistic ability, she embroidered a picture of the scene in the chapel, including the figures of Archbishop Polding and his colleagues, but as:

the only materials available for the artist were some coloured worsted and a scrap of grey calico - The result was a clever piece of work but grotesque in the extreme ... The whole picture was most ludicrous and created quite a sensation ... 66

This token represented the sincere efforts of one convict to repay the kindness of the nuns and, as such, provided a valuable clue to the esteem with which the Sisters were held.

66. Davis, op. cit., p. 76.
by some of the factory inmates.

The squabbles between Catholic and Protestant factions in the factory were important in religious circles, but, in the wider colonial context, the more crucial issue affecting female transportation was the transformation of the factory into a penitentiary. Bourke had introduced prison rules similar to those currently enforced in Britain, but had had no time to implement his plans for a new cell-block. Gipps, having decided early in 1838 that the existing buildings were unsuitable for that purpose, requested plans for a block of 72 cells, based on 'the principle approved by the Metropolitan Inspectors of Prisons', but with the cells on the lowest level modified so that they would be 'as dark as they can be made, consistently with proper ventilation, and only half the size of the upper ones', that is, eight by five feet as compared to eight by twelve feet. 67 In June materials were gathered and convict labour diverted from other projects and by September 1839, despite delays caused by inefficient and unwilling workmen, the building was ready for occupation. 68

Gipps was pleased with his achievement, for he firmly believed that at last the government had the means to control the most refractory women. 69 To attain maximum results from the new cell-block, Gipps and the Legislative Council enacted, on 19 November 1839, 3 Vict. No. 22, 'An Act to abolish the

Transportation of Female Convicts, and to provide for the more effectual punishment of Female Offenders within the Colony of New South Wales. 70 Women undergoing punishment at the Moreton Bay Factory, due for closure because the region was opened to free settlement, were to be transferred to the Parramatta factory for half the unexpired period of their respective sentences, provided such period did not exceed four years. 71 Females convicted in the colony for transportable offences were:

...to be imprisoned, and put to labor, in any Gaol or Factory duly appointed for the Custody of Female offenders, for any term not exceeding five years. 72

In addition, it became lawful for the court to direct that women:

be kept in solitary confinement for any portion or portions of such imprisonment in the Dark Cells ... and on bread and water, for any period not exceeding Twenty days at any one time, and not exceeding Sixty days in the space of one year ... Provided always that no second nor other subsequent period of Solitary Confinement shall be imposed, until a period at least equal to the same shall have elapsed. 73

Inmates who infringed the rules or disturbed the peace could be sentenced for up to three days solitary confinement by the matron or superintendent without recourse to a magistrate, while the Visiting Justice was permitted summary jurisdiction to punish repeated breaches of regulations with up to 21 days in the dark cells. Such authority meant, in practice, that a woman found guilty of minor, though repetitive, bad behaviour could be punished more severely than a woman sentenced to the

70. The Acts and Ordinances of New South Wales, 1839, loc. cit., 3 Victoria, No. 22, 19 November 1839.
71. ibid., Clause VI.
72. ibid., Clause II.
73. ibid., Clauses III and IV.
factory for a serious offence. This Act made no specific mention of the length of time a woman could be kept in the larger, light cells and Gipps subsequently stated that he believed no restriction, beyond the term of the sentence, was applicable.

In October 1840 Gipps announced to Russell that the Act, combined with the new cell-block, had been so successful that:

order, cleanliness, perfect obedience and silence may be said to prevail in the Establishment to a degree scarcely surpassed in any Prison in England.

Gipps' satisfaction was short-lived. Details of his innovations, set down in despatches dated 10 and 28 February, reached the Colonial Office by mid-1840 and the reaction to the use of dark cells was immediate. Russell, who had laboured since 1835 to mitigate the penal code, reform the transportation system and end assignment, moved quickly to undo the most alarming aspects of Gipps' activities. His reply, dated 31 August, was already on route to the colony when Gipps composed his October despatch. It was short and to the point, and informed Gipps that the word 'dark' should be removed from Clauses III and IV of 3 Vict. No. 22 because it contravened British Law. He requested that a report on the factory be sent and ordered that in future no extension to any prison in the colony should be made without prior approval of

74. *ibid.*, Clauses VII and VIII.
the plans by the Secretary of State. 79 He enclosed a copy of
a report prepared by Inspectors Crawford and Russell on the
extensions to the factory. The inspectors observed that the
use of dark cells was forbidden in Britain, except 'as a
punishment for aggravated breaches of prison discipline, and
then only for a few days'; and that, from their experience,
such a punishment failed as a deterrent if used too frequently
or for too long a period. The cells were thought to be of
such limited dimensions as to be 'very inadequate for
continued close confinement, even for a few days'. 80 In a
separate report, the inspectors amplified their disapproval of
the dark cells:

the mischievous and even fatal consequences which
attended the first Experiments of the separate system in
the United States ... were entirely owing to their
having been made in cells of this description, in which
neither Employment nor Instruction could be carried on,
and where the mind and Health sustained serious injury. 81

In response to Russell's orders, the Legislative Council,
in an Act, 5 Vict. No. 3, dated 29 June 1841, repealed those
parts of 3 Vict. No. 22 which authorised confinement of female
offenders in dark cells. The groundfloor cells were to be
altered to admit light and used thereafter to confine women
from the first and second classes for up to three days for
infringements of discipline, or for women of the third class

80. ibid., p. 784, sub-enclosure dated 17 August 1840, 'Report of the
Inspectors of Prisons to Mr. S.M. Phillips'.
81. 'Report of Inspectors of Prisons to Mr. S.M. Phillips', dated 11
August 1840, enclosed in Russell to Gipps, 9 November 1840, H.R.A.,
S. 1, Vol. xxi, pp. 69-71. This report was primarily concerned
with the new prison for Norfolk Island.
for up to 20 days for offences committed within the colony.\textsuperscript{82} Gipps declined to enter into a controversy as to the relative value of dark and light cells, stating he had no personal preference in the matter, but he could not resist pointing out to Russell in his despatch of 10 October 1841 that:

the Inspectors do not appear to have borne in mind the immense masses of Prisoners, which we have to deal with in this Colony, and the intolerable expense which would be occasioned by building a separate, light and airy apartment for each.\textsuperscript{83}

He strengthened his argument by adding that, whereas the new cell-block at the factory had only cost £2580, the new gaol at Darlinghurst, built on the separate system, had already cost upwards of £50,000 even though it was only half finished.\textsuperscript{84}

He did, however, state that:

The Cells of the larger size were intended for the separate confinement of women of notoriously bad conduct, or women who were habitually troublesome in the Factory... even though they might not have been convicted of any offence in the Colony,\textsuperscript{85}

whereas the dark cells had been used to confine women found guilty of serious colonial offences for which a greater degree of punishment was warranted. Since the amended Act forced Gipps to use light cells for solitary confinement, he had to discontinue using them for 'mere irregularity of conduct' so as to 'preserve some distinction in punishments', and from then on ill-conducted women were placed 'two or three together in a

\textsuperscript{82} Gipps to Russell, 10 October 1841 and 16 October 1841, H.R.A., S. 1, Vol. xxi, pp. 537-9 and 554. See also, Stanley to Gipps, 28 May 1842, H.R.A., S. 1, Vol. xxii, p. 92.

\textsuperscript{83} Gipps to Russell, 10 October 1841, H.R.A., S. 1, Vol. xxi, p. 539.

\textsuperscript{84} ibid., p. 538.

\textsuperscript{85} ibid.
cell, Books and Needlework or other employment being of course afforded them'.

Stanley, who returned to the Colonial Office in September 1841 for his second term as Secretary of State for War and the Colonies, told Gipps he approved of the amended legislation insofar as it applied to dark cells, but added that the governor had incorrectly attributed the restriction on the use of light cells to the Inspectors of Prisons who never intended their suggestions to be applied to separate confinement, but only to solitary confinement on bread and water. He concurred with them that:

strict solitary Confinement on bread and water should only be enforced for limited periods, while separate confinement in light, airy and large Cells duly certified by proper authority, accompanied with employment, religious and moral Instruction, Books, Exercise in the open air, and access to Prison Officers ... is a most safe and salutary system of Discipline, and may with propriety be enforced during the whole or any part of a Prisoner's sentence.

Stanley concluded by ordering Gipps to introduce legislation to enforce such a system if, as Gipps had implied, such authority did not exist in the colony.

Gipps, in his reply dated 20 May 1843, explained that, while the Colonial Prison Act, 4 Vict. No. 29, of 16 December 1840, allowed separate confinement of prisoners, the authority for such orders was not vested in the magistrates, but in the gaolers, visiting justices and others in immediate control of a gaol, and in the case of New South Wales prisons, in the hands of the Executive. The judges of the colony did retain,
even under 5 Vict. No. 3, the power to restrict women to a
diet of bread and water for up to 20 days at a time, a power
which Gipps neither claimed nor exercised. He did not
suggest that the situation be altered, for he believed that:

to give to the Judges the power of sentencing Women to
long periods of either solitary or separate confinement
would be very inconvenient, and might entail on the
Government the necessity of building a vast number of
additional Cells.89

To qualify colonial practice in respect of the imprisonment of
female convicts, Gipps added a careful summary of the powers
authorised by the various imperial and colonial Acts.90

The matter was concluded in 1844 when Stanley forwarded
to Gipps a copy of yet another report from the Inspectors of
Prisons in which they suggested that the absence of a statute
giving judges the power to sentence female convicts to
extended periods of separate confinement presented no legal
obstacle to the adoption of the system, which in England was
enforced under the authority of 2 and 3 Vict. C. 56, and not
under any statute giving direct powers to a magistrate. They
recommended that the colonial government should, moreover,
consider extending 'this efficient and beneficial system of
Prison Discipline' to all classes of prisoners.91

While Gipps and the Colonial Office were engaged in this
protracted correspondence, the situation of the inmates was
not alleviated to any great extent. Between February 1840 and
May 1841 the 72 cells were fully occupied, while between 33
and 271 women awaited detention. An additional 100 to 300

90. ibid.
91. Inspectors of Prisons to Mr S.M. Phillips, 12 January 1844, enclosure
women each month were under other punishments. 92 Between June 1841, when the use of dark cells was discontinued, and March 1843, when the number of the women in the factory took a downward turn, the average number of women held in solitary confinement was 30, two less than the total number of converted cells. 93 At the same time, the number of women under other punishments remained high, as Gipps had advocated, that two to three women at a time were consistently being held in the large cells. The women doubtless welcomed the addition of light and ventilation to the dark cells, and many must have preferred isolation in them to the option of being placed severally in cells only twice the size, especially as their incarceration in the large cells could be protracted indefinitely without reference to a magistrate on the grounds that they were not being held in solitary confinement.

The new cell-block, despite its deficiencies, did provide urgently needed accommodation for upwards of 70 women. Overcrowding, which had been a major problem for more than a decade, worsened dramatically during the Gipps period. On 1 October 1839, 970 women were crowded into the factory, compared with 590 in September 1836 and 690 in September 1838. 94 The governor attributed the rising numbers to several factors: the drought of 1838-39 which raised the price of basic commodities and made it difficult for many settlers to retain the full complement of servants; the influx of

93. Ibid.
immigrant girls who displaced a proportion of the female
convicts in service; the closure of the Moreton Bay female
factory and the transfer of 57 women to Parramatta; and the
more stringent observance of the assignment procedures,
especially as they applied to application for servants in the
Sydney area. 95 The number dropped to 713 women by the follow-
ing June, but increased again when two female convict ships
berthed in Sydney in July and August 1840. In October 1840
Gipps said that little could be done in the long term to
reduce the number of women in the factory until transportation
was brought to an end. 96 By this time, in fact, transpor-
tation to New South Wales had been officially abandoned,
though news of the decision, confirmed by an Order-in-Council
dated 22 May, and effective from 1 August, had yet to reach
the colony. 97 The assignment system was abolished within the
Sydney area by April 1841 and throughout the colony by the
following December. 98 Those convicts already serving their
sentences as assignees were to continue in service until such
time as their sentences expired, or until they earned a
ticket-of-leave. Assigned females were therefore not with-
drawn from private service, but if they were returned to the

95. Gipps to Russell, 1 October 1840, ibid., pp. 4-5.
96. ibid.
Order-in-Council issued on 22 May 1840 at the court in
Buckingham Palace, Transportation, P.P. No. 352, 1840, loc. cit.,
P. 1.
See also, Thomson to Visiting Justice, 19 November 1841, A.O.N.S.W.,
C.S.O.L., 4/3725, No. 41/241, p. 97; Gipps to Col. Sec., 19
factory because they were badly behaved, ill-treated or no longer required, they had to stay there for a probationary period or until they were freed by servitude. Thus, though transportation had ended, the number of women in the factory increased yet again, from 707 in July 1840 to a peak of 1203 in June 1842.99 The overcrowding was exacerbated by the presence of more children than in the past, for the orphanages to which they were normally sent at the age of three could no longer accommodate them because the rapid expansion of free migration had brought a corresponding increase in the number of immigrant orphans needing care.100 Fortunately, this increase did not last for much more than a year, and the number of children in the factory began to decline even before the inrush of free migration, encouraged by the bounty system, reached a peak. A probable explanation is that the withdrawal of the women from assigned service led to a corresponding fall in the incidence of pregnancies among female convicts. This is borne out by the sudden decrease in the number of children, from about 400 to less than 300, over a period roughly equivalent to the human gestation period, dated from the end of assignment in the Sydney area, and a further drop to below 200 children within a year of the overall abolition of assignment.101 The end of transportation also meant that no more convict children were coming from England, which contributed to the decline in the number of children in the

99. ibid., pp. 742-3.

100. ibid., pp. 742-3; Gipps to Russell, 1 October 1840, H.R.A., S. 1, Vol. xxi. p. 5.

factory.

As the overcrowding grew worse, the liberalisation of the rules for granting tickets-of-leave to the women may have seemed an obvious solution, but Gipps rejected this for several reasons. Free immigrants swelled the labour market and competed with convict women so that any rapid increase in the number of ticket-of-leave holders would only reduce their chances of obtaining work. The settlers, cut off from a ready supply of cheap labour when the assignment system was abolished, were forced to pay wages to all their servants and in many cases preferred to employ free immigrant women who, even if they were no better morally than their convict counterparts, at least were free of the stigma of convictism. The low moral standards of many of the convict women made the governor reluctant to allow too many at one time to have their freedom, lest they revert to prostitution or vagrancy on their release. In any case, such offences resulted in the cancellation of a ticket-of-leave and the immediate return of the woman to the factory, to the detriment of the woman concerned and at greater cost to the government than maintaining them in the factory for a longer period in the first place.102 Many women left the factory sincerely determined to find suitable employment and to remain within the law, but the obstacles to their being absorbed into the mainstream of colonial life were great, especially for those who, being 'absolutely friendless', found it almost impossible 'by any honest means to maintain themselves without assistance, during the first few days of their liberty'.103 Even marriage, the old solution to

103. *ibid.*, p. 739.
overcrowding in the factory, became less frequent as the women were increasingly cut off from contact with men. On the positive side, the end of assignment freed the women from the vagaries of harsh and inconsistent masters. Those who managed to retain their services were more careful about bringing them before magistrates for minor infringements, while the women, realising they would have no second chance until they earned a ticket-of-leave or were released from the factory on the expiration of their sentence, began to look on assigned service as a privilege and made a corresponding effort to improve their conduct. 104 Thus, whereas during the early months of 1841, more than 600 women were undergoing punishment for offences committed outside the factory, by November 1842, there were as few as 34 women under similar detention. 105

The problems created by overcrowding were compounded by the shortage of appropriate employment for the women. When Gipps inspected the factory shortly after his arrival in the colony, he was appalled by the general state of idleness which prevailed there. He determined to take steps to remedy the situation. 106 His first effort was to introduce the manufacture of twine from New Zealand flax which was subsequently made into fishing nets and mantles to protect fruit trees from birds. Though considerable effort was expended to make this venture a success, no-one bought the nets and the project was

106. Gipps to Glenelg, 13 March 1838, *H.R.A.*, S. 1, Vol. xix, p. 318. Mrs Bell commented in September 1839 that replacements for the Kingsmills were not required as 'the Women are not to be employed stone breaking'. Bell to Col. Sec., 12 September 1838, A.O.N.S.W., C.S.I.L., 4/2359.1, No. 38/9840.
abandoned. A supply of materials was then purchased and prisoners, under the superintendence of Lady Gipps, sewed articles for sale to the public. This, too, was abandoned when the vice-regal family returned to Sydney at the end of the summer, but as it had only cleared £30 in three months, there seemed little point in trying to prolong the activity.

A few of the more skilful women made straw hats for sale, but this scheme also failed to profit and was abandoned. Early in 1839 new laundries were built at the factory and the women began to do washing for the military barracks and hospital in Parramatta. At the same time, despite Matron Bell's reluctance to co-operate, Gipps revived the practice of taking orders for needlework from government departments and private individuals. The women engaged in contract work for the government were separated from those working for the public. The latter group, amounting to 120 women from the first class, was organised into workgroups of nine to ten women, all of whom were responsible corporately for the good conduct of the whole group. Monitresses selected by the women supervised the work which was assessed each Saturday and one-sixth of the profits distributed to them in the form of rations. Then, in 1841, the project was extended by taking in washing from private families, thus increasing the number of women who


108. Gipps to Russell, ibid., p. 3.

109. ibid., p. 4.

110. ibid., p. 4; Harington to Campbell, 14 January 1839, A.O.N.S.W., C.S.O.L., 4/3724, No. 39/20, p. 341.

111. Gipps to Russell, ibid., pp. 3-4.
could participate. The scheme was, economically speaking, an undoubted success: by the end of 1842 £1210.18. l had been distributed to the women concerned and the factory had made a net profit of £5288. 6. 1.113

Yet the scheme concealed a situation which was, in due course, to threaten the health and well-being of the prisoners. The completion of the cell-block led to a change in the composition of the three classes. Women sentenced to the new cells by a magistrate were immediately transferred to the first class when they completed their term of solitary confinement. At the same time, fewer women were sentenced to simple confinement in the third class because they generally resisted the hard labour which was an integral part of their sentence, whereas their fear of the harsher discipline of the cells acted as a deterrent to crime. Admission to the second class was restricted to nursing mothers and their infants and therefore the authorities could not use it to siphon off a percentage of the first class which increased in proportion to the diminishing numbers in the other classes.114 This, in turn, altered the financial structure of the factory for, over a number of years, a distinction had been made between the rations supplied to the first and second classes and that given to the third class.115 From 1831 the daily ration for

---

113. ibid.
115. See ch. 2, p. 73.
the first two classes had been fixed at:

- 10 oz wheaten bread
- 10 oz maize or barley bread OR 16 oz wheaten bread
- 6 oz maize meal
- 12 oz fresh beef
- 8 oz vegetables
- ½ oz salt
- 1½ oz brown sugar
- ¼ oz tea
- ¼ oz yellow soap.

whereas the inferior ration for the third class was only:

- 12 oz wheaten bread
- 12 oz maize meal
- 4 oz fresh beef
- 8 oz vegetables
- ½ oz salt
- ¼ oz yellow soap. 116

Inflation, caused by the drought of 1838-39, an increase in the total number of women in the factory and the higher percentage of women entitled to the superior ration, raised the running costs at a time when Gipps was struggling to keep the government solvent. Thus, at the end of 1839, he took a step intended to reduce government expenditure at the factory and, at the same time, to encourage better behaviour among the women: the inferior ration, even though it was barely enough to maintain good health, became the standard ration for all except nursing mothers and 130 of the best behaved women in the first class. Gipps believed that the opportunity to earn extra rations through participation in the needlework and laundry schemes would more than compensate the women for the reduction in rations. 117 In theory, this should have been a

---

116. A list of rations for each institution was published in the Government Gazette when contracts for the supply of provisions were invited.

Gipps to Stanley, 20 May 1843, H.R.A., S. 1, Vol. xxii, p. 738. On 30 May 1840 Matron Bell requested a higher ration for all but crime class women, because of: 'The great quantity of work sent here latterly to be done, the women are totally unable to finish it with sufficient dispatch. The winter setting in and their present ration
satisfactory arrangement, but no attempt was made to restore the former scale of rations once it became apparent that only one third of the women could be provided with work.

The physical condition of the women gradually deteriorated as the withdrawal of assigned servants aggravated the overcrowding at the factory and as the reduced ration began to take its toll of their health. During 1842 there was an outbreak of scurvy caused by the inferior quality of provisions supplied by the contractor in his efforts to keep within the very low rate - 3½d per day for the superior ration and 2½d for the lower ration - which had won him the contract. Commissariat regulations prevented the government from taking direct action to ensure that goods of a proper quality were regularly supplied and all complaints had to be made to an arbitrator who, more often than not, decided in favour of the contractor. The matter came to a head in October 1842 when, on the occasion of a visit by Gipps to the factory, the women determined that, regardless of the consequences, they would make their predicament known to him. For some time they had been petitioning the governor for a revival of assignment, but until then had had no opportunity of putting their case to him directly. In a despatch to Stanley he wrote:

I found the Women in a state of great excitement. Their manner of addressing me was still respectful; but there was an air of determination in it which was altogether novel; and the peculiar hardship of their condition

was ... perfectly understood by them.¹¹⁹

Their main grievance was that they had been sentenced to transportation, not imprisonment in the colony. Sentences at Millbank Penitentiary of three to five years' duration were regarded as equivalent to transportation for seven years to life, but they were now forced to serve a minimum sentence of four to eight years under conditions that were at least as harsh as those at Millbank. Then they could only be released provisionally, for the balance of their original sentence and this indulgence could be cancelled at any time, whereas the Millbank prisoners became free when their terms in the penitentiary had expired.¹²⁰

Gipps recognised the justice of the women's complaints and introduced a modified assignment system to relieve their distress. The women were placed in private service for wages approved by the governor and under strictly regulated conditions, and by May 1843, 234 women had been transferred to private service, with a corresponding reduction in the number of women confined in the factory and an improvement in their conditions.¹²¹

A Board of Enquiry, appointed to investigate the women's complaints, ruled that their conditions should be ameliorated by improving their diet and by introducing a few additional indulgences for those women unable to leave the factory. As a result, in early 1843, the superior ration was granted to all

inmates, regardless of the class to which they were allocated. The Board of Enquiry attributed the outbreak of scurvy to:

the existence either of gross neglect or incompetency on the part of the persons, who were charged with the immediate superintendence of the institution, or of wilful collusion between them and the Contractor or his Agent.

Accusations had been made once before against Thomas and Sarah Bell, at the time of the Claphams' dismissal in 1838, but the informants, Mrs Mumford and the convict woman, 'Sarge', were regarded as unreliable witnesses and their evidence dismissed. It may have been that Gipps never fully believed Campbell's report exonerating the Bells and decided to keep a close watch on their activities in future. Certainly, for some months prior to his October visit to the factory, he had harboured serious doubts as to their honesty, especially when it became known to him that they were spending more money than they could normally be expected to possess on their combined salary of £300 per year and that they and the sub-matron, Mrs Mary Corcoran, were depositing substantial sums in the Savings Bank. Gipps suspected that they were deriving an improper profit from their positions at the factory, but though he and Deputy Commissary General, W. Miller, investigated the matter, no direct proof of malpractice

122. ibid., p. 737; See also, Elyard to Visiting Justice, 18 November 1842, and 5 October 1843, A.O.N.S.W., C.S.O.L., 4/3725, No. 42/300, p. 274 and No. 43/193, p. 307 respectively; Bundle of letters re Inquiry, A.O.N.S.W., C.S.I.L., 4/2510.1, No. 43/6476.

could be discovered. Gipps, nevertheless, retained copies of correspondence which might support his suspicions. The breakthrough came in July 1843 when a clerk, Alexander Cameron, brought to Gipps' attention information which proved that in 1841 rations were drawn for more children than had actually been in the factory. It was not clear whether the discrepancy emanated from an error or a deliberate attempt to defraud the government, so Gipps decided against taking immediate action. The truth emerged the following month when a quarrel erupted between the Bells and Mrs Corcoran. Mrs Bell informed Edward Deas Thomson, Colonial Secretary, on 9 August that, during the previous evening Mrs Corcoran, while intoxicated, had attacked their servant, Ellen Chambers. A Board was appointed to investigate the matron's charges against her deputy. Corcoran responded by charging the Bells with embezzlement. She claimed they had drawn rations for almost 100 children not actually in the factory; that Sarah Bell had pocketed the proceeds of needlework done for the public by telling the prisoners it was on her own account; that she kept six of the best needlewomen in the factory in her immediate employ; that Thomas Bell had his own clothing

124. ibid., sub-enclosure No. 1, Deputy Commissary-General Miller to Colonial Secretary, 20 October 1843, p. 536.
127. Mrs Corcoran had been appointed on 18 December 1838, A.O.N.S.W., C.S.O.L., 4/3724, No. 39/16, p. 338.
made by the factory tailor from government materials; that he had drawn 60 lbs of soap per week for the factory hospital, whereas only 15 lbs was allowed; that the prisoners never received their ration of meal; and that Bell had received from the contractors articles in lieu of others stated to have been delivered. Mrs Corcoran also claimed that the Bells tried to silence her by shutting her in a room until she agreed not to divulge their activities, and, when this failed, had tried to persuade the Roman Catholic priest, Father Coffey, to induce her to retract her charges. The Board of Inquiry concluded that:

the House Steward, the Matron and the Sub-Matron were ... in collusion with the Agent of the Contractor, and that through his instrumentality a portion of almost every article of supply for the Factory was withheld and converted monthly to their own profit.

Thomas Bell and John Hamilton, the contractor's agent, were committed for trial, but Mrs Corcoran turned Crown evidence and was not charged. Mrs Bell was not charged either, as it was presumed the law would regard her as having acted under the control of her husband and thus clear her from responsibility. The trial was set for January 1844, but the Attorney-General, John Hubert Plunkett, had to postpone it.

129. Charges made by Mrs Corcoran against Mr and Mrs Bell, 21 August 1843, sub-enclosure No. 2 in Stanley to Gipps, 12 April 1844, H.R.A., S. i, Vol. xxiii, p. 537.
because several vital documents had been forwarded to England. 132 Proceedings finally began on 8 October 1845 and continued, with several adjournments, until 7 January 1846, when the illness of a juryman led to the jury being discharged before it could reach its verdict. 133 Plunkett wanted to pursue the matter and order a re-trial, but the case ultimately lapsed because the various witnesses had scattered and there was little hope of gaining a conviction without their evidence. 134 Thus the Bells and Hamilton escaped punishment for their crimes and for the grave distress they had caused the women in their care.

Mr and Mrs William Rogers, from the office of the Principal Superintendent of Convicts in Sydney, assumed responsibility for the factory in September 1843, but despite their 'zeal and attention' to their duties, they could not cope with the task and returned to their former positions. 135 They were succeeded by Mr and Mrs George Smyth in March 1844. Smyth, a member of the Society of Friends, and his wife, a practising Anglican and the daughter of a British Officer, Lieutenant-Colonel Fernandez, produced glowing testimonials as to their conduct and integrity and it was expected that

134. Gipps to Gladstone, 5 June 1846, H.R.A., S. 1, Vol. xxv, p. 84.
they would exert a beneficial influence on the women. 136

Dr Browning, a visitor to the factory, commended the matron's efforts:

Mrs. Smythe really seems to do her duty. She has great horror of vice, and is most firm and determined in resisting and endeavouring to overcome ... the dreadful depravity which prevails in the factory. There is a degree of decorum and propriety ... which ... did not exist before; and the women seem quite aware that to gain Mrs. Smythe's favour or any indulgence, they must at least behave with outward decency. 137

All went well until late 1846 when dissension between the Smyths and Gilbert Elliott, the Visiting Justice, resulted in the latter bringing charges of irregularity against the couple. The charges were investigated and the Smyths exonerated, but it was pointed out that the trouble would not have occurred if the duties of the respective parties had been more clearly defined. 138

Gipps had already decided to discharge the Smyths because they had allowed 'great irregularities' to take place within the factory. On the evening of 31 December 1846 they

136. Gipps to Stanley, 17 March 1844, H.R.A., S. I, Vol. xxiii, pp. 477-8; Statement by R.M. Robey, 6 February 1844, A.O.N.S.W., C.S.I.L., 4/2549.2, No. 44/1261. The office of sub-matron, vacant since the dismissal of Mrs Corcoran, was abolished because the inmates had dropped to less than 500 as the full effect of the end of transportation was felt. Smyth's business as a merchant in Sydney had collapsed during the commercial depression of the preceding three years, but his insolvency was attributed to his connections with Mr Boucher of the British and Australasian Bank and with another person named Goode. The Smyths gave their own bond of £200 and William Bland and A.I. Yarrow stood surety for them at £100 each. A.O.N.S.W., C.S.I.L., 4/2594.2, No. 44/2592.

137. Matilda Wrench, Visits to Female Prisoners at Home and Abroad, London, 1852, letter dated 1843.

had invited their friends to a ball within the factory precincts, which, it was claimed, went on until 2 a.m. and led to 'a scene of intoxication, riot and insubordination among the women under confinement therein'. The Smyths denied this charge and said that they had only had a few friends in for a quiet celebration. Gipps' minute on the correspondence relating to the affair noted the irregularity of having any sort of ball within the factory, let alone one that tarried until 2 a.m.\textsuperscript{139}

The last incumbents, Mr and Mrs Edwin Statham, who were appointed on 17 February 1847,\textsuperscript{140} managed to carry out their duties until March 1848 without breath of scandal touching them. By March 1848 the few remaining prisoners were released and the buildings converted to a refuge for male and female invalid and lunatic prisoners of the Crown.\textsuperscript{141}

Thus ended the Parramatta female factory and its role in the punishment, reformation and control of female convicts transported from Britain to New South Wales between 1804 and 1848. During this period the factory had been transformed from a loosely-knit refuge for homeless convict women to a tightly-run female prison, where some attempt had been made to apply relevant elements of the reformed British penal system. The work was not yet complete; it was left to the Van

\textsuperscript{139} FitzRoy to Grey, \textit{ibid.}, p. 480; Bundle of letters dated 29 January 1847, A.O.N.S.W., C.S.I.L., 4/2766.2; Parramatta Meeaneger, 30 January 1847.


\textsuperscript{141} FitzRoy to Grey, 5 April 1848, \textit{H.R.A.}, S. 1. Vol. xxvi, p. 329; See also, Colonial Act, 9 Victoria No. 34, 13 June 1846, which authorised the transfer of lunatics to the female factory.
Diemen's Land Convict Department to apply the total scheme of separate confinement and the segregation of the various classes of female prisoners in the colonies' female factories.
CHAPTER V

CLAMOUR AND TUMULT

Van Diemen's Land, 1820 to 1842

Clamour and tumult commenced and prevailed to an extreme degree.


Until 1840 the management of female convicts in Van Diemen's Land echoed the Parramatta experience of multipurpose female factories vested with responsibility for the women, but was hampered by a shortage of funds and production opportunities, by the lack of properly trained personnel and by constant overcrowding in poorly maintained buildings. Attempts to rectify these problems reflected the expertise gained at Parramatta but, in addition, often included a degree of severity or an element of innovation entirely unique to the Van Diemen's Land situation. Then, in 1841, the diversion of the whole stream of transported felony to Van Diemen's Land created a crisis in the penal system which forced the colonial administration to re-examine its policies, including those associated with the female factories. After 1841 the colonial government could no longer look to Parramatta for guidance - the separate confinement system was never fully implemented there - so turned to the prisons of Britain for inspiration, and to its own resources for the means, to effect a satisfactory transition from the old-style multipurpose factories to a clearly defined separate confinement and probation.
system of penal management.

The settlements at Hobart and Port Dalrymple, made ostensibly to forestall a threatened French occupation of the island in 1803-4, quickly developed into penal stations for incorrigible convicts.\(^1\) The colony was slow to develop: by 1816 the white population numbered only 1461, including 75 female assigned servants.\(^2\) Such was the demand for female servants that none but the most refractory were withdrawn from service and these were confined in a single apartment measuring thirteen by ten feet, set aside for them in the Hobart Gaol.\(^3\) In 1817, hearing reports that transportation would be extended directly to the colony, Lieutenant-Governor William Sorell proposed that a building be erected for the women at Pittwater.\(^4\) Macquarie vetoed this suggestion on 18 January 1818, informing Sorell that:

> as it is not my intention that there ever should be more Female Convicts sent from hence to Van Diemen's Land than are necessarily required for the use of Settlers ... I do not think it necessary ... to have any Public Building erected for the Female Convicts ...\(^5\)

Instead, Sorell adopted, somewhat reluctantly, Macquarie's proposal that 'refractory or disorderly ill-behaved Female Convicts' be sent to Parramatta for punishment.\(^6\) The commissioning of the first convict ship to carry females

---

direct from England to Van Diemen's Land early in 1820 prompted Sorell to make further representations for a factory, but once again Macquarie rejected the proposals. Then, within two months, Bigge wrote to Sorell seeking information 'touching the want of Provision in these Settlements for the Punishment and Employment of Female Convicts' and, in particular, details of Macquarie's instructions on the subject. On 4 May Sorell replied that, though the governor's attention had been drawn to the lack of proper facilities for the women, Macquarie had withheld approval for the construction of a female factory on the grounds that it would incur unnecessary expense for the Home Government. Whether or not Bigge confronted Macquarie with Sorell's statement is not clear, but considering the Commissioner's concern for the 'evil consequences arising ... from the indiscriminate association and the unrestrained prostitution of so many licentious women', and his criticism of Macquarie's delay in building the new factory at Parramatta, it seems unlikely

8. Sorell to Bigge, ibid.
9. ibid.
11. ibid., pp. 71-74.
that he would have neglected to raise the subject with the governor. 12

Sorell's letter to Bigge had no immediate effect and on 6 December 1820, when the female convict population had risen to 370, 13 with more women daily expected, he again renewed his request for a factory, pointing out that if no action were taken:

no alternative will remain here but to allow the mass of the Females, who arrive, to go out at once at large, and of the Females, who are in Service, quitting their places, which at present it is found nearly impossible to prevent, the sentence to labor in the Gaol not being sufficient without more permanent confinement to labor. 14

Whatever the reason - Sorell's recommendation or Bigge's intervention - Macquarie finally acquiesced and, by February 1821, when the Commissioner left Australia, 15 plans had been completed for a factory to be built adjacent to the Hobart gaol. 16

The factory, designed for 100 women, was too small to provide a permanent solution to the problem of accommodating the growing number of female convicts under government control.

12. No reference to this subject appears in the official despatches or in the correspondence between Bigge and Macquarie, though in his report on the colony in 1822, Bigge noted Sorell's pleas for a factory and Macquarie's rejection of the project, with the comment that the recurrence of the 'unrestrained prostitution' which had occurred during 1820 on ships transferring women from one colony to the other, could be avoided by 'the speedy accomplishment of the object that ... Sorell had in view', ibid., p. 74. Nor is mention made of the matter in the 63 charges laid by Bigge against Macquarie, see Macquarie's refutation, in Ritchie, Evidence of the Bigge Reports, op. cit., Vol. 1, pp. 200-264.


and, in May 1824, Sorell suggested that, when the new prison planned for Hobart was finished, the existing gaol could be incorporated into the factory, thereby providing 'ample means' for the classification of the women without incurring the expense of a new and larger factory.¹⁷ Sorell's successor, Lieutenant-Governor George Arthur,¹⁸ concurred with this suggestion and, in August 1824, sought Bathurst's approval for the scheme, noting that, though parts of the old gaol could not be 'rendered at all habitable to the use of the Factory', the remainder would serve the purpose until better accommodation could be provided for the women.¹⁹ He promised to reorganise the enlarged establishment along the lines proposed by Elizabeth Fry in a paper she had written for Under-Secretary Wilmot Horton and which was transmitted both to Brisbane and Arthur by the Colonial Office in 1823.²⁰

Bathurst, in a despatch dated 5 June 1825, gave approval for the amalgamation of the two buildings.²¹ In the meantime Arthur had entertained second thoughts about the plan.²² On 23 September he asked the keeper of the factory, Joshua

¹⁸. Lt. Col. George Arthur was commissioned as Lieutenant-Governor of Van Diemen's Land on 2 August 1823 and took office in May 1824. His administration lasted until 30 October 1836, and he returned to England in March 1837, H.R.A., S. 3, Vol. iv, pp. x - xv. See also, A.D.B., Vol. 1, p. 33 ff.
²⁰. ibid.; See also, references to E. Fry in ch. 2.
Eyron Drabble,\textsuperscript{23} to explain why the cost of the women's maintenance was not defrayed by their labour. Drabble blamed the government's parsimony and pointed out that the:

defects of the present Factory combined with the increase of its inmates, especially pregnant women and children, operate not only against productive labor but lessens, in an inverse ratio to the augmentation of their numbers, the quantity of work formerly performed ...\textsuperscript{24}

Requiring an independent report before taking action, Arthur instructed the Hobart magistrates to make a detailed survey of the establishment.\textsuperscript{25} Their report, presented on 13 February 1826, was extremely critical of the establishment: 109 women and children were crowded into four poorly ventilated rooms, the associated offices and keeper's quarters were inadequate, the four dark cells were insecure, the women could communicate freely with prisoners in the gaol and people outside the walls, classification of the prisoners was impossible, and Drabble and his family were 'minutely exposed to insult and personal outrage from the women'. The magistrates concluded that, though the authorities 'contemplated the moral improvement of the Women by classification and ... suitable employment', the premises could not be adapted for that purpose.\textsuperscript{26}

On 23 April 1826 Bathurst requested that Arthur use his extensive powers to end the 'state of disorder' among the

\textsuperscript{23} J.E. Drabble listed as superintendent in \textit{Tasmanian Almanack}, 1825, p. 78.

\textsuperscript{24} Drabble to Montagu, 4 October 1825, A.O.T., C.S.O., 1/32/753, p. 30.


\textsuperscript{26} Report by Magistrates, \textit{ibid.}, pp. 286-7.
convicts. He said he was at a loss to know why the gaol and factory had reached such a deplorable state and insisted that the construction of secure gaols and convict barracks take precedence over all other public works, however urgently they may have been required. 27

The trouble was that the public works programme had been brought almost to a standstill during 1826 by shortage of convict mechanics and competent overseers and despite Bathurst's orders, Arthur had to weigh the priorities of each project against the available resources and the needs of the colony. His solution was to concentrate the public gangs on the construction of the new gaol, to use contract labour for the prisoners' barracks and to purchase a suitable building for a female factory. 28

His decision was made public and, on 23 October 1826, Thomas Yardley Lowes contacted the Colonial Secretary, William Henry Hamilton, and offered to sell his distillery at the foot of Mt. Wellington to the government for £2500. 29

Leading officials inspected the site. The Colonial Architect, David Lambe, reported that the premises, known as the Cascades, were well-built and, with alterations estimated at

29. T.Y. Lowes to Col. Sec., 23 October 1826, A.O.T., C.S.O., 1/1/6, p. 11. The premises consisted of two double-storey stone buildings, one 60 by 30 feet and the other 150 by 20 feet, together with an office, stable and two apartments, surrounded by a wall 400 feet long and 10 feet high. Twenty acres of partly cleared and cultivated land was included in the offer.
CASCADES FEMALE FACTORY, 1827, Plan for Conversion of Mr Lossie's Distillery.

Ground Floor

- 1. Boiler
- 2. Tank for Lard
- 3. Tank washer
- 4. Office
- 5. Kitchen
- 6. Wet Room
- 7. Washhouse
- 8. Dining
- 9. Servant
- 10. Room for Occasions and Bathing
- 11. Pipe of Water
- 12. Pitcher
- 13. Bottles
- 14. Beer Bottles
- 15. Plan of Ground Floor

- From Smelting of solid into
- Smelting into
- Water into
- Water for
- Water into
- Water into
- Water into
- Water into
- Water into
- Water into

Lower Floor

- 15. Plan of Upper Floor

- Upper Floor

- Inside of Internal Mill
- Inside Mill with lid

A.O.T., C.S.O., 1/1/6.
£700, would be satisfactory for the purpose. \(^{30}\) The Colonial Surgeon, James Scott, favoured the site as one which would contribute to the health of the women. \(^{31}\) Drabble alone dissented. He emphasised the need for a building 'erected on principles of Classification and complete seclusion from external intercourse' where:

> the dread of solitary punishment combined with the natural love of society would act as a stimulus to good conduct, escape be prevented, external communication cut off, subordinates maintained, industry excited, health preserved, the safety of Work or other Property secured, and Religious Instruction communicated with a more rational hope of ultimate success. \(^{32}\)

He agreed that the building could be converted into a prison, but objected to its irregular plan and lack of security, the high cost of alterations and the difficulty of access to medical, magisterial and constabulary assistance. \(^{33}\)

Drabble's objections were overruled and in Minute No. 12, dated 12 January 1827 and read to the Executive Council on 3 March, Arthur announced his intention of purchasing the Cascades distillery for £2000. \(^{34}\) The transaction completed, the government called for tenders in April, and again in June, for the alterations necessary for the conversion of the building. The successful applicant, John Faber, agreed to finish the work within nine months at an estimated cost of

\(^{30}\) Lambe to Col. Sec., 1 November 1826, A.O.T., C.S.O., 1/1/6, pp. 19-21; See also, A.D.B., Vol. 2, p. 73, for biographical details of David Lambe.

\(^{31}\) Scott to Col. Sec., 2 January 1827, A.O.T., C.S.O., 1/1/6, p. 23; See also, A.D.B., Vol. 2, p. 427 for biographical details of James Scott.

\(^{32}\) Drabble to Col. Sec., 31 October 1826, A.O.T., C.S.O., 1/1/6, p. 15.

\(^{33}\) ibid.

\(^{34}\) Minute No. 12 from Arthur to Executive Council, dated 10 January 1827, A.O.T., C.S.O., 1/1/6, p. 26.
£2344.35 In June 1828 the building was ready for occupation and the women were transferred to it from the old factory.36

The decision to purchase the Cascades distillery was of major importance to the development of structures for the management of female convicts in Van Diemen's Land. The internal organisation of the new factory was patterned on the Parramatta factory, with each class of women being housed in its own ward and airing yard. Such an arrangement was obviously economical, but it meant the loss of opportunities to improve on the system developed in New South Wales or to adopt the separate confinement system approved by the Home Government and already implemented in the Millbank Penitentiary.37 The prime consideration was to bring the women under closer control and to prevent them from further impinging on the respectable elements of society by removing them bodily from the heart of Hobart, yet, at the same time, to do so without allowing the cost of the project to delay the construction of the new gaol or to postpone the development of public amenities for the free population. Thoughts of improving the women's conditions were not rejected - Arthur wrote to Bathurst after the transaction had been completed admitting that a 'more desirable arrangement might have been


36. The factory was extended in 1832-33 when a double-tiered range of 100 cells and a new airing yard were erected. Two years later a blanket manufactory was added and further alterations and repairs were carried out between 1837 and 1840. Blue Books for 1831-1840, A.O.T., C.S.O., 50/6/3329, 1831, p. 60; 50/7/318/6, 1832, p. 54; 50/10/318/9, 1835, p. 51; 50/11/318/10, 1837, p. 34; 50/13/3330, 1839, n.p.; 50/14/3331, 1840, p. 62.

37. See ch. 2, p. 57
made' - but the urgency of completing the project was regarded as sufficient justification for the postponement of reforms.  

The 'more desirable arrangement' was achieved in the northern settlement at Launceston where a female factory, designed specifically for that purpose, was completed in 1834. Until 1820 female convicts sent to the County of Cornwall were, if necessary, imprisoned in a small wooden hut reserved for them in Launceston, but, as this mode of punishment was unsatisfactory, it was decided to establish a female factory at George Town. This factory, a two-storey building containing a two-room apartment for the superintendent and his family and four small dormitories and a sick bay for the women, served the district for the next 14 years.  

The shortage of resources and labour in the colony left the George Town factory without proper maintenance and by 1829 it had become as dilapidated as the old factories at Parramatta and Hobart had been. On 28 June the Anglican chaplain at Launceston, Dr William Henry Browne, drew the governor's attention to:

the neglected state of these unfortunate creatures too far removed from any person interested in their reformation.  

It was decided to close the George Town factory and to transfer the women to a new Female House of Correction in

40. Browne to Burnett, 28 June 1829, A.O.T., C.S.O., 1/19/140. He also complained that the 31 women and eight children in the factory were totally unemployed and that they suffered from the cold and damp conditions of the building. See also, A.D.B., Vol. 1, p. 168 for details of Browne's work.
GEORGE TOWN

- Female Factory
Launceston. Plans and specifications were drawn up and
tenders were called on 11 December 1829\textsuperscript{41} but the building was
never started. A year later the local Superintendent of
Convicts, Ronald C. Gunn, reported that the 'general ruinous
state' of the George Town factory was beyond description. He
deplored the idleness of the women, the lack of classification,
and the absence of punishment, particularly 'that greatest
punishment of Cutting the Hair' which even the women in the
crime class escaped, the only unpleasantness awaiting them
being, in his opinion, that they were 'debarred from inter-
course with men'.\textsuperscript{42}

In February 1831 Gunn informed the Principal Superinten-
dent of Convicts, Josiah Spode, that his efforts to reform the
factory had failed and nothing more could be done until the
existing building was thoroughly renovated or replaced with
new premises.\textsuperscript{43} Even so, construction of the Launceston
House of Correction was not started until April 1833 and it

\begin{itemize}
  \item \textsuperscript{41} Notice, dated 11 December 1829, signed by John Lee Archer, Civil
  Engineer, in \textit{H.T.G.}, 9 January 1830, Vol. xv, No. 711, p. 11; See
  also, correspondence at A.O.T., C.S.O., 1/19/340, dated 1828-29 re
  the closure of the George Town factory, the renovation of the old
  penitentiary at Launceston and the proposals for a new factory.
  
  \item \textsuperscript{42} Gunn to Col. Sec., 4 December 1830, enclosure in A.O.T., C.S.O.,
  1/541/11746. See also, questions submitted to Ronald Gunn, 10 July
  948, Religious Society of Friends Library, London, in which Gunn
  stated that: 'The Penitentiary for Females at George-town is, in
  its present state, worse than useless: The building itself being
  ruinous, & without the most common conveniences for a place of the
  description ... The evils arising from conveying the women to & from
  George-town in open boats, & small vessels where every description
  of licentiousness is practised, alone are sufficient to ruin any
  female who previously might have a particle of good feeling left'.
  See also, \textit{A.D.B.}, Vol. 1, p. 492 for biographical details of
  Ronald Gunn.
  
  \item \textsuperscript{43} Gunn to Spode, 7 February 1831, A.O.T., C.S.O., 1/541/11746. See
  also, \textit{A.D.B.}, Vol. 2, p. 466 for biographical details of Josiah
  Spode.
\end{itemize}
was November 1834 before the women were admitted to it. 44

John Lee Archer, the colonial architect and engineer 45 responsible for the project, retained in his design the elements of prison architecture - the wards and adjacent airing yards - which were required for the classification of the women into assignable, probation and crime classes, but combined them in a manner which gave the superintendent direct access to and surveillance of each area. The building, set within octagonal outer walls, took the form of a cross, the junction of which was devoted to the superintendent's quarters and upstairs, to the chapel, while the wings contained the dormitories, solitary confinement cells, day rooms and work areas for each of the three classes. The fourth wing contained the hospital, nursery, dispensary and offices. The four courtyards were sub-divided into two portions by internal walls, thus forming an enclosed courtyard on either side of each wing. Unlike the Cascades factory, accommodation in the Launceston factory proved adequate for the purpose and, apart from maintenance and the construction of covered work-shops in the courtyard areas, no major reorganisation was

44. A note, signed by Arthur and dated 19 April 1832, affixed to Gunn to Col. Sec., 4 December 1830, A.O.T., C.S.O., 1/541/11746, stated that 'Something must really be done upon this subject', and recommended that tenders again be called for the project. Tenders were called on 3 November 1832, apparently unsuccessfully, and they were repeated on 25 January 1833, see H.T.G., 23 November 1832, Vol. xvii, No. 860, p. 607; 25 January 1833, Vol. xviii, No. 869, p. 48; and 13 November 1834, Vol. xix, No. 963, p. 878; See also, correspondence file, A.O.T., C.S.O., 1/541/11746, especially pages nos. 35, 120, 122, 221, 330; Blue Books for 1832-34, A.O.T., C.S.O., 50/8/318/7, p. 62 and 50/9/318/8, p. 71. The Colonist and Van Diemen's Land Advertiser, 11 March 1832, Vol. iii, No. 88, p. 3.

45. The announcement of John Lee Archer's appointment was made on 1 August 1827, H.T.G., Vol. xii, No. 583, 11 August 1827, p. 2; See also, A.D.B., Vol. 1, p. 23 for biographical details of Archer.
Design for a Female House of Correction proposed to be built at Lannosston, V.D.L., November 1832.

Ground-Plan

Section of Chapel

Plan of Upper Floor

A.O.T., C.S.O., 290/827
Plans Folder 57.
required until 1841 when the rapid expansion of the convict population brought unprecedented pressures. 46

On 29 September 1829 a set of 'Rules and Regulations for the management of the House of Correction for Females' was published for the Cascades factory - for the information of the public, the control of prisoners in the factory and 'to enable the Magistrates to apportion the punishments which they may find it necessary to inflict, in accordance with the Regulations'. 47 The principal superintendent of convicts, a magistrate, was charged with the overall superintendence of the factory while, in contrast to Mrs Fry's recommendations, a male superintendent was entrusted with the responsibility:

for the safe custody of the Women, and for the strict observance of the Rules and Regulations for the House of Correction. 48

His wife, as matron, assumed special responsibility for 'such part of the employment of the Women as falls within the province of a Female' and for matters which 'could not properly be performed' by her husband. 49 The duties of the subordinate staff were clearly defined, together with procedures governing the reception and treatment of prisoners and the management of the hospital and nursery wards. These regulations, amounting to almost 10 printed pages, were the product of careful thought and a clear understanding of contemporary penal practice, though to what extent they may

47. Proclamations, Van Diemen's Land, 1829, loc. cit., pp. 69-78.
48. ibid.
49. ibid.
have been influenced by the changes in the treatment of female convicts introduced by Darling and the Committee of Management at Parramatta is not clear. A copy was forwarded to Gunn in 1831 with instructions that the regulations be applied at the George Town factory. Since the regulations were predicated on a style of prison architecture and a standard of management which the George Town factory, in its dilapidated and overcrowded state, neither possessed nor could hope to attain, Gunn, somewhat reluctantly, informed Spode that:

The want of caps prevents the hair of the Women being cut, and their clothes cannot be changed as there are no complete suits in the Factory, no caps, shoes, jackets or aprons; even the food is obliged to be different to that expressed in the Regulations, as neither peas, barley, rice or vegetables could be obtained at George Town to make soup.

Thus, it was not until the Launceston House of Correction was finished that the female convicts sent to the County of Cornwall could be disciplined in the manner of the women at Hobart.

On the wider scene, convict discipline in Van Diemen's Land was regulated by a series of Acts and Ordinances framed by the governor and Legislative Council in accordance with principles laid down by the Home Government. Of these, two Acts in particular related to the role of the factories in controlling female convicts. The Act, 7 Geo. IV, No. 1, 1 August 1826, authorising 'the Summary Punishment of disorderly Conduct in Female Offenders in the Service of the Government, or of any Inhabitant of Van Diemen's Land', placed female convicts under the rules of summary jurisdiction which

50. See ch. 2, p. 2
applied to the male convicts. The Act, 8 Geo. IV, No. 4, 1 September 1827, made it lawful to order females under colonial sentences of transportation:

> to be removed and confined in any Factory, and there kept to hard labour under the custody and management of the Superintendent.

Summary jurisdiction was extended to all criminals being punished in Van Diemen's Land for transportable offences, thereby removing the anomaly which hitherto had meant that only those convicts sent from Britain or retransported from New South Wales to Van Diemen's Land, as to a penal colony, were regarded as transported offenders.

Early in 1834 Stanley ordered Arthur to tighten controls over the convict population because the existing system was not contributing to the deterrence of crime in England. The laws governing the control of convicts in Van Diemen's Land were thoroughly reviewed and, on 4 August 1835, a new law was promulgated which provided extensive powers for the discipline of convicts and contained 85 separate clauses covering the nature of the courts, the duties of the justices, summary jurisdiction, prison management, breaches of discipline and the relative status of free and transported offenders. The female factories, penitentiaries for male convicts, and the common and public gaols in the colony became houses of

52. 7 Geo. IV, No. 1, 1 August 1826 and renewed by 9 Geo. IV, No. 1, 1 August 1828, in *Van Diemen's Land, Acts of the Governor and Council, 1826 and 1828*, loc. cit.

53. 8 Geo. IV, No. 4, 1 September 1827, 'An Act for the Transportation of Offenders from Van Diemen's Land' in *Van Diemen's Land, Acts of the Governor and Council, 1827*, loc. cit.

54. *ibid.*

applied to the male convicts. The Act, 8 Geo. IV, No. 4, 1 September 1827, made it lawful to order females under colonial sentences of transportation:

to be removed and confined in any Factory, and there kept to hard labour, under the custody and management of the Superintendent.

Summary jurisdiction was extended to all criminals being punished in Van Diemen's Land for transportable offences, thereby removing the anomaly which hitherto had meant that only those convicts sent from Britain or retransported from New South Wales to Van Diemen's Land, as to a penal colony, were regarded as transported offenders.

Early in 1834 Stanley ordered Arthur to tighten controls over the convict population because the existing system was not contributing to the deterrence of crime in England. The laws governing the control of convicts in Van Diemen's Land were thoroughly reviewed and, on 4 August 1835, a new law was promulgated which provided extensive powers for the discipline of convicts and contained 85 separate clauses covering the nature of the courts, the duties of the justices, summary jurisdiction, prison management, breaches of discipline and the relative status of free and transported offenders. The female factories, penitentiaries for male convicts, and the common and public gaols in the colony became houses of

52. 7 Geo. IV, No. 1, 1 August 1826, and renewed by 9 Geo. IV, No. 1, 1 August 1828, in Van Diemen's Land, Acts of the Governor and Council, 1826 and 1828, loc. cit.

53. 8 Geo. IV, No. 4, 1 September 1827, 'An Act for the Transportation of Offenders from Van Diemen's Land' in Van Diemen's Land, Acts of the Governor and Council, 1827, loc. cit.

54. ibid.

55. Stanley to Arthur, 26 August 1833, Secondary Punishment, P.P. No. 82, 1834, loc. cit., p. 17; See also, Stanley to Bourke, 21 August 1833, H.R.A., S. 1, Vol. xviii, pp. 197-200.
correction for the confinement and punishment of criminals under sentences of hard labour or solitary confinement. Prison keepers were empowered to confine inmates for up to three days in solitary confinement on bread and water for breaches of discipline, though repeated misconduct had to be reported to the justices who were empowered to place the offender in solitary confinement for one month, of which not more than seven days could be combined with a bread and water diet. Such restrictions did not curb the courts' right to make solitary confinement a component of the basic term of punishment issued at the time of sentence. 56 Insubordination on the part of transported convicts was clearly defined:

Every Transported or other Offender who shall forcibly or with violence or in a turbulent manner oppose or resist any lawfully constituted authority or shall excite or endeavour to excite any other person to be guilty of such opposition or resistance or who shall openly refuse to obey any lawful command or who shall in any manner unlawfully excite or knowingly occasion or assist in any riot or tumultuary proceeding whatsoever, or shall endeavour unlawfully to excite or occasion any such riot or proceeding shall be deemed guilty of "Insubordination" within the meaning of this Act. 57

This Act, harsher than any legislation hitherto known in the colonies, aimed at what Arthur wanted - that penal servitude in Van Diemen's Land should strike terror into the hearts and minds of the convict population - but, when some parts of it came under criticism, it was repealed in October 1838 by an Act which, on account of the number of clerical errors it

57. ibid., Clause xxxvi.
contained, was itself repealed by 2 Vict. No. 32, 1 January 1839. Many of the clauses of 7 Wm. IV, No. 2 were included unaltered in the new Act but others, which were particularly harsh or open-ended, were amended. Solitary confinement was limited to a maximum period of one month at any one time, and a total of three months in any one year, each portion to be separated by at least four weeks of ordinary confinement.

These laws were supplemented, as required, by administrative orders issued by the governor who retained final responsibility for the distribution and control of the convict population. Matters such as the staffing of the factory, administrative procedures for the assignment of convicts, the issue and cancellation of tickets-of-leave and conditional pardons, clarification of points of discipline, the listing of absconders and the calling of tenders for the supply of provisions and services were dealt with by means of Government Public Notices.

Under the 1829 regulations, women in the first class served as cooks, task-women and hospital attendants and those in the second class as seamstresses, while the crime class prisoners did washing for the male penitentiaries and the orphan schools, and for the institution itself, together with the processing of yarn. In each case the principal

58. 2 Vict. No. 32, 'An Act to amend the Act lately passed for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of Transported and other Offenders', dated 1 January 1839 and published in H.T.G., 25 January 1839, Vol. xxiv, No. 1182, p. 113.
59. *ibid.*, Clause xxviii.
60. *H.T.G.*, passim.
superintendent could, if necessary, vary the set tasks. 61

As the Committee of Management in New South Wales had discovered, finding sufficient suitable work to keep the women fully occupied was easier said than done. On 21 January 1832 Gunn suggested that the 29 inmates of the George Town factory, who had nothing to do, could be employed in sewing for the government officers and the public for a fee calculated to defray part of the expenses of the establishment. He pointed out that on several occasions needlework had been successfully completed for members of the public, but that the proceeds had been regarded as the perquisite of the Superintendent, Samuel Sherlock. 62 Following the removal of the George Town factory to Launceston, a three-man committee - Gunn, Police Magistrate, William Lyttleton, and Inspector of Works, William Kenworthy - was appointed on 20 March 1835 to consider how the women could be 'most beneficially employed'. They suggested needlework for the first class, washing for the second class, but thought:

the only advantageous manner in which the Third, or Crime Class of Females can be employed, with reference to an adequate measure of punishment, is that of breaking stones for repairing the Streets of Launceston. 63

Their report apparently had little impact: on 24 July Browne recommended that a laundry be installed because:

not only are the women loitering about the yard or lying basking in the sun but employment sent to one of them by a person hearing of the circumstance has been actually

61. 1829 Rules, op. cit., pp. 75-6.
62. Gunn to Spode, 21 January 1832, A.O.T., C.S.O., 1/574/12987, p. 254. See also below, footnote No. 73.
forbidden to be given her as contrary to rule. 64

Generally speaking, the employment situation at the Cascades factory appears to have been more satisfactory and there is no evidence to suggest that the women were entirely unemployed. Indeed, while the construction of a blanket mill on the premises in 1835 provided direct employment for a small number of women, the project could not have been contemplated as a viable operation unless the existing quota of spinning had been sufficiently high so as to ensure the economical running of the mill. 65

The diet established by the 1829 Regulations for female convicts in the Cascades factory was monotonous: breakfast consisted of \( \frac{1}{2} \) lb bread and a pint of gruel; dinner of \( \frac{1}{2} \) lb bread and a pint of soup; and supper of \( \frac{1}{4} \) lb bread and a pint of soup:

\[
\text{The soup to be made in the proportion of 25 pounds of meat to every 100 quarts of soup, and ... thickened with vegetables and peas, or barley, as may be most convenient.} \text{66}
\]

By 1834 the rations were revised. Henceforth each woman was to receive \( \frac{1}{2} \) lb meat, 1 lb bread, \( \frac{1}{4} \) oz salt, \( \frac{1}{2} \) lb vegetables and \( \frac{1}{4} \) oz soap each day. Women in the assignable class were allowed, in addition, a daily ration of 1 oz sugar and 1 oz roasted wheat for coffee. 67

Rations for assigned servants


66. 1829 Regulations, op. cit., p. 77.

were reduced in 1834 and again in 1836 as a result of food shortages and high prices, but it is not clear if these cuts extended to the factories. In theory, the rations for the women in service were to remain unchanged in quantity, though the magistrates and surgeons were authorised to permit the substitution of alternative foods, 'in proper proportions as regards nutriment', as the need arose. It seems probable that the factory management resorted to the same practice. 68

The management of the Cascades factory remained relatively stable during these years. The Drabbles who had managed the first Hobart factory were replaced by Esh and Anne Lovell on 29 February 1828, some months prior to the removal of the women to the new factory. Lovell, a former Hobart merchant and, from 1826, the Wesleyan missioner at Launceston, shared a salary of £150 per annum, plus quarters and rations, with his wife, who was appointed matron. They were assisted by another Wesleyan couple, Jesse Pullen and his wife, as overseer and assistant matron, respectively. The Lovells remained in office until December 1831 when they resigned, arguing that they had been given no opportunity to defend themselves against charges of negligence in classifying the women and issuing rations, and of the use of convict labour for the production of needlework for their own personal use. 69 John and


69. Letters to Anne, op. cit., pp. 4-13; A.O.T., C.S.O., Blue Book, 1831, 50/6/3229, P. 38; Blue Book, 1828, 50/5/313/5, p. 30; See also, A.D.B., Vol. 1, P. 133. Esh and wife, formerly Anne Ousten, migrated to Van Diemen's Land from Yorkshire in 1823. Devout Wesleyans, they became leading members of the Hobart congregation and in 1826 Esh sold his business as Timber Merchant and Dealer, and moved to Launceston as the first Wesleyan Missioner in that area. He was appointed to the Cascades on the recommendation of the Principal Superintendent of Convicts, John Lakeland.
Mary Hutchinson, former missionaries from the Wesleyan Methodist Society in Tonga, were appointed to replace the Lovells. They served the government for the next 20 years and survived the various scandals and public enquiries at the Cascades factory. 70

The Pullens left the factory early in 1831 and were replaced on 16 April by William and Elizabeth Cato, who retained their positions for 10 years, until their employment was terminated in the following circumstances. John Price, the Muster Master, was handed a letter in which a prisoner, Ellen Watkins, requested a friend in Hobart to send several articles to her via Mrs Cato, together with a fowl for the Catos' use. Price, determined to investigate the matter, prepared a parcel and fowl as directed and forwarded them to Mrs Cato. He then ordered that Ellen Watkins and her ward be searched but, when this failed to locate the parcel, he confronted Mr Cato who admitted he had it in his possession. Price continued:

I proceeded to Mrs. Cato's rooms and was then given the parcel by Mrs Cato it had been opened and a letter addressed to Watkins I found had been removed. Mrs. Cato told me and likewise Mr. Cato that the contents of the letter was so horrible and indecent that she had thought fit to burn it (I must here remark that not an indecent allusion was introduced into that letter) I then questioned Mrs. Cato as to whether there was anything else but what she handed me. She replied "Yes a fowl but Cato and I thought it was a pity it should stink and so I had it plucked". I found the Fowl ready to be placed at the Fire it was trussed as well as plucked. I subsequently told Mrs. Cato that I was aware of the

contents of the letter and she then modified greatly her terms of the indelicate language contained in it.71

Investigation of these charges resulted in the Catos' dismissal in April 1841.

Changes to the management of the northern factories were more frequent. Robert Graves, Superintendent at George Town, was dismissed on 17 September 1829 for drunkenness.72 Samuel and Mary Ann Sherlock held appointments there until the women were transferred to Launceston in 1834. The situation was not entirely to Sherlock's liking and, as early as 1831, he tendered his resignation because he was worried about the ill-effect of the factory on his family. He wrote:

Mrs Sherlocks large young family being most of them little Girls and the Establishment being a very improper place for young Children, there being no detached apartments for myself and family ... 73

He withdrew this resignation when he received a letter implying that, once the Launceston factory was built, his circumstances would improve, yet, when the time came, the

73. An account of the Sherlock family has been compiled by a descendant, Mrs L.T. Lowe, of Frankston, Victoria. Sam. Sherlock, born in Cheshire, arrived in New South Wales on the 'Perseus' on 12 July 1806 as a free man. In 1808 he married Sarah King, a convict woman and for a time they farmed an allotment along the Hawkesbury River. Early in 1817 they moved to Port Dalrymple and by 1818 he had been employed as a town constable. Sarah died in childbirth in 1823 and on 30 October 1825 Samuel married Mary Ann French, a spinster from Longford. By the time they left the factory they had six children: Frances, John, Mary Ann, Henry, Julia and Sarah. A seventh child, Samuel, was born in 1835. Following their removal from the factory Sherlock became licensee of the White Hart hotel but after the death of his wife in 1840-41, and the decline of their fortunes, he sold the hotel and moved his family to Port Phillip, where he died in 1845, aged about 70 years.
government decided against transferring the Sherlocks to the new factory and appointed Mr and Mrs John Grant Smith on 31 July 1834. In 1836 they were replaced by J. Windeatt and his wife, who, in turn, were replaced by Mr and Mrs L. Dickenson in 1838. The number of assistant staff in the factories gradually increased as the establishments expanded and, by 1840, 10 free people were employed full-time at the Cascades and three at Launceston. Staffing at this level was subject to the same degree of instability as the Parramatta staff, with frequent dismissals resulting from infringements of the regulations.

A major cause of concern during this period was the poor condition of infants born in or admitted to the factories. To become pregnant while in assigned service was considered a serious breach of discipline and, regardless of whether the woman was the victim of rape, the willing partner, or the seducer, she was usually returned to the factory for her confinement and later removed to the crime class for six months' punishment dated from the weaning of her child. On 31 January 1834 E.S.P. Bedford, the Acting Assistant Colonial Surgeon, submitted a report on the nurseries and hospital at the Cascades factory. Twenty-seven nursing mothers and their infants were crammed into two rooms, nine women and 30 children occupied the nursery for weaned children, and a further 13 children were housed with the women of the first class. Bedford recommended that more space be allocated to

the children, that they be properly classified, and that weaned infants be transferred to the orphan schools, or to friends. 77 In a second report submitted on 11 April he revealed the abnormally high death rate among the children and observed that:

The diseases arising amongst the weaned Children are all those caused by impoverished living, and want of exercise; so long as they are not weaned and require their mothers attention they do well; when weaned if with the Mother or not the deaths are frequent from the confinement, and in some cases bad feeding, but when removed to the care of Nurses the deaths are very numerous. 78

He cited the cases of two apparently healthy children who, within five weeks of being weaned, had to be returned to their mothers to save their lives. He was unable to pinpoint actual neglect of the children by the nurses, but suspected they lacked the motivation to become closely involved in the children's welfare because they were exposed to the mother's ill-will if the child sickened or died. He also thought that mothers deliberately neglected their children in order to postpone their own removal to the crime class. 79

These sentiments were echoed by James Backhouse who inspected the factory on the governor's behalf in 1834. He suggested that the children would benefit if pregnant women were sentenced to a year's imprisonment in the factory and only transferred to the crime class for misconduct. 80

Certainly the lower death rate in the Parramatta factory,

---

79. Ibid.
where this was the case, appears to support his point of view. It also seems probable that the higher death rate at the Cascades may have been due to the colder, damper climate in Hobart, where the factory was located in a narrow valley at the foot of Mount Wellington.

Unfortunately for the children, the matter devolved into a quarrel over the control of the hospital and nursery wards. On 30 May Bedford, convinced that the 1829 'Instructions for the Medical Officer Attending the Female House of Correction' gave him authority, prepared an appendix to the regulations, countersigned by Dr Scott, stating that the superintendent, matron and wardswomen should obey the surgeon's orders, and that the principal superintendent could visit the hospital ward in his magisterial capacity, but not to give orders as to its internal management. 81

On 12 August 1834 Bedford tested his authority by entering an order in the official memorandum book at the factory that 'no patient is on any pretence to leave the Hospital Yard without his express permission'. Spade, who saw this action as a threat to his authority, wrote the following comment below Bedford's entry:

The Principal Superintendent having seen the remark inserted by the Assistant Surgeon yesterday considered it a piece of presumption on the part of Mr. Bedford, as this Book is expressly kept for the Magistrates remarks & therefore the Superintendent of the Establishment is not in future to allow the Assistant Surgeon ... to have access to this Memorandum Book. 82

81. Copy of 'Instructions for the Medical Officer Attending the Female House of Correction' dated 20 January 1829, with the appendix dated 30 May 1834, A.O.T., C.S.O., 1/902/19161, pp. 173-80.

The infant mortality rate remained high and, in October 1834, following the death of Elizabeth Lush, aged nine months, the Coroner, Joseph Henry Moore, wrote to the colonial secretary enclosing a copy of the evidence taken at the inquest. Elizabeth Flint, children's overseer, stated that the girl's mother, newly-arrived in the colony, left her daughter in the nursery when she was assigned. The child, suffering from severe diarrhoea and fever, was placed in a seven-bed ward occupied by seven women and 13 children. Every child in the nursery had been ill and, within three days of Elizabeth’s death, three other children had died in the same room, making a total of nine deaths in a five-week period. Three more children were seriously ill and seemed unlikely to recover. Flint claimed that the children had not been neglected. She attributed the high death rate to overcrowded conditions, the lack of a playground, and the sickness which afflicted both women and children. Bedford supported Flint’s evidence and said that the child's death was due to 'a disease occasioned by the debilitated state of its constitution'. He blamed 'the confined situation of the nursery establishment' for preventing her recovery and reiterated the need for a new nursery.

In his covering letter to the colonial secretary, Moore concentrated on the problems which accrued from having the nursery and hospital located in the factory. The children suffered because:

the necessarily rigid Discipline of the 3d Class
extended to the unborn infant privations which become
too evident when the Child is born, and after birth a
Species of Severe Imprisonment unsuited to its tender
age and free birth.85

The prisoner-nurses, excluded from indulgences earned by good
custom among assigned servants, had no incentive to improve
their nursing skills. Furthermore, the 'Public Mind' was
excited and unnecessary strain placed on colonial revenues
because, by law, inquests had to be held on all deaths that
occurred in a House of Correction, even those of an 'ordinary
and unavoidable' nature. He stressed the need for a new
hospital adjacent to the factory and for a large nursery with
adequate playground facilities. He preferred nurses to be
free women, but, if that were not possible, the best convicts
available should be selected and given the status and
obligations of assigned servants.86

The matter lapsed following the death of Dr Scott and his
replacement by Dr John Arthur. Meantime, the number of
prisoners in the Cascades factory increased and in 1837 Spode
proposed that elderly and incapacitated women be transferred
to the Colonial Hospital at New Norfolk. Dr Arthur strongly
objected to Spode's proposal, arguing that, through light
duties in the factory, they could contribute something to the
cost of their maintenance.87 Then, in March 1837 Dr Arthur
suggested that all sick women be treated at the factory, rather
than at the Colonial Hospital. Sir John Franklin, who became
governor in February 1837, disagreed on two counts: if more

85. Moore to Col. Sec., op. cit., October 1834, p. 132.
86. ibid.
patients were admitted to the factory, the number of coronial
inquests would escalate and their costs would exceed the
savings made by a reorganisation of the hospitals; and free
women and well-behaved assigned servants should not have to
share the same wards as incorrigible women undergoing punish-
ment in the factory. 88

Shortly afterwards orders came from the Home Office to
bring the administration of the convict service into line with
other branches of Ordnance and that, from April 1837, the
houses of correction be conducted according to Barrack
Regulations, and subjected to regular inspection by a Board of
Survey. 89 Spade asked to be relieved of responsibility for
the factory if, in line with the Barrack Regulations, the
hospital ward was brought under military regulations, but
Franklin quashed the change and Spade continued his supervision
of the factory. 90

A new wave of criticism of the Cascades factory erupted
following the inquest into the death of a prisoner, Elizabeth
Johns, in the factory hospital on 24 February 1838. The
coroner attributed her death to a 'venereal infection'.
Fellow convicts, Sarah Rafferty and Ann McKenzie, reported
that Johns had concealed her disease prior to being admitted
to the ward on 4 February. Dr John Macbraire, the physician,
stated that:

having used such remedies as I considered beneficial to
her case with an allowance of Port Wine she gradually

became weaker and died. 91

Moore notified Spode of his verdict and suggested that steps be taken to ensure that infected women be not assigned, as he believed the disease to be widespread among the women. 92

Dr Macbraire, when questioned, informed Spode that only two women in the factory suffered from venereal diseases. 93 Spode was apparently dissatisfied with this answer for, on 3 March, he forwarded the coroner's report to the colonial secretary and suggested that the principal medical officer be asked if further enquiries were warranted. 94 Franklin immediately ordered Dr Arthur to appoint two medical officers to examine the prisoners, and Macbraire and Bedford were delegated. 95

They went to the factory on 7 March and Bedford confirmed his colleague's claim that only two women had venereal disease. 96 Macbraire, who was upset by the reports and worried that his professional reputation would be damaged, informed Spode that, of 187 women admitted to the hospital in 1837, only two had died: Bridget Kearney, 'who had been sent from her situation ... in a hopeless state' and Sarah Doherty who had died 'in consequence of an old & incurable asthmatic affection'. 97

96. Report, Bedford and Macbraire, 7 March 1838, ibid., p. 335.
When Dr Arthur learned that their examination had only been verbal, he demanded an explanation. Bedford excused himself on the grounds that the factory was too crowded to maintain the proper degree of discipline to ensure safety to visitors, and that:

the conduct of the women was so outrageous and insubordinate that on going amongst them in the Crime Class, and requesting them if they had any objections to make, to state them calmly and they would be considered and attended to, I was received with a general shout and (?) laughter.

Bedford added that he had suggested to Macbraire that the required information could be elicited by an inspection of the linen of all women who had been in the factory for less than six months, and by the personal examination of those most likely to be at risk, but Macbraire had declined to act without further written orders.

Dr Arthur decided to attend to the matter personally and proceeded to the factory where he planned to supervise Bedford and Mrs Cato in the task. News of his arrival rapidly spread throughout the factory and, for the entire duration of his visit, 'clamour and tumult commenced & prevailed to an extreme degree'. Discretion being the better part of valour, Arthur and Bedford decided not to 'infringe on Mr. Spode's more particular province' by using their magisterial powers to 'repress the tumult'. Instead, they 'remained passive' and carried out the examination of the women's linen. In his

100. ibid.
report to the colonial secretary, Arthur asked that orders be
given that:

for the Safety of the community that on no Account a
single individual prisoner woman be allowed to leave that
Establishment without having undergone the Necessary
Personal Medical inspection for the detection of disease
if existing as the desire of concealment so strongly
evinned throughout tends much to confirm the Suspicions
of the Coroner ...102

Franklin agreed103 and on 19 March Bedford and Macbraire
reported that the women who had been in the factory for less
than six months had been examined, that two women were under
treatment for gonorrhoea, and that other women were in the
hospital with other illnesses. The remainder appeared to be
in perfect health and the doctors felt secure in stating that:

The Venereal Disease does not exist among any of the
women and considering the Class of individuals confined
in this Prison the Board consider it singularly exempted
from diseases of that Character.104

If this report were accurate, it does, to some extent, dispel
the view so frequently held of the low moral standards and
promiscuous behaviour of the women, and brings into doubt the
charge that the women in assigned service were constantly
subjected to sexual exploitation and rape. Alternatively, if
Moore's suspicions were well-founded, Bedford and Macbraire
probably took pains to deny the presence of other cases of
venereal disease in the factory because they felt that their
professional integrity was under attack, and that their
reputations would suffer if they had allowed the disease to

102. ibid., p. 331.
103. ibid., annotation by Franklin.
104. Report of Bedford and Macbraire, 19 March 1838, A.O.T., C.S.O.,
reach epidemic proportions. It may also have been due to medical ignorance and to the doctors' inability to diagnose anything but the most advanced cases of venereal disease. They may even have been so delicate-minded that they preferred to ignore the disastrous effects of leaving the disease untreated rather than risk a public discussion of the nature and ramifications of wide-spread infection of the women, especially as the disease was associated in their thinking with morally reprehensible sexual conduct. The evidence is not clear: it is safe to assume that venereal disease did exist among the female convicts, but impossible to ascertain from the evidence how great the problem was. The inadequate procedures at that time for the diagnosis and treatment of the disease had the effect of confusing several other illnesses with venereal infections.105 Furthermore, diagnosis during periods of dormancy was extremely difficult and women may have been infected without it being apparent. Thus the basis on which the evidence has been interpreted by some writers, is in itself confused and cannot support definitive statements as to the incidence of the disease in the colony at that time.106

105. D. Shineberg, 'He can but die ... : missionary medicine in pre-Christian Tonga', in N. Gunson, Ed., The Changing Pacific, Melbourne 1978, pp. 285-96, for a discussion of nineteenth-century medical practice; H.W. Smith, 'The Introduction of Venereal Disease into Tahiti: a Re-Examination', in J.P.H., Vol. 10, 1975, Part 1, pp. 38 ff, and his reference to Owsei Temkin, 'Therapeutic trends and the treatment of syphilis before 1900', in Bulletin of the History of Medicine, Vol. xxix, 1955, p. 310. Temkin says that syphilis and gonorrhoea were only recognised as distinct diseases in 1851, but that they were still confused with syphilitic chancre and chancroid. Smith says that venereal diseases were confused with 'many non-venereal afflictions such as chancre, leprosy, 'pox' and 'routs' - in short with any disease having some involvement with the skin', (p. 59).

106. ibid.
This discussion had scarcely subsided when the death of Barbara Hemming reopened the question. The coroner found that Hemming had died on 24 March 1838 from diarrhoea and fever, following her removal to the hospital on 2 March. The evidence taken at the inquest on 29 March was extremely critical of the nursery wards. Surgeon John Learmonth was relatively cautious, confining himself to a statement of the cause of death and noting that the wards were overcrowded and flagged yards inadequate for the purposes of exercise. Convict witnesses, Ann McKenzie, Elizabeth Inchbald and Mary Owen, criticised the overcrowding, the inadequate yards and the insufficiency and poor quality of the rations, especially those for nursing mothers. Cato was more outspoken. He admitted that, in practice, inquests into the deaths in the factory had not always been held, that a proper death register had not been kept, and that the only record that existed was contained in the admissions register. He said that 'for about four months in the year the sun does not shine on the flags of the nursery yard at all' and added that the wetness of the flags made them unfit for anyone to walk on unless they wore thick shoes. As for the wards:

The air of the room which the women and their children occupy ... is very offensive and pernicious ... They (sic) are prisoners locked up ... from six in the evening until six in the morning at this time in the year - I have been in the nursery room two or three hours after they have been locked up and I have found it very

offensive both from the heat, and the effluvia arising from their evacuations.110

Inchbald claimed that the women complained of headaches and objected to the damp weather. Owen said the children did not eat all their rations for want of exercise, while the women’s appetites suffered from their being ‘so closed up all night’.111

The jury, appalled by the evidence, inspected the factory personally and submitted a separate report. They condemned the overcrowded conditions and described the nursery wards as being:

two small rooms each about 28 feet by 12 feet in which there are ... upwards of Seventy human beings confined, and in “the weaning room” Thirty-Five; the effluvia from which even in the day time, the Jury found most offensive, and must ... most injurious to the infants confined there ...111.

The jury, despite Moore’s objection, insisted on inspecting the dark cells. They declared them to be in an ‘extremely offensive condition’. They also condemned the inadequate rations, the irregularity of meals and the lack of a death register, as 20 deaths had occurred since 1 January 1838 and, revealingly, only seven had been the subject of coroner’s inquiries.113

Moore forwarded a copy of the evidence and the jury’s report to the colonial secretary, as requested, but added that while concurring with the evidence regarding the state of the nurseries, yards and dark cells, he thought the rations

111. *ibid.*, evidence of Inchbald, p. 198.
were adequate for a penal institution and that other areas of the factory were extremely clean and the women under good control.\(^\text{114}\) Spode agreed to close the cells pending an enquiry,\(^\text{115}\) but by October 1838 they had been repaired and returned to use.\(^\text{116}\)

The children, at least, were rescued from the factory. In June 1838 premises were purchased in Liverpool Street, Hobart, to serve as a nursery and accouchment ward.\(^\text{117}\) The new nursery contained three wards for nursing mothers and their infants, and a fourth ward for weaned children. Well-behaved women were permitted to serve their statutory punishment as nurses to the children before being re-assigned, but the unco-operative were returned to the crime class as before. The children were transferred to the orphanages when they reached the age of two years.\(^\text{118}\)

The Liverpool Street Nursery provided only temporary relief from overcrowding in the Cascades factory. Throughout the 1830s the convict population gradually increased, but the colonial administration, hampered by a shortage of funds and learning that transportation was likely to end, postponed any major reorganisation of the factories. In 1840, when it was announced that, in future, Van Diemen's Land would have to

\(^{114}\) ibid., Moore to Col. Sec., 29 March 1838, p. 186.

\(^{115}\) ibid., Spode to Col. Sec., 4 April 1838, p. 205.


absorb the entire complement of transported felons, neither the Hob rt nor Launceston establishments were prepared to meet the additional demand.119

In December 1840 Dr John F. Clarke, the Principal Medical Officer, Samuel Carr, the Deputy-Assistant-Commissary General, and Spode, inspected the colonial hospitals, including the factory's medical wards. The board agreed that a new hospital for female convicts was urgently required and observed that:

From the number of Pregnant Women always in this Establishment, it is obvious, its Hospital ought to be contiguous as possible.120

Opinion was still divided as to who should supervise the factory hospital. Clark wanted the new building to be part of the factory, but given a separate entrance so that it need not be placed under prison regulations. Spode declared such an arrangement to be contrary to law and claimed that it would promote trafficking and subvert the hospital as a place of punishment.121 A compromise was reached: a new hospital would be built across the creek from the factory where it could treat factory inmates under the control of the principal medical officer. In May 1841 the Commanding Royal Engineer was instructed to prepare plans and specifications for the project.122

Spode withdrew his support for the new hospital in August 1841. The Cascades factory, originally planned for 200

119. See ch. 4, p. 145.
prisoners, was now crowded with 396 women. On 25 August Spode stated quite bluntly that more assistance was needed in the Cascades factory: a married couple to supervise the crime, second class and wash-house yards, and a constable to 'prevent the improper trafficking of the men employed at the Factory with the inmates'. He insisted that the situation was so desperate that time could not be wasted on building a new factory, and that funds should be diverted from the proposed hospital for the construction of separate confinement cells.

A six-man commission was appointed to:

investigate and report on all the points bearing upon the present System of Female discipline in this Colony, and its effects, as far as can be ascertained, upon the conduct, and moral character of the Prisoners subjected to it, and sufficiency or otherwise, of the present Buildings for the reception of Female Convicts, and the system of management therein.

Enquiries commenced on 8 December 1841 and the final report, which ran to almost 400 pages, including relevant documents and transcripts of evidence, was submitted on 16 June 1842. The witnesses included senior officers of the convict and medical departments, John and Mary Hutchinson, Harriet Slee, the matron of the nursery, constables, clergymen and convicts. The evidence touched upon administration, staffing and security of

---

123. This did not include the 67 females at the nursery.
the Hobart and Launceston factories, the control, punishment and conduct of the prisoners, the amount and value of their labour, religious and moral instruction, and suggestions for improving the system. 126

John Hutchinson stated that the effect of holding so many women in close proximity was disastrous:

they talk all sense of punishment away. They corrupt each other - Their conversation turns upon obscenity, drinking, upon their sufferings the treatment they have met with from their masters & mistresses. At night in their wards I generally find that 3 or 4 ... are disposed to talk: but those who do not join in the conversation must hear, and be contaminated ...127

Mary Hutchinson deplored the lack of employment and suggested that the separate confinement system would allow more women to do needlework. She hoped the Ladies' Society would expand its activities. 128 Spode concentrated on the interaction between the assignment system and the factory, and on the need for a more effective system of classification. He supported the introduction of separate confinement for the punishment of secondary offenders, but thought that a modified class system, based on groups of 12 women, would suit probationers. 129

The evidence of constables and prisoners centred on their own experiences. Mary Haigh, who had been in the colony for almost six years, a factory inmate and member of the crime class, claimed that:

In the Factory are found several Women known by the name of

126. Female Prison Discipline, A.O.T., C.S.O., 22/50/208, passim.
127. ibid., John Hutchinson's evidence, 8 December 1841, pp. 76-123, especially p. 88.
128. ibid., Mary Hutchinson's evidence, p. 125.
129. ibid., Josiah Spode's evidence, p. 134.
the "Flash Mob" who have always money wear worked
caps silk Handkerchiefs earrings and other rings. They
are the greatest blackguards in the building. The other
women are afraid of them. They lead away the young girls
by ill advice - I did not think the factory too good a
place as it is ...130

Reports concerning the 'Flash Mob' had circulated in Hobart for
some time and as early as 10 March 1840 the Colonial Times had
published an article about them.131 Nonetheless, Spode
strongly rejected these reports as being totally unfounded.132

The committee's report dealt briefly with administrative
structures, the lack of employment, and the need for salary
scales pitched to attract individuals of a 'requisite degree of
intelligence and respectability' to subordinate positions in
the factories. Its major emphases were on the low moral
standards of female convicts and the relative value of the
separate confinement and assignment systems in the reformation
of prisoners.133 The members of the committee submitted that
the reformation of females was more difficult than that of
males because:

Society had fixed the standard of the average moral
excellence required of women much higher than that which
it had erected for men,

and that a woman was 'deemed to have receded further from the
average proprieties of her sex' even though her crime may have
been less serious than that committed by a man. Religion,
they thought, had failed to have 'any decidedly beneficial
effect', as the most zealous clergyman could not overcome the
evils of so many women being crowded together. They were

130. ibid., Mary Haigh's evidence, p. 303.
131. Colonial Times, 10 March 1840.
132. Spode to Turnbull, 16 June 1842, A.O.T., C.S.O., 22/50/208,
op. cit., p. 325.
133. Report of the Committee of Inquiry into Female Prison Discipline,
ibid., pp. 329-73.
appalled at the 'abominations' which occurred at the factory, and determined to expose them because:

to cloak enormities so flagrant would be a violation of a duty which we owe not less to Your Excellency than to our Country and a sacrificing to a spurious delicacy of interests of the highest and dearest description.134

They declared that lesbianism was rife, and cited the case of two women who had recently been:

detected in the very act of exciting each other's passions - on the Lord's Day in the House of God - and at the very time divine service was performing.135

They thought a complete reorganisation of the factory system to be essential. However, they were not convinced that the assignment system, properly run, was productive of evil and claimed that 30 of every 100 women assigned never reappeared before the courts. They argued that:

however conducive solitude may be to reflection and to the forming of resolutions of amendment religious principle itself does not often take deep hold of the mind except when it is worked into the affections through trials - the disappointments and the vexations - the tear and wear of every day life.136

Assignment, therefore, should be the ordinary mode of discipline. Those who were not amenable to the system should be returned to the factory and punished in separate confinement, the best form of prison discipline that had been developed. Old and infirm women should be allowed to congregate in small groups, for the denial of company would be harsh.137 The committee summarised their findings by stating that:

135. ibid., p. 342.
136. ibid., p. 356.
137. ibid., p. 356 ff.
We have advised that the intercourse of Female Convicts when in confinement should be prevented because ... it has undeniably been productive of the worst and most revolting consequences, and we have in like manner recommended the continuance of assignment because the evidence before us proves it with equal certainty to be beneficial in its operation. But the whole apparent difficulty vanishes, when it is observed that intercourse in a Factory is restricted to the degraded of the Sex, whereas in Assignment the Female Convict is ... influenced by the example and benefitted by the advice of the virtuous.\textsuperscript{138}

This combination of assignment and the separate confinement system was introduced during the next two years, from 1843 to 1844. For over 20 years the advocates of penal reform had recommended that the female convict should be processed through a system of punishment, probation and parole as a passholder, and such a system had at last gained acceptance in the colony. Even so, the combination of defects in the proposals and human fallibility in their administration were to bring the structures for the management of female convicts, that had been developed through so many hours of deliberation and debate, to the point of collapse. In 1847 the new system, in turn, was abandoned in favour of a taskwork system that remained in effect until the end of transportation in 1854.
CHAPTER VI
PRESSURES TO CRUSH A WILLOW
Van Diemen's Land, 1842 to 1854

The processes by which the female convict is to be reclaimed ... must be more gently and considerately administered, for the pressure which only bends an oak may crush a willow.


Following the 1841-42 inquiry into the management of female convicts in Van Diemen's Land, the existing multi-purpose factories were modified to become part of a series of separate institutions allied to a classification system advocated by the British penal reformers and adopted to ensure the ordered progression of a convicted woman through the stages of punishment, probation and parole. It was anticipated that these measures should resolve once and for all the deficiencies of the female factories and guarantee to punish the criminal, then to reform her and prepare her for re-entry into free society. Unfortunately the reality fell short of anticipations and by 1847 the system was again at breaking point: a crisis had been created by the combined effects of intrinsic defects in the system, the conduct of factory officials who ignored or subverted the authorised structures, the increasingly dilapidated state of poorly constructed and unsuitable buildings subjected to the pressures of constant overcrowding, and the refusal of many of the women to be coerced into the mould of respectability.
The probation system was abandoned in 1849 in favour of a programme based on paid taskwork, and the female factories entered the last phase of development, a phase which continued until the end of the convict era in Van Diemen's Land.

The decision to segregate assignable women from those under punishment was made prior to the 1841-42 colonial enquiry into the female factories, and the submission of witnesses who favoured this change simply emphasised the urgency of implementing the new policy. In September 1841 orders were issued for the closure of the male convict station at the Brickfields in Argyle Street, Hobart, and for its lease to a member of the public. Spode immediately contacted the colonial secretary, asking that the premises retained for use as a branch factory. Franklin agreed and in November workmen were sent to prepare the Barracks for the reception of female convicts, though the inefficiency of the convict labourers hampered progress and it was March 1842 before it could be occupied.1 A superintendent and matron, Mr and Mrs Brooks, were appointed on a combined salary of £120 per annum, as well as rations.2 The public was informed that in future all assignable women were to be accommodated in the branch factory. The Cascades factory was to be reserved for women imprisoned by colonial magistrates together with:

Female Convicts who shall be returned from their services for being idle or useless, through want of proper exertion, in order to their undergoing probation previous

---

1. Spode to Col. Sec., 29 September 1841 and 22 November 1841; Col. Sec. to Comm. Gen., 26 November 1841; Col. Sec. to Spode, 10 December 1841; Col. Sec. to C.R.E., 12 January 1842, A.O.T., C.S.O., 22/10/406.

to being re-assigned.³

Initially 44 women were transferred to the Brickfields, of whom 15 were available for assignment in Hobart, the remainder being designated for service in the interior.⁴ In August 1842 orders were given to extend the Brickfields to accommodate 150 women.⁵ These orders were none too soon for, by December, there were 700 women crowded into the Cascades, 151 women at the Brickfields and a further 227 women at the Launceston factory.⁶

The Liverpool Street Nursery, seen in 1838 as a remedy for the poor state of the children in the Cascades factory, was, on 10 June 1842, declared by Spode to be:

in such a dilapidated state of repair as to cause apprehension that some part of it may fall and is otherwise so inconvenient on account of its crowded (and still increasing) state, that fears are entertained by the Surgeon for the health of the Children.⁷

He recommended that a new nursery be built, but thought that the premises in upper Davey Street known as Dynnyrne House and offered to the government for an annual rental of £150 by the owner, Mr R.L. Murray, should be utilised, provided a proper water supply could be arranged.⁸ Dr Clarke, and an assistant, Dr Mair, in their report to the colonial secretary, dated 16 September 1842, emphasised that 'the present miserable tenement' involved a 'great risk of Health and Life' for the

---

8. ibid., Dynnyrne House contained 20 rooms, many of them large, surrounded by 20 acres of land.
inmates, especially as summer was approaching. The tender for the water supply offered by John Balfour on 23 September was approved and on 4 October the crown solicitor was ordered to proceed with the leasing of Dynnyrne House for a five-year period. The women and children were moved to their new quarters in January 1843 and plans were made to send down extra children from the overcrowded Launceston factory.

The Liverpool Street premises were retained for the accommodation of newly-arrived females and, as soon as it was vacated by the nursery, workmen moved in to prepare it for the women on board the Garland Grove. Full renovations were expected to take two to three months but permission was given for the women to sleep on the floors if necessary.

On 31 January 1843 there were 1078 female convicts in the factories and hiring depots in Van Diemen's Land: 620 at the Cascades factory, 203 at the Brickfields, 56 at the Liverpool Street branch factory and a further 199 women at Launceston.

Thus far the changes brought about in the management of female convicts in 1841 and 1842 had been initiated in Van Diemen's Land by the colonial administration in response to

---

Plan of Female House of Correction, Launceston, with Proposed Cells.

Launceston 1840.
the problems created by the cessation of transportation to New South Wales in 1840, but the initiative for reform was about to be reclaimed by the Home Government. On 25 November 1842, in his despatch No. 175, Stanley informed Franklin that the government had decided to replace the existing structures for the management of male convicts with a five-stage probation system. In a second despatch, No. 176, he expressed his alarm at the reports concerning the 'exceedingly discreditable' state of the female factories and emphasised the necessity of remodelling the system of control. He was well-aware of the difficulties confronting reform. The problem was a discrepancy between the degree of criminality of the women and the acceptability of the measures available to the government to coerce and reform them. He wrote:

>(the convict women) are in general as fully depraved as the male convicts, while it is impossible to subject them to the same course of discipline, and thus no alternative seems to be left but either to detain them in actual confinement, or to permit them to enter, in some mode or other, into the mass of the population, where the knowledge of their former characters subjects them to continual degradation; and having neither sound principles, nor feelings of self-respect to protect them, and surrounded by the peculiar temptations arising out of the peculiar state of the population, it is hardly to be wondered that they become, with few exceptions, at once reckless and hopeless, and plunge deeper and deeper into misery and crime.

One solution would have been to abandon the transportation of female convicts altogether, but Stanley observed that the great disproportion of the sexes in Van Diemen's Land encouraged the

17. ibid., p. 31.
Home Government 'to carry into actual execution the sentence of transportation on females as generally as possible'. 18

Furthermore, many of the women were 'capable of better things' and benefitted from the hope given by their removal to a new land. The main problem was the assignment system because of the difficulty experienced in finding respectable homes for the women and the likelihood that they would be assigned to 'the less scrupulous and less moral portion of the community' where they were 'continually exposed to criminal solicitation, to grievous oppression, and often to personal violence'. 19

Stanley and his colleagues, having weighed the advantages and disadvantages of the transportation of females, ordered Franklin not to permit the assignment of any female convict who had not already been distributed on the day he received their despatch. The cost of maintaining these women at government expense would obviously be high, but Stanley assured Franklin that:

> the interests involved are too important and too urgent to allow such considerations to interfere with the immediate adoption of a system recommended by motives of justice and humanity. 20

The prime consideration was to keep the newly-arrived prisoners separate from those already in the colony, and Franklin was given permission to rent premises for that purpose or to detain the convict ships on which the women arrived for as long as necessary. 21 Permanent accommodation was to be provided in a penitentiary for 400 females and Franklin was instructed to

18. ibid., p. 31.
19. ibid., p. 31.
20. ibid., p. 31.
21. ibid., p. 32.
select an appropriate site within 20 miles of Hobart. The plans for the penitentiary were to be drafted by the Inspectors of Prisons in England and forwarded to the colony at a later date, together with:

such persons as it may be thought proper to select here for the purpose of superintending their execution.22

When the penitentiary was completed each female convict was, on her arrival in the colony, to be sent there for at least six months' probation. Provided she was well-behaved during this period, she could then apply for a probation pass which entitled her to work, under contract, in private service for wages. The satisfactory completion of her contract would entitle her to a ticket-of-leave and, eventually, to a conditional pardon. Women already in the colony were to be kept strictly apart from the newcomers but they, too, could earn probation passes for good conduct. In both cases, those who forfeited their probation passes or tickets-of-leave were to be forwarded to the factories for punishment, and then transferred to the branch factories (designated 'hiring depots') where they would become eligible for reassignment.23 Stanley concluded his despatch by expressing his opinion that the probation system would engender good conduct by offering the women the hope of 'escaping from the coercion of prison discipline', of redeeming their character and being eventually re-admitted into 'respectable and virtuous society'.24

On receiving Stanley's despatches, Franklin informed Spade that alternative arrangements had to be made for the

---

22. ibid., p. 32.
23. ibid., p. 32.
24. ibid., p. 33.
females due to arrive from England. Spode replied that the Liverpool Street Branch Factory could accommodate the women from the *Margaret*, but that other arrangements would be necessary for the women from the *East London*.25 A week later Spode informed Franklin that, having scoured the town for suitable premises, the only place offering was a building owned by Messrs Addison in Liverpool Street.26 Major J. Victor, the Commanding Royal Engineer, inspected the property but withheld his approval for its lease, noting that it was:

eligible for scarcely any other purpose than those to which it is at present devoted, namely a Stable below and Workshops above.27

Orders were then issued for the erection at the Brickfields of temporary accommodation for 200 women. Men and materials were hastily gathered but it is not clear if the work progressed with sufficient speed to ensure that the extensions were complete when the *East London* docked in September 1843.28 During the voyage, 19 of the 133 women and 12 of the 23 children under two years of age had died from an infection and when the vessel berthed in Hobart, a number of seriously ill patients were transferred to the colonial hospital for treatment. The remaining women and children were isolated in the Brickfields - the previous occupants having been removed to the Cascades to prevent them from contracting the disease.29

26. Spode to Franklin, 18 April 1843, A.O.T., C.S.O., 22/72/1578, p. 28. See also, attached plan of Addison's property.
Proposal for Conversion of Mr. Addison's Property for Use as a Female Factory.

The building is three stories high, thirty feet long by thirty-five feet wide, each floor being completely open.

From Mr. Addison's proposal he offers to complete the same at a cost of £250 per annum on care of five or seven years.

A.O.T., C.S.O., 22/72/1578

27 April, 1843
Five children subsequently died in the nursery. Dr Clarke attributed their deaths to:

atrophy and its attendant bowel complaints - Scanty and unhealthy food, foul air, cold, wet and maternal neglect,\(^{30}\)

and thought that, if such young children continued to be transported, the infant mortality rate could rise to as high as 75 per cent.\(^{31}\)

In the meantime the colonial government turned its attention to the selection of a site for the proposed female penitentiary. On 27 September 1843 a committee was formed under the chairmanship of Matthew Forster, whose appointment by Stanley to the newly-created office of Comptroller-General of Convicts was announced the following day. He was assisted by the Port Officer, Captain Moriaty, Victor, and the Surveyor-General.\(^{32}\) On 9 October the committee announced the selection of a site 21 miles from Hobart at the head of Oyster Bay in the D'Entrecasteaux Channel. The 100 acre property was under lease to a tenant, but the owner, Mr. W. Beauvais, offered it for sale at £1 per acre provided the government paid the tenant the sum of £20 to surrender his lease.\(^{33}\) The property was purchased

---

30. Correspondence dated 2, 9 and 24 October 1843, in M.L. Tasmanian Papers No. 65.

31. ibid.


on 11 December 1843 for £500.34

It was obvious that the proposed penitentiary could not
be constructed in less than three years and Stanley wrote to
the new Lieutenant-Governor, Sir J. Eardley-Wilmot, on 18
August 1843 that, as a temporary measure, he had given orders
for the Anson to be fitted out and sent to Hobart for use as a
depot for female convicts.35 Dr Edmund Bowden, Surgeon at the
Chelsea and Brompton Dispensary for the poor, and his wife,
Phillippa, matron of Hanwell Asylum in Middlesex, were appointed
to manage the hulk until such time as the new penitentiary was
ready for occupation.36 The Bowdenses sailed from England on
1 September 1843 on the Woodbridge, a convict transport
carrying 200 females to Van Diemen's Land. The women were dis-
embarked on 6 January 1844 and housed at the Brickfields for
three days when they were moved, together with the women from
the Margaret and East London, to a temporary depot at New Town.
The Anson berthed on 4 February but it was 25 April before it
was ready to receive the women. On that day, 370 females were
embarked - the 200 women from the Woodbridge and another 170
women who had been landed from the Emma Eugenia on 2 April, the

34. There is obviously a discrepancy between the first price asked by
Beauvais, according to the board's report of 9 October, i.e. £1
per acre, which would have meant a total cost of £100 for the 100
acres offered. Whatever the explanation it seems certain that the
government actually paid £500 for the land. Pitcairn to Bicheno,
11 December 1843, and Bicheno to Board, 15 November 1843, A.O.T.,
C.S.O., 22/85/1825, pp. 197 and 182 respectively.

35. Copy of despatch No. 79, 18 August 1843, in Bicheno to Comp. Gen.,
17 February 1844, A.O.T., C.S.O., 22/102/2164, p. 47. 12,307. 6. 4
was paid by the British Treasury for fitting up the Anson as a hulk.
Bicheno to Comp. Gen., 27 November 1843, A.O.T., C.S.O., 22/
129/2695, p. 89.

Letters re appointment to Anson in A.O.T., C.S.O., 22/98/2066,
pp. 222-43.
women from the other ships having, presumably, been released under the provisions of 7 Vict. No. 7, 'An Act to regulate the Hiring of Convicts holding Probation Passes and for other Purposes connected therewith' which had been passed by the Legislative Council on 20 November 1843.  

The regulations for the Anson received official sanction on 1 July 1845 when they were gazetted under the title of 'Regulations of the Probationary Establishment for FEMALE CONVICTS in Van Diemen's Land'. The preamble of this document emphasised the government's intention to make the Anson the agent for the punishment and reformation of the women along the lines envisaged by Stanley in November 1842. Punishment was to be inflicted by 'the due application of coercive labour and restrictive discipline' and reformation achieved 'by means of religious and moral influences, and by the careful inculcation of industry and regularity'. The women were to evince 'satisfactory evidence of amendment and improvement' before they would be permitted to leave the establishment as probation pass-holders. The officers were reminded that 'discipline will be most effectually enforced by calmness and firmness' and that 'reproachful or harsh language' should be

37. 7 Vict. No. 7, Van Diemen's Land, Acts of Governor and Council, 1843, loc. cit.; Report by Edmund Bowden to Stanley, 20 November 1845, Convict Discipline, P.P. No. 402, 1846, loc. cit., p. 42. Two further reports by the Bowdens were sent to England: Edmund Bowden to Lt. Gov., October 1846, and Phillippa Bowden 'Report of Voyage to Van Diemen's Land with Female Convicts, "The Anson Probationary Institution" and The Other Female Convict Establishments in the Colony With Observations, &c. &c.', Goodwood Manuscripts, West Sussex Record Office, Chichester. See also for details of establishment of the Anson as a probationary prison: M.L. Tasmanian Papers, No. 58, correspondence re proposal to moor the hulk in Eardley Inlet, and No. 59, general correspondence. See also, A.O.T., C.S.O., 22/98/2066, and 22/122/2504.
carefully avoided. A uniform system of discipline was to be enforced, but the regulations emphasised that:

Women of humble attainments and capacity are not on that account to be more rigorously dealt with than those of superior acquirements; but women of a restless disposition will be placed at such description of work as requires the closest and most unvarying attention, and be kept under the separate system, whenever such can be enforced. 39

The women were divided into three classes: the first for well-behaved prisoners approaching the end of their probation, the second for new arrivals, and the third for 'disobedient and intractable' women. Each class was subdivided into messes of ten with one woman from each mess responsible for its management and conduct. The women were employed in the chores of the establishment and in other work for the benefit of government, but not for the personal advantage of the officers. Women who were unable to read and write with 'tolerable ease and accuracy' were required to attend school. Other women who wished to continue their education could attend voluntarily. 40

The duties of the superintendent and matron, subordinates, officers, medical officer, religious instructors and visiting magistrates were outlined, scales of rations, clothing and bedding were listed, and instructions given for their issue to the women. 41 The daily routines were devised by Edmund Bowden:

At an early hour the ship's bell is rung to summon all parties to their several posts: the hammocks in which the prisoners sleep are brought on deck, the bedding aired and stowed away in the nettings; the wards are cleansed and

39. ibid., p. 20.
40. ibid., p. 20.
41. ibid., pp. 20-26.
the school opened; at eight the wards and messes are summoned in rotation by sound of bell to the galley to receive their bread for the day and their morning meal; the breakfast being finished, the bell is rung for prayers; the chaplain officiates for the Protestants; and the Roman Catholic catechist, a lady recently appointed, for the Catholics. At nine the bell is again rung for silence and for the general duties of the day; at noon the prisoners dine, after which the duties are recommenced until the evening meal and prayers. The beds are then brought down by sound of bell, and the women are mustered in their respective wards, in the winter at seven, and in the summer at eight; the prison wards are locked and the officers go off duty. A night-watch is appointed from among the prisoners in each ward, who report to their respective officers on the following morning.42

The Anson, for all its ordered discipline, had its share of problems. In September 1844 Bowden complained that the air between decks was foetid and requested that the ship be turned to the wind during the summer months to improve ventilation, and that covers be provided for the water closet pipes to prevent the wind from blowing offensive odours from them into the ship.43 The following week, Moriaty told Forster that he thought the danger of fire on the Anson was so great that the seamen attached to the establishment should move their brig upstream, inshore and closer to the hulk, lest its present location prevent them from reaching the ship quickly in the event of a conflagration.44 In January 1845 Wilmot informed Stanley that the health of the Anson's officers was deteriorating due to the overcrowded conditions on board, though, to date, nothing more serious than colds, rheumatism

42. Bowden’s Report, 20 November 1845, op. cit., p. 43.
44. Moriaty to Comp. Gen., 16 September 1844, M.L. Tasmanian Papers, No. 63.
Profile of the 'Anson' as fitted for a Female Convict Ship prepared for the Guidance of the Authorities in the Colony.

Plans for the Lower and Orlop Decks of the Anson.

Lower Deck

Orlop Deck

Elevation of Prisoner's Bed-places.

Scale of an Inch to a Foot.

A.O.T., C.S.O., 290/616 File 38.
and lassitude had been detected. A brig was moored beside the *Anson* to relieve the immediate problem, but Forster thought that unless employment could be found for women holding probation passes - who were unable to leave the hulk until they found employment - they would have to be transferred to a hiring depot in Hobart to make way for the next shipload of female convicts from Britain. In 1846 it was again suggested that some of the women be sent to the Brickfields hiring depot. The Bowdens opposed this recommendation, claiming that the hiring of the women was of secondary importance to their 'moral and religious training' and that this could best be achieved under the guidance of Mrs Bowden. They did agree to assess the Brown's River Station as a possible depot for the pass-holders, but the idea was abandoned when Major Victor thought that the alterations required by Mrs Bowden to make the station suitable for female prisoners could not be completed before 1851.

The difficulty of obtaining work for the inmates hampered the efficiency of the *Anson*. Mrs Bowden suggested that the women be employed in making convict clothing and 'stout brown cloth shoes' of the type used in the Hanwell Asylum, but

45. Wilmot to Stanley, 31 January 1845, Convict Discipline, P.P. No. 659, 1845, loc. cit., p. 66.
46. Report of the Comp. Gen., 27 January 1845, enclosure in Wilmot to Stanley, 31 January 1845, ibid., p. 68. In November 1845, Bowden claimed that the pass-holders were: 'far superior in appearance, manners and conduct to any of the same class formerly in service' but this did little to improve their chance of employment. Bowden's Report, loc. cit., p. 44.
47. Nairn to Bowden, 2 July 1846, and reply 3 July 1846, M.L. Tasmanian Papers, No. 76, document No. 5563 - 1 and 2.
the latter suggestion was rejected outright by Stanley who thought that such shoes were unsuitable for outdoor use and that, even if the women made the uppers, it would be costly and inconvenient to have the soles made by male convicts. As for the manufacture of clothing, the idea was simply ignored and the government continued to send ready-made clothing from Britain. By March 1845 there was still a shortage of work for the women, and Mrs Bowden asked that the Anson be allowed to follow the practice of the Cascades factory and publish a list of work which the women could do for the public. This, too, received little popular support and the women were restricted to the manufacture of straw hats and bonnets and the knitting of stockings from wool processed on the ship.

The situation on the Anson was complicated by the inability of Edmund Bowden to live amicably with those of his subordinate officers who appeared to threaten his authority. In December 1845 he quarrelled with Cotterill, the captain of the Anson, over the latter's ruling that the crew should no longer ferry unauthorised passengers to the ship. The conflict worsened on 12 December when Mr Clark of Derwent Park complained to Bowden that he had tried unsuccessfully to persuade the crew to row him to the hulk. Bowden ordered Cotterill to cancel his instructions to the crew, and at 9 p.m. on 15 December demanded that the men be roused from their beds to return a visitor to the shore. Cotterill refused and the matter was

52. Bowden to Comp. Gen., 5 March 1845 and 13 March 1845; Bowden to Lt. Gov., 29 March 1845, M.L. Tasmanian Papers, No. 66.
reported to the Colonial Secretary, James Ebenezer Bicheno.54

In February 1846 Mrs Eleanor Montgomery, the Roman Catholic catechist, alleged that Bowden had threatened her with abusive language. Bowden retaliated by accusing her of misconduct and drunkenness. An enquiry conducted by the magistrate, A.B. Jones, revealed that Mrs Montgomery's nervousness was due to reports that:

remarks highly insulting to any one professing the Roman Catholic Religion had been made to some of the women by Mrs Bowden.55

Mrs Bowden was forbidden to interfere with the religious instruction of Catholic prisoners and Bowden was reprimanded for using 'language and gestures of a violent nature' towards Mrs Montgomery.56 The tension continued and in April 1846 the Roman Catholic chaplain, Father James Coltham, notified Wilmot that Bowden had insulted him and threatened to exclude him from the ship. Bowden was again found guilty of excessive language and was ordered to apologise in writing to Coltham, an exercise which he was ordered to repeat when his first 'apology' amounted to little more than a diatribe against the chaplain.57

The attention of the government was not limited to the Anson. Between 1841 and 1844 the employment facilities at the Cascades were updated. In 1841 quarters were erected within

54. Bundle of letters dated December 1845, M.L. Tasmanian Papers, No. 72. Bicheno was appointed on 20 April 1843, see Proclamations, Van Diemen's Land, 1843, loc. cit., p. 170.

55. Report of A.B. Jones, 28 February 1846, M.L. Tasmanian Papers, No. 73; See also, M.L. Tasmanian Papers, No. 74, document 5058. Mrs Montgomery had been appointed in August 1845, Willson to Comp. Gen., 7 August 1845, and reply, A.O.T., C.S.O., 20/12, pp. 91, 94.


57. Correspondence dated April 1846, M.L. Tasmanian Papers, No. 74, document 4924.
the washing yard for the taskmistress and overseer of the workshops to make their supervision of the women more efficient. 58

New drying yards were constructed in 1843, 59 and in December of that year the inhabitants of Hobart were invited to have the family washing laundered at the factory at the rate of 1/6d per dozen articles, provided they were delivered to the factory on Mondays between 10 a.m. and 3 p.m. The articles could then be collected during the same hours the following week. 60 A scale of charges for plain needlework was included in the notice. 61

The processing of wool continued to be the mainstay of the factory labour and in 1843 two extra looms were installed, doubling the quantity of yarn required from the women. 62 This led to the construction of a separate reeling and winding room as that activity had been displaced by the installation of the new looms. 63 Another innovation was the removal to the factory of the coffee roaster so that the grinding and roasting of wheat as a substitute for coffee for the various female convict establishments could provide employment for two or three women. 64

By July 1844 the Cascades factory was capable of holding

61. ibid.
63. Spode to Col. Sec., 21 June 1843; Col. Sec. to Spode, 6 July 1843, and Col. Sec. to C.R.E., 26 July 1843, A.O.T., C.S.O., 22/79/1712, pp. 13, 18, and 20 respectively.
64. Hutchinson to Forster, 5 June 1844, M.L. Tasmanian Papers, No. 59.
219

650 women, and 112 separate confinement working cells were under construction. In his report of 27 January 1845 Forster remarked that:

a marked improvement in the whole arrangements of the punishment factory here, called the Cascade's Factory, has taken place. The women are in full work, and it is no longer a place feared as a place of punishment.

Wilmot forwarded Forster's report to Stanley and, in a covering despatch, reiterated his view, first made in his despatch No. 205 of 13 September 1844, that the Cascades factory could be converted for use as a penitentiary for the probationers, while the Anson could become the house of correction for the punishment of women under disciplinary confinement. In November Wilmot, prompted by a decline in the number of women in the Cascades, repeated his proposal for the factory. He wrote:

The Cascade factory, in which about 300 female prisoners are at this moment confined, has been greatly improved and augmented, and combines, both as to locality, size and convenient arrangement, every requisite for a female penitentiary as conducted on board the "Anson", and has the advantages of access, as well as seclusion, which a building not within 20 miles of Hobart Town cannot have. The difficulty of access to the "Anson" by persons wishing to have a servant is very great; but if the penitentiary were removed 20 miles from Hobart Town in a new location, it would be insuperable.

He promised to await Stanley's decision before taking any action to reverse the roles of the two institutions. William


66. Half the separate confinement cells were occupied by July 1845 and the remainder by the end of the year. Report to Comp. Gen., 21 June 1845, Convict Discipline, P.P. No. 36, 1846, loc. cit., p. 44. Hutchinson to Forster, 5 September 1845, M.L. Tasmanian Papers, No. 72, document 4347/1.


68. Wilmot to Stanley, 31 January 1845, loc. cit., p. 66.

69. Wilmot to Stanley, 22 November 1845, Convict Discipline, P.P. No. 402, 1846, loc. cit., p. 41.
Ewart Gladstone, who succeeded Stanley in the Colonial Office, informed Wilmot on 27 April 1846 that he had noted his suggestion, but refused permission because the Anson appeared to be functioning well and Wilmot had not enclosed his promised copies of the plans, specifications and estimates of the proposed extensions to the Cascades, or the report of the committee of enquiry on the subject. 70

The authority of the comptroller-general of convicts to make changes in the internal management of the Cascades factory, and other prisons under his control, was assured by the colonial Act, 8 Vict. No. 16, 'An Act for the Regulation of Prisons' dated 28 February 1845, which empowered him:

to make such general regulations not being inconsistent with the provisions of this Act for each and every House of Correction ... as to him shall seem expedient. 71

Within four months Forster published the regulations for the Anson and on 12 December he issued a further set of regulations, the 'General Regulations for Houses of Correction, under the orders and control of the Comptroller-General of Convicts'. The regulations, numbering 118 clauses, embraced all aspects of the duties and responsibilities of senior and subordinate officers of the houses of correction, and detailed the treatment of, and standard of conduct expected from, the prisoners. The regulations reinforced the Home Government's policy for the gradual retraining of prisoners, after punishment, and the preparation for their return to free society. 72

70. Gladstone to Wilmot, 27 April 1846, ibid., p. 45.
The home and colonial governments could work together to improve the physical surroundings of the women and to enact legislation to regulate the management of the convict system, but they often could not ensure that the officers in charge of the women carried out their duties in a responsible and loyal fashion. Maintaining staffing levels at the factories remained a problem throughout the period, especially as orders were given in September 1841 that no person who had ever been a convict could hold a responsible paid situation in the factories. Following the Catos' dismissal in 1841, changes in the Cascades staff were frequent and periods of service short served. Some officers simply resigned; others were dismissed for misconduct and inefficiency. In 1841 Mr and Mrs Livermore, in charge of the working cells, were threatened with dismissal for 'irregularities in the working Cells arising from their repeated neglect', but were allowed to replace Mr and Mrs Catley, who had resigned their positions as gatekeepers. Mr and Mrs Smith, gatekeepers, and Mr and Mrs Willicombe, overseers of the crime class workshops and second class washing yards, were discharged for trafficking in forbidden articles. The Willicombes were replaced by Mr and Mrs James Stuart in September 1842, who, in turn, were replaced by Mr and Mrs Fadden in February 1844. The Faddens remained less than a month. 

was dismissed within six months for being absent from his post, and his successor, Mr Collins, resigned in September 1842 due to ill-health aggravated by the adverse effects of night duty.  

The situation reached dire straits in 1844 when almost the entire staff of the Cascades had gone. Robert Wilson, chaplain, wrote to Forster on 13 March informing him that, though the factory contained more than 600 females, Mr Hutchinson, who had no one to assist him but 'an old man, a Mr Livermore, who is very poorly just now' had to carry out the duties of superintendent, storekeeper and gatekeeper. Wilson claimed that Spade knew of the situation but had done nothing to rectify it and he wondered how the staff could be 'expected to carry out the intentions of Her Majesty's Govt.' He asked that a constable be appointed to assist Hutchinson pending the appointment of the proper number of staff.  

Within three days Mr and Mrs Wilson were engaged as overseers of the workshops and washing yards. They resigned in May 1846 following allegations that Mrs Wilson had ordered needlework for her own use without paying for it. 

Staffing problems in the Hobart branch factories and the Launceston House of Correction were much the same. In April 1842 trouble erupted between the superintendent of the Launceston factory, Robert Pearson, and the gatekeeper and sub-

76. Collins to Hutchinson, 26 September 1842; Crouch to Spode, 30 December 1841; Col. Sec. to Spode, 8 January 1842; Spode to Col. Sec., 2 July 1842; Lockwood to Col. Sec., 29 September 1842, A.O.T., C.S.O., 22/47/201, pp. 151-55.

77. Wilson to Forster, 13 March 1844, A.O.T., C.S.O., 22/106/2269, pp. 263-64. No mention was made of Mrs Hutchinson, but she may have been indisposed by the birth of one of her many children.

matron, Mr and Mrs Littler. The Littlers accused Pearson of inciting the prisoners, Eliza Churchill, Mary Kirk and Bridget Monaghan, to make false charges against the Littlers on the promise of gaining their freedom, and, in the case of Rebecca Bull, of being reinstated to a position of trust from which she had been removed by Mr Franks, the local Assistant Superintendent of Convicts. Pearson denied the charges, but admitted that, in an attempt to trace the source of trafficking, he had solicited the help of Rebecca Bull's husband, Robert, an inhabitant of the town. Pearson was cleared of the accusation of inciting the women to testify against the Littlers, but was rebuked for reinstating Rebecca Bull and warned to keep a close watch on his young son whom the prisoners had persuaded to visit the local grocers, Messrs Perkins and Bennet, to purchase tobacco and other goods for them. 79 The Littlers were found guilty of trafficking and dismissed. On 20 August 1842 they were replaced by an immigrant couple, Mr and Mrs Davis, but within five days Pearson had detected Mrs Davis in the act of smuggling tea, sugar, tobacco and brandy to the women and by 2 September they, also, had been dismissed. 80 In June 1843 Pearson, worried by his wife's declining health, requested that they be removed to another situation but no action was taken to replace them until May 1844 when they were dismissed out-of-hand because the matron's illness had led to their unauthorised

79. Correspondence, dated April to July 1842, A.O.T., C.S.O., 22/28/999.
80. Correspondence, dated August 1842, ibid.
absence from the factory. 81

This period also saw the introduction of regular religious, moral and secular education in the various establishments for female convicts. The authority, long enjoyed, of the Anglican and Roman Catholic clergy to visit female prisoners was extended in 1843 to the Presbyterian clergy, provided that their representative, Reverend Bell, remembered to make his visits at a:

convenient time when it will interfere as little as possible with the work and discipline of the Establishment. 82

On 28 February 1843 Miss McLaren, who had migrated to the colony as matron on a female convict ship, was appointed as the first instructress to the Cascades factory at a salary of £80 per annum with quarters and other allowances. 83 Mrs Agnes Frost, matron on the Lloyd, was similarly appointed to the Launceston factory on 10 November 1843. 84 In 1846, under pressure from Bishop R.W. Willson, female Catholic catechists were appointed to the Cascades and the Anson to teach women of their own persuasion. 85

The regulations made it clear that the main task of the instructresses was to give the women a sound grounding in the basic skills:

The fundamental parts of education alone are to be taught; and ... it should be the main object to teach those to

82. Correspondence, dated June to July 1843, A.O.T., C.S.O., 22/76/1670.
84. Correspondence, A.O.T., C.S.O., 20/19/382.
85. Willson to Comp. Gen., 7 September 1846, M.L. Tasmanian Papers, No. 75, 5278/2. Mrs Bowden had herself supervised the education of the protestant women in the Anson, who were taught by one of her assistants. Bowden to Stanley, 20 December 1845, op. cit., p. 43.
read who cannot already do so. All such women must receive instruction regularly in schools.\textsuperscript{86}

The moral and religious instruction of the women was left to the discretion of the instructresses, it being felt that the government could place 'every reliance' on their 'zeal and prudence in these matters'.\textsuperscript{87}

The work of the clergy and instructresses was augmented by the visits of a committee of ladies founded on the principles approved by Elizabeth Fry. Lady Franklin, wife of the lieutenant-governor, had attempted in 1841 to form the 'Tasmanian Ladies' Society for the Reformation of Female Prisoners', but the ladies did not take their responsibility very seriously, their enthusiasm waned and they soon ceased their activities. Kezia Elizabeth Hayter, from the Millbank Penitentiary, who was sent by Elizabeth Fry to assist Lady Franklin in this work, could not withstand the criticism levelled at her and the ladies' committee by the local press, and severed her connection with the movement.\textsuperscript{88} A second attempt to form a ladies' committee was more successful. On 21 April 1843 a group of women, again under Lady Franklin's patronage, met to discuss the implications of Charlotte Anley's book, \textit{The Prisoners of Australia}, which had been published in 1841 on behalf of the British Ladies' Society. Anley demanded to know if:

\begin{itemize}
\item \textsuperscript{86} Regulations for the Anson, 1 July 1845, \textit{loc. cit.}, Clause 44.
\item \textsuperscript{87} \textit{ibid.}, Clause 46.
\item \textsuperscript{88} Mrs Hutchinson' evidence, A.O.T., C.S.O., 22/50/208, \textit{op. cit.}, pp. 163-68. Frances Woodward, \textit{Portrait of Jane, A Life of Lady Jane Franklin}, London 1951. Woodward includes extensive quotations from Lady Franklin's diaries and other sources in her biography, see pp. 214-17.
\end{itemize}
Australia ... that fair land of hope and promise [shall] be forever left thus the charnel ground for all that England in her supineness casts away as refuse, unworthy of her rich Soil sending forth sin to multiply ten fold in a Land, which given to her as future trophy of Evangelical conversion, demands our religion and not our vices. 89

The ladies responded to the call to service by reconvening the Tasmanian Ladies' Society. They justified their proposed endeavours by their belief that their own enjoyment of the 'privileges and blessings of the Gospel' left them no choice but to devote:

their earnest and unwearied endeavours to shed its blessed hopes and consolations and sanctifying influence on their unhappy fellow Sinners, who have forfeited their liberty to the laws of their Country ... 90

Their work was to be based on biblical doctrine and supported by 'fervent prayer, secret and social'; they were exhorted to guard against 'any allusions to denominational peculiarities'. Two of their number were to visit the Cascades factory every day, to assist the instructresses in the school, to impart Christian knowledge and other useful instruction of a personal and domestic nature, and to 'promote in the minds of the Prisoners due respect to their Superintendents and to all who are placed over them'. They were warned against meddling with the management of the factory, but urged to notify the society of conditions requiring attention, so that the secretary,  

89. Minutes of the Proceedings of a Meeting of Ladies held at Hobart Town on 21 April 1843, and Cotton to Lt. Gov., 22 April 1843, A.O.T., C.S.O., 22/73/1607, pp. 269, 175. Lady Franklin was in correspondence with Mrs Fry on the subject of female convicts, but entertained some doubts as to the success of Mrs Fry's work. She wrote: 'her most hopeful subjects swear at her behind her back'. Woodward, ibid., p. 218. See also, letters in George Mackaness, Some Private Correspondence of Sir John and Lady Jane Franklin, 1947.

90. Minutes, ibid., p. 267.
Mrs L. Cotton, could approach the lieutenant-governor on their behalf.  

Franklin agreed to the ladies' proposals and informed Spade that they must receive every assistance in their work, provided they did not interfere with the discipline of the women. He also authorised a payment of £12 per quarter towards the cost of conveying the ladies to and from the factories. Spade promised to co-operate, but asked that the ladies restrict their visits to specified times so that the ordinary labour of the women would not be interrupted. The ladies agreed to visit the women between 11 a.m. and 3 p.m. and promised not to interfere with the work routines. They lost little time in drawing Franklin's attention to matters affecting the moral welfare of the inmates. In a letter dated 18 May 1843 Mrs Cotton implored Franklin to have the wards lit at night because:

> the many hours of darkness tend so much to the growth of evil thoughts, and their harmful results.

She suggested that the public be invited to supply work for the women and that a portion of the profits be reserved for them. Finally she asked for a supply of basic lesson books for the Brickfields women and spectacles for prisoners who needed them in both establishments. Franklin acceded, and during the

94. Spode to Col. Sec., 13 May 1843, *ibid.*, p. 188.
97. *ibid.*
months that followed the ladies continued to press the government for further supplies of books and spectacles. With these small successes to their credit, the ladies ignored their orders not to interfere with the internal management of the factories. At their meeting on 7 July 1843 they resolved that a suitable residence be provided for the instructress at the Cascades; that a committee of gentlemen be appointed to plan this as well as another apartment where the ladies could teach needlework; that Mrs Gentle be appointed as instructress to the Brickfields and Liverpool Street factories and that she be given the help of an assistant instructress and a superintendent of work; and that the turnkeys be authorised to maintain silence as part of the system of discipline. Spode thought that Mrs Candell, who had been sent out by the secretary of state for the colonies as matron on the Margaret, had a greater claim to the vacancy than Mrs Gentle. Wilmot agreed, and Mrs Candell was appointed to the position. The following month the committee recommended Mrs Howes for the position of taskmistress at the Cascades, because they wanted a woman who had 'unquestionable piety, prudence & experience' and who was:

of a proper age, of an excellent Spirit, sufficiently

99. Hayter to Bicheno, 5 June 1843; Bicheno to Cotton, 5 June 1843; Spode to Bicheno, 8 June 1843; Cotton to Bicheno, 15 June 1843; Bicheno to Cotton, 22 June, 1843, A.O.T., C.S.O., 22/73/1607, pp. 201-14.
100. 'Resolutions of the Tasmanian Ladies' Society', 7 July 1843, A.O.T., C.S.O., 22/73/1607, pp. 221-38; Bicheno to Spode, 4 August 1843, A.O.T., C.S.O., 22/68/1492.
intelligent, and endowed with Christian forbearance and zeal ... 103

This time they had gone too far. Mrs Cotton received the thanks of the colonial secretary and was reminded in strong terms that the society had been formed:

with the sole view of teaching & instructing the Convict Women & not for the discipline & management of the Estabmt. 104

In November Wilson complained that the ladies' practice of visiting the factories at uncertain hours was 'subversive of the discipline and regularity' of the establishment. Wilmot upheld his complaint and the ladies were limited to visits of two hours per week to each of the wards, though access to the hospital, nursery and cells remained open. The carriage allowance was withdrawn, supposedly because several of the ladies had their own carriages and Wilmot thought they should be willing to share them with their less-affluent members. 105 Wilmot's lack of enthusiasm for the society's efforts seems to have had its effect, for no more was heard from the ladies after March 1844. 106

In Launceston the situation remained relatively stable. By January 1845 a hiring depot had been opened in St John's Square to cater for pass-holders in the northern region, 107

103. Resolutions, 7 July 1843, op. cit., p. 238; Bicheno to Spode, 4 August 1843, op. cit., p. 40.
and by August 1846 there were only 100 women under punishment in the factory, together with 20 children in the nursery. Twelve separate confinement cells were under construction and the women were fully employed in washing, needlework and spinning.\textsuperscript{108} The only major change was the closure of the depot in May 1848,\textsuperscript{109} though by early 1850 accommodation at the factory had been increased by 36 new separate confinement cells and in November augmented by an additional 48 cells.\textsuperscript{110}

While the colonial government was preoccupied with the daily administration of the convict establishments, questions were again being asked in Britain about the underlying principles which governed the transportation system. In September 1845 Stanley prepared a draft despatch to Wilmot in which he pointed out that, despite 17 despatches and five reports from the comptroller-general of convicts on the subject, he had gleaned little real knowledge of the state of the convict department beyond the awareness that unnatural crime was rife in the probation gangs and that the demand for convict labour was generally low. He said that he was indebted to Maconochie's reports for information, but thought there was little point in substituting the captain's proposals for the 1842 probation system which appeared to be working well because, in his view, no system of discipline was entirely

\begin{itemize}
  \item \textsuperscript{108} Comp. Gen. report, 1 August 1846, \textit{Convict Discipline}, P.P. No. 785, 1847, \textit{loc. cit.}, p. 125.
\end{itemize}
devoid of error. 111

Gladstone agreed. On 20 February 1846 he called for a full report on the Anson which he described as being one of the 'most interesting experiments connected with transportation.' 112 On 6 March he requested a further report, this time on the Cascades factory. 113 A report on the Anson had, in fact, been compiled by the Bowdens and forwarded to England on 22 November 1845, 114 but Wilmot's failure to comment on it raised doubts in Gladstone's mind as to the accuracy of Bowden's glowing account of the progress and achievements of the Anson experiment.

Gladstone observed that, if the report were reliable, then:

Not only has there been an absence of obscenity, immorality and insubordination, but the females have been remarkable for an orderly, discreet and industrious conduct: and, as far as appearances can be trusted, have given evidence of a great moral reformation. 115

Furthermore, based on the success of this experiment, the government could expect a term of probation in a penitentiary to hold out:

the prospect of rescuing a portion at least ... of the female convicts from the state of degradation to which they have heretofore sunk. 116

A contrary view was taken by the Acting Comptroller-General of Convicts, W.T.N. Champ, who, on 1 August 1846, reported that though the Anson was orderly and clean, and the women well-

111. Draft of Stanley's proposed despatch to Lt. Governor of Van Diemen's Land, September 1845, in Convict Discipline, P.P. No. 36, 1846, loc. cit., pp. 3-5.
112. Gladstone to Wilmot, 20 February 1846, Convict Discipline, P.P. No. 178, 1846, loc. cit., No. 47.
113. Gladstone to Wilmot, 6 March 1846, ibid., pp. 6-7.
114. Report of Dr Bowden, in Wilmot to Stanley, 22 November 1845, ibid., pp. 41-44. Acknowledged in Gladstone to Wilmot, 27 April 1846, ibid., p. 45.
115. Gladstone to Wilmot, ibid., p. 45.
116. ibid., p. 45.
behaved:

in the great majority of cases no permanent change has been effected in their dispositions or habits.117

Champ's opinion was supported by C.J. La Trobe who, as acting Lieutenant-Governor of the colony, made an extensive survey of convict establishments. In a report dated 31 May 1847 he said that he had gained:

the strongest general impression that the experiment is a total failure, as far as regards the real improvement of female prisoners.118

Whilst the authorities were debating the value of the Anson experiment, overwhelming evidence of moral corruption in the probation gangs persuaded the government to suspend the transportation of males to Van Diemen's Land for a two-year period from the end of 1846 to allow time for the system to be thoroughly reviewed.119 Female transportation continued uninterrupted: the need to reduce the imbalance between the sexes and to provide an antidote to homosexual tendencies among the convicts decided the issue. Earl Grey informed Lieutenant-Governor, Sir William Denison on 30 September 1846 that he would propose to the Secretary of State for the Home Department that all female convicts be transported and be placed, in the colony, under a strict separate confinement system which would gradually give way to a more relaxed system designed to train

117. Champ to Wilmot, 1 August 1846, Convict Discipline, P.P. No. 785, 1847, loc. cit., p. 127.

118. La Trobe to Earl Grey, 31 May 1847, Convict Discipline, P.P. No. 941, 1848, loc. cit., pp. 76-8. La Trobe was acting Lieutenant-Governor from October 1846 to January 1847.

them in housewifely skills and encourage them to marry
because:

the tendency to unnatural crime ... will in all
probability break out when the convict is released from
control and seek its indulgence, unless some opportunity
be afforded for legitimate sexual intercourse.\textsuperscript{120}

Stephen Hampton, the new Comptroller-General of Convicts,
agreed in principle but stated on 30 March 1847 that the plan
could only be adopted if a new penitentiary for females were
built. He proposed that such a building be erected for 550
women at the Cascades, and that it be divided into three
sections, with 200 separate confinement cells for the first
stage of strict separation, 150 separate sleeping cells for the
second, or silent stage, and three sleeping halls each for 50
women in the third stage of probation. An additional hall
would accommodate 50 pass-holders awaiting employment. Staff
accommodation and ancillary rooms were to be attached to each
area. It was thought the project would take four to five years
to complete at an anticipated cost of £40,000.\textsuperscript{121}

By May Hampton had changed his mind. He said that the
expense and time needed to erect the penitentiary, together with
the probable difficulty of obtaining qualified staff, did not
make it a viable proposition. He proposed that, instead, the
women undergo a period of probation in England so that they
could enter private service immediately upon their arrival in
the colony. He wished to abandon the Anson as a probationary
establishment because he thought the prisoners were:

deteriorated, both morally and physically by association

\textsuperscript{120} Grey to Denison, 30 September 1846, \textit{Convict Discipline}, P.P. No. 785,

\textsuperscript{121} Hampton's report, 30 March 1847, \textit{Convict Discipline}, P.P. No. 941,
for six months' probation in a crowded ship, without opportunities of acquiring almost any description of knowledge likely to be useful to them as domestic servants, and without any of the necessary accommodation for being properly classed, or even for obtaining suitable exercise . . .122

He suggested that the Ross convict station could be converted for use as a house of correction, hiring depot and lying-in hospital for female convicts and that this would save 'a great amount of disgusting immorality' caused by the transfer of women to the interior under the care of convict constables.123 Denison gave Hampton permission to proceed with the Ross project, which was finished by May 1848. In his despatches to Earl Grey, dated 10 July 1847 and 27 June 1848, he also gave full support to Hampton's proposals for the Anson.124

Meanwhile, in Britain, the government's policy on transportation had been thoroughly reviewed and a new plan of action developed. Henceforth male convicts were to undergo a period of separate confinement at home, followed by penal labour on public works in Bermuda or Gibraltar, and finally removed to Van Diemen's Land as ticket-of-leave holders. The difficulty of finding suitable employment for the women in the home prisons, and the impossibility of sending them to labour on public works, prompted the government to adopt Hampton's suggestion that they be forwarded to the colony following a term of separate confinement, to be released for service on their arrival provided they were well-behaved during the voyage. Women who misbehaved were to complete a further probation period of six months

122. Hampton's report, 6 May 1847, ibid., p. 93.
123. ibid., p. 94.
124. Denison to Earl Grey, 10 July 1847, ibid., p. 91; Denison to Earl Grey, 27 June 1848, Convict Discipline, P.P. No. 1022, loc. cit., 1849, p. 246.
before becoming eligible for a pass. Even so, Grey was not convinced that a final solution to the treatment of female convicts had been found and he asked Denison for his suggestions on the subject because:

we are far from supposing that upon this most difficult subject, after so many attempts to contrive effective methods of punishment, - and, it is painful to add, so many failures, - we are likely to have yet succeeded in devising a system which does not still require very great improvement.125

On 24 June 1848 Grey forwarded to Denison a copy of a paper on convict discipline received from Alexander Maconochie on 5 May. Maconochie believed that female convicts could be reformed by the same processes as male convicts, provided some modifications were made to the system. The processes of reform, he stated:

must be more gently and considerately administered, for the pressure which only bends an oak may crush a willow; and they ought to be organized with a distinct reference to the circumstances in which female delinquents usually stand, and to the peculiarities of feeling and character thus imposed on them.126

He thought the women 'in their descent from innocence to vice' were 'more sinned against than sinning' because they were easily led into error; and that the prime object of any system of discipline should be to 'tone down and moderate' their impulses, to bring 'judgement into play' and to restore their 'own confidence and respect' by training them in useful skills. The taskwork system whereby they could build up credits for good behaviour was an essential part of his scheme for the reformation of the women.127

125. Earl Grey to Denison, 27 April 1848, Papers of Van Diemen's Land Legislative Council, 1848, No. 4397, p. 5.
127. ibid., p. 271.
Denison reacted strongly to Maconochie's views on the treatment of female convicts. They were, he said, 'vague and indefinite and not calculated to meet the practical difficulties of the case'. Contrary to Maconochie's view of the women as the victims of circumstance, Denison claimed they were mostly hardened criminals:

common thieves and prostitutes who have passed their whole lives in the breach of all laws both divine and human.128

No system of discipline, said Denison, could guarantee to reform female convicts and the best that could be done would be to make punishment so severe that they would be deterred from the commission of crime.129

Yet Denison was prepared to experiment with the taskwork system at the Cascades factory. The manufacture of woollen cloth was the basis of the scheme and, by late-1849, 266 women were busily engaged in preparing the wool, aware that by consistent work and good conduct they could earn a significant reduction to their terms of punishment. By 1851 the scales of credit were established and taskwork credits extended to needlework, washing and even barrack duties. The women were carefully classified to ensure that healthy, active and intelligent prisoners received no undue advantage over the weak, sickly or ignorant, who may have been just as willing to work hard. Women who misbehaved were excluded from the benefits of the taskwork system for the period they were under punishment. He recognised that the taskwork system was open to:

favouritism and other irregularities in calculating the amount of credit awarded,

129. ibid.
Denison reacted strongly to Maconochie's views on the treatment of female convicts. They were, he said, 'vague and indefinite and not calculated to meet the practical difficulties of the case'. Contrary to Maconochie's view of the women as the victims of circumstance, Denison claimed they were mostly hardened criminals:

common thieves and prostitutes who have passed their whole lives in the breach of all laws both divine and human.128

No system of discipline, said Denison, could guarantee to reform female convicts and the best that could be done would be to make punishment so severe that they would be deterred from the commission of crime.129

Yet Denison was prepared to experiment with the taskwork system at the Cascades factory. The manufacture of woollen cloth was the basis of the scheme and, by 1849, 266 women were busily engaged in preparing the wool, aware that by consistent work and good conduct they could earn a significant reduction to their terms of punishment. By 1851 the scales of credit were established and taskwork credits extended to needlework, washing and even barrack duties. The women were carefully classified to ensure that healthy, active and intelligent prisoners received no undue advantage over the weak, sickly or ignorant, who may have been just as willing to work hard. Women who misbehaved were excluded from the benefits of the taskwork system for the period they were under punishment. He recognised that the taskwork system was open to:

favouritism and other irregularities in calculating the amount of credit awarded,

129. ibid.
but thought careful checking of the overseer's records would correct the most flagrant abuses, if not entirely eradicating the unfair treatment of some women.\textsuperscript{130} The taskwork system did not mean the end of separate confinement at the Cascades. Every woman who entered the building under a magisterial sentence of hard labour served the first half of her imprisonment in a separate cell, and only then became eligible for participation in the taskwork system.\textsuperscript{131}

Permission to disband the Anson was finally granted on 31 January 1849\textsuperscript{132} and arrangements were made to hasten the distribution of pass-holders. The hulk was towed to a new site close to Hobart and, by 31 August 1850, when all but a few 'excessively ignorant and useless' Irish women, whom no one wanted to employ, had been dispersed, the establishment was closed and the remaining women transferred to other centres.\textsuperscript{133}

At the same time permission was given to distribute new arrivals directly from the ships or, if they were unable to find employment, to house them at a temporary depot at the New Town farm where they could be isolated from the old class.


\textsuperscript{131} Additional Regulations, 30 April 1851, Convict Discipline, P.P. No. 1601, 1852-53, \textit{loc. cit.}, pp. 46-8.

\textsuperscript{132} Earl Grey to Denison, 31 January 1849, Convict Discipline, P.P. No. 1022, 1849, \textit{loc. cit.}, pp. 280-81.

\textsuperscript{133} Hampton's reports, 18 June 1849 and 30 January 1850, Convict Discipline, P.P. No. 1285, 1850, \textit{loc. cit.}, pp. 11-14, 99-102, and 6 February 1851, Convict Discipline, P.P. No. 1418, 1851, \textit{loc. cit.}, p. 10.
of women. 134

In order to encourage convict women to remain in service, new pass-holder regulations were issued on 1 March 1850. Contracts were to be for multiples of one year and, in the first instance, only the employer or the lieutenant-governor, acting on behalf of the convict, could terminate the agreement. Continuous good service in the same employment entitled the women to a progressively increasing remission of the term of service required to earn a ticket-of-leave. Thus, one year of service earned a remission of two months, 18 months service a remission of three and a half months, and so on, with each successive reduction being increased by two weeks until six years' service earned a maximum remission of three years, three months and two weeks. Pass-holders under the old regulations were also eligible for this remission, as were married women who could prove that they were well-behaved in their own homes. 135

The combination of the taskwork system and the new regulations for pass-holders achieved what no earlier system of discipline had been able to do: the women at last found the incentive to improve their behaviour. On 5 August 1851 Hampton reported that there had been a marked decrease in the number of women under magisterial sentence - from 683 on 31 December 1850 to 509 on 30 June 1851 - and this despite an overall increase in the total number of female convicts - from 4421 to 4592 -

---


during the same period. 136

No comparable amelioration was made in the situation of convict women with illegitimate children. Towards the end of 1846 Champ informed Wilmot that the Dynnyrne nursery was very overcrowded and that new quarters were urgently required. 137 Hampton agreed with Champ and, under his direction, plans and estimates for a new nursery to be located close to the Cascades were prepared and, on 7 November 1847, forwarded to Earl Grey for approval. 138 Grey rejected the plans as being too costly and expressed the hope that:

> the more efficient control which it is intended to aim at establishing over the females will render so large an institution, for the particular object in question, less necessary ... 139

On 10 March 1849 Hampton proposed using the Brown's River Station as a less expensive, but satisfactory, alternative where:

> The Women ... could be placed under Separate Treatment, and otherwise such stringent discipline enforced, that they would dread returning pregnant into the hands of the Government; the proper accommodation would be provided for the Children, in lieu of the wretched place in which they now are. 140

---


140. Hampton to Denison, 10 March 1849, M.L. Tasmanian Papers, No. 74, document 7336.
The Brown's River Station, on inspection, was found to be more
dilapidated than Hampton had realised, and in May he suggested
that a new nursery could be erected at the Cascades more
cheaply than he thought, if the boundary wall of the separate
confinement wing were incorporated into the plan. Denison
agreed, and gave orders for the work to proceed without waiting
for the sanction of the Home Government. The new nursery was
completed and occupied on 2 August 1850 and the Dynynrne
nursery closed.

Initially the regulations for the Dynynrne nursery were
enforced in the new Cascades nursery, though from 1 October 1851
they were modified to allow the women to participate in the
taskwork system. A pregnant woman sentenced to hard labour by
a magistrate still had to serve the first half of her sentence
in separate confinement, with any unexpired portion completed
subsequent to the weaning of her infant. She was, however,
moved to the nursery at the time of her confinement and
remained in sole charge of the child until it was three months
old. Then she was given the care of an older infant, for which
service she could obtain taskwork credits towards the
reduction of the latter half of her sentence. When her own
child reached the age of six months, an additional child was
given into her charge and the three children remained with her
until her own child was weaned at the age of nine months, when

---

141. Hampton to Denison, 9 May 1849, M.L. Tasmanian Papers, No. 74,
document 5083/4; Hampton's report, 18 June 1849 and Denison to Earl
Grey, 15 December 1849, Convict Discipline, P.P. No. 1285, 1850,
loc. cit., pp. 14 and 74.

142. Nairn to C.R.E., 29 July 1850 and Hutchinson to Comp. Gen., 2
August 1850, M.L. Tasmanian Papers, No. 74, documents 5083/12 and
5083/13. Comp. General's report, 6 February 1851, Convict
Discipline, P.P. No. 1418, 1851, loc. cit., p. 10.
she was returned to the factory proper.\textsuperscript{143}

Even this arrangement was not destined to last. On 17 November 1852 the children and their mothers, whose health had suffered in the Cascades nursery, were removed to the Brickfields establishment. The regulations were again changed - this time to make the offence of bearing an illegitimate child punishable by a 15 months probation from the date of confinement.\textsuperscript{144}

By this time the transportation system in Van Diemen's Land had almost run its course. On 22 February 1853 the Duke of Newcastle informed Denison that transportation to the colony would be discontinued. He gave as his reasons the unsettled state of the population caused by the gold discoveries in Victoria and New South Wales, and the reluctance of the majority of the colonists to continue having to associate with convicts.\textsuperscript{145}

When news of this decision reached the women who were awaiting transportation in the Millbank penitentiary, the knowledge that they were to be released in England after a protracted period of penal servitude had a marked effect on their conduct:

\begin{quote}

disappointment rendered them thoroughly reckless; hope had died within them, they actually courted punishment; and their delight and occupation consisted in doing as
\end{quote}

\textsuperscript{143} Additional Regulations, 1 October 1851, \textit{Convict Discipline}, P.P. No. 1601, 1852-53, \textit{loc. cit.}, p. 49.

\textsuperscript{144} Report of Superintendent, J. May, 10 January 1853, \textit{Convict Discipline}, P.P. No. 1795, 1854, \textit{loc. cit.}, p. 27.

much mischief as they could. They constantly destroyed their clothes, tore up their bedding, and smashed their windows ...146

Newcastle's despatch reached the colony in June 1853 and Denison asked Hampton to compile a report as to the best course that should be taken for the progressive reduction of the convict establishment. Hampton proposed that the Ross factory be closed by the end of 1854. It suggested that the Hobart and Launceston factories be maintained for as long as necessary.147

On 13 February 1854 Denison asked the Home Government to transfer the convict establishment to the colonial government because:

the existence in the colony of a department which, although independent of the local Legislature, must perpetually come into contact, not only with the different classes of settlers, but also with the Legislature itself, upon financial questions, will but serve to maintain irritation, and to cause perpetual discussions as to the relative liabilities of the mother country and the colony.148

The Secretary of State, Sir George Grey, rejected this suggestion outright on the grounds that there were still too many convicts in the colony to allow extensive changes to be adopted immediately, and because the Home Government felt it had


148. Denison to Newcastle, 13 February 1854, Convict Discipline, P.P. No. 1916, 1854-55, p. 6. On 10 May he again wrote to Newcastle asking for an early reply to his despatch, in Denison to Newcastle, 10 May 1854, ibid., p. 61.
a responsibility to see the matter through to the end. 149
Thus, it was August 1855 before the colonial government was
allowed to enact legislation to reorganise the convict depart-
ment under its own direct control; following this, on 3
October, the Hobart and Launceston factories were proclaimed as
houses of correction under the control of the sheriff. 150
Further negotiation followed before the issue of the liability
of the Home Government for those convicts still serving un-
expired sentences of transportation was settled. 151

A tiny residue of incorrigible and recalcitrant women
continued to be housed at the factory. It was not until 1864
that the last of these women was placed completely under
colonial discipline and the Home Government's transportation
system, as it applied to females, finally brought to an end.

149. Sir George Grey to Denison, 4 September 1854, ibid., p. 83.
150. These included:
   No. 1, 8 August 1855, 'The Prisons Regulation Act'.
   No. 3, 9 August 1855, 'An Act to substitute other Punishment in
   lieu of Transportation'.
   No. 6, 28 August 1855, 'The Offenders Control Act'.
   No. 15, 11 September 1855, 'An Act for the Prevention and Punishment
   of Certain Offences'.
151. Proclamation, 3 October 1855, H.T.G., 3 October 1855, Vol. xl,
   No. 2080, p. 1063; Labouchere to Young, 4 May 1856, Convict
   Discipline, P.P. No. 2101, 1856, loc. cit., p. 18.
CHAPTER VII

JEZEBEL CONDEMNED

As to the females, it is a melancholy fact, but nonetheless true, that far the greater proportion are utterly irreclaimable, being the most worthless and abandoned of human beings.

W.H. Breton, Excursions in New South Wales, Western Australia, and Van Diemen's Land, etc. London 1834, p. 280.

The presence of female convicts in New South Wales and Van Diemen's Land could not be ignored by contemporary society: for much of the period under review, domestic servants were drawn from the ranks of convict women and, as they gravitated between the factories and assigned service, the public observed their conduct and drew conclusions about their general character. An outbreak of violence in one of the factories, revelations of the incompetence or peculations of factory officials or the notorious behaviour of female convicts brought before the magistrates, became matters of common gossip and the targets of serious criticism or lighthearted witticisms in the colonial newspapers. At the same time the conduct of well-behaved women and the small successes in the improvement of conditions in the factories were hardly noticed. This trend was strengthened by contemporary authors who seized upon the lurid stories or reduced the evidence to a few general comments which they included as 'thumbnail sketches' or 'eyewitness accounts'.

1. The police reports, giving details of court cases and summary convictions were frequently gossipy accounts of the doings of the more notorious convicts.
in the proliferation of books written to entice free settlers to the colonies or to boast of expeditions, real or imaginary, to the antipodes.\(^2\) Such sources, together with three major reports to the House of Commons - the Bigge Reports of 1822-23 and the reports on the transportation system tabled in 1812 and 1837-38\(^3\) - have shaped the traditions surrounding the character, conduct and condition of female convicts in the Australian colonies.

Given that the value of historical evidence may be assessed by the degree to which the observer has had the opportunity to gather his data at first-hand, these sources must be measured against a considerable body of unpublished manuscript documents, official correspondence in the state archives, and parliamentary papers which were tabled at regular intervals, all of which have been largely neglected by historians.\(^4\)

The accompanying diagram\(^5\) attempts to rank the sources for the study of female convicts on the basis of known or probable direct contact between witnesses and the convict women. The concentric circles denote the degree of contact between the observed and the observer, on a scale ranging from daily contact to no contact at all; the intersecting lines represent the various groups of people who commented on the institutions. Published sources, by men such as Byrne, Cunningham, Henderson, Macqueen, Mudie, O'Connell and Russell, who gleaned their evidence from casual contacts with the women, or from hearsay evidence, are low on the scale of reliability. The manuscript

\(^2\) See bibliography for a list of printed sources by contemporary writers.

\(^3\) See chs. 1, 3 and 4 for discussion of these reports.

\(^4\) See bibliography for a full list of manuscript and parliamentary documents.

\(^5\) See p. 245 for this diagram.
A Diagram of the Likely Contact of Contemporary Observers with the Female Factories, 1804 - 1854.

Staff of Female Factories.
Sisters of Charity.

Clergy - Surgeons - Magistrates - Officials
Ladies' Committees.

Boards of Inquiry, Official Visitors - Governors.

Visitors to Factories, with official approval and a set purpose.

Visitors to factories, personal, but not official interest and no set task.

Colonial or British writers, who compiled their accounts from second-hand information.

Letters etc., in Archives.
Annals of Sisters of Charity.

Letters etc., in Archives, Court Reports
Minutes of Committee meetings etc.,
Reports of Board of Inquiry, e.g., Siege Reports
Despatches of governors, etc.,
J. Backhouse, C. Anley, W. Pala, R. Therry,
J. Macarthur, etc.,
J. Byrne, P. Cunningham, J. Henderson, T. Macquarie,
J. Mudie, J. O'Connell, G. Bayly, etc.,
E. Barker, C. Barton, L. Becke, Rev. V. Fradden,
H. Parker, G. Paterson, etc.,
sources, especially archival documents, compiled by factory personnel, officials of the colonial government and specially authorised visitors are concerned with specific aspects of the day-to-day control, punishment and reformation of the prisoners, and rank high on the scale. The published sources emphasised themes linked to the sex roles of female convicts - their moral turpitude, the 'damned whore' stereotype and its corollary, the sexual exploitation of the women, the disproportion of the sexes, the incidence of illegitimate births and colonial marriage practices, together with brief descriptions of the actual factories. These topics are discussed at length in the manuscript and parliamentary sources, but have been kept in perspective by commensurate discussions on other aspects of the subject, namely, the health, education, moral and spiritual welfare, social training and economic potential of the women. Some publications included a line or two in praise or condemnation of Elizabeth Fry and her followers; others contained lengthy discussions on the basis, form and value of penal reforms, but the manuscript and parliamentary sources alone examined penal theory in the light of practical experience in the control of convict women within the colonial context.

Unfortunately, in recent years, the accessibility of published sources, such as those mentioned above, which are held in major public libraries in Australia, and which may be located with relative ease through bibliographical aids such as the Ferguson Catalogue, and the comparative difficulty of retrieving information from unpublished manuscript sources which rarely contain more than a brief, and perhaps ambiguous, description of the contents, or from the mass of parliamentary
papers, where the essential facts are encased in masses of correspondence and reports relating to the whole transportation system, has meant that most attempts to re-examine the subject of female convicts have been marred at the outset by an over-reliance on dubious evidence and by the perpetuation of traditions which, from the beginning, were a distortion of the truth.  

One of the most quoted traditions concerning the Parramatta factory has been that it operated as a 'marriage mart' where any unattached male, convict or free, could select a wife, marry her within the hour and depart for home. The most quoted source for this tradition is James F. O'Connell who claimed to have been an eyewitness to 'two or three of these negotiations'. The suitor, he wrote, an 'old "stringy-bark"', having obtained 'Bishop' Marsden's permission to choose a wife, arrived at the factory where the girls, 'all agog for a husband', were paraded for his benefit. Having scanned the first and then the second class women 'as a Turk would Georgians in a slave-market' the 'Coelebs' then returned to the first class where 'all pretence to reserve' was abandoned. The tale continued:

Flash [language] is pattered at him with all a woman's

---

6. See bibliography for a full list of recent works on female convicts. Master and Doctoral dissertations generally avoid the misuse of sources discussed above.

7. See comment in The Colonial Times, 3 July 1833, Vol. 17, No. 845. It is interesting to note that no such tale seems to have attached itself to the factories in Van Diemen's Land. Marriages there were contracted under the strict supervision of the government, and a contributing factor may have been the employment of practising Wesleyans such as the Hutchinsons, Caros and Lovells in positions of authority. See also, Appendix No. 3, for a series of extracts concerning the marriage traditions.

volubility, and the old blowens who have been so often turned back to the factory for drunkenness or other faults that their case is past redemption, commence quizzing the wife-hunter. "There, there's a new chum, just come out!" pointing to some uninviting maiden; "she's the girl for you!" "There! there!" by a dozen bidders; or "You'd better take one of your age!" from some old toothless Jezebel ... The choice at length made, spite of all the discouragements thrown in his way, the settler is seldom obliged to apply to more than one, and after uttering the awkward "yes", the bride elect flies round to her pals, bidding hasty adieus, and the bridegroom leads her out ... The clothes of the convict are returned to her, and, dressed again like a free woman, she hies with her suitor of an hour to the church. Government gives her a "ticket of exemption" as a dower, and she steps into her husband's carriage to go to his farm.

Some doubt must be cast on the reliability of this evidence.

Dr Saul H. Reisenberg, who made a close study of O'Connell's account, concluded that the details of his personal experiences in New South Wales were a 'tissue of fabrications, in all probability designed to prevent his identification as an escaped convict'. O'Connell admitted borrowing his information on 'the natural history of New Holland' from Peter Cunningham's Two Years in New South Wales, but Reisenberg has shown that O'Connell's account of the excursion he claimed to have made through the Port Macquarie district was plagiarised from Cunningham. Reisenberg makes no comparison of O'Connell's description of a factory courtship with a similar story noted by Cunningham who wrote:

The love matches among this portion of our population certainly often savour not a little of the romance of olden times. Not a few of our factory fair have been wooed and won by a sort of telegraphic courtship, carried

10. ibid., H.E. Maude's summary, p. ix, and Reisenberg's introduction, p. 6 ff.
11. ibid.
12. ibid.
on by means of hand and handkerchief signals from a commanding eminence overlooking the domicile of these nymphs; the most puzzling point for the love-lorn swain being that of finding out the name of the pledged bride, in order to obtain her release from the police bench for the consummation of their nuptials.13

James Mudie, whose vitriolic denunciation of the Bourke administration was published some six months after O'Connell's account, recorded a similar story.


14. Mudie, op. cit., p. 196. He also gave evidence to this effect before the Molesworth Committee, Transportation, P.P. No. 518, 1837, loc. cit., pp. 39-40. The use of the word 'Lucy' may be an oblique reference to Lucilla, the heroine of More's book, op. cit.

15. See above, footnote No. 8.

already been discussed,\textsuperscript{17} together with the opinion of many historians that his hostility to Bourke undermined the reliability of his information.\textsuperscript{18}

The next person to describe factory marriages was J.C. Byrne who, in his \textit{Twelve Years' Wanderings in the British Colonies from 1835 - 1847}, echoed O'Connell's account, beginning with the statement, 'The form is a strange one, and well worth relating', but adding his own details of procedures demanded by the factory management: before meeting the women the 'would-be Benedict'\textsuperscript{19} had to produce evidence that he was 'a proper person to have a wife given to him'. When the matter was settled, the authorities were informed, the banns read, and the parties married on the appointed day.\textsuperscript{20}

This theme was taken up again by Sir Roger Therry in his \textit{Reminiscences} when commenting on the indifference of the men who were prepared to choose a wife from the factory 'on no more formal courtship than bare inspection'.\textsuperscript{21} The only other primary printed source I have been able to find is in Captain George Bayly's \textit{Sea Life Sixty Years Ago} published in 1885. Bayly's account, based on his manuscript diary, parallels O'Connell's and Mundy's accounts in the processes by which a wife might be selected but, in contrast, sets the scene for his story on board the \textit{Almorah}, the convict transport on which he

\begin{enumerate}
\item See ch. 3, p.105
\item See ch. 3, p.106
\item Bayly, see below, also uses the word 'Benedict' to describe the man seeking a wife.
\end{enumerate}
first visited Australia. The parallels between the accounts of factory marriages related by Bayly, Byrne and O'Connell, together with other contextual similarities suggest, at least, a source of information common to all, thus raising a problem of historiography which may only be resolved by the careful comparison of these sources, in their entirety, with each other, with the records of Captain Peter Dillon, with whom O'Connell and Bayly claimed to have sailed, and with other documents of the period.

In essence official sources concur with the claim that a man could obtain a wife from the factory, but only within strict limitations and not, as O'Connell implies, in the manner of slaves being purchased in a bazaar. Prior to the opening of the new factory in 1821, marriages with convict women were readily arranged. The women who were not under sentence were free to leave the factory at the end of each day's labour and thus had ample opportunity to form associations with eligible men. Permission had to be obtained before the marriage could take place and, unless the couple had the price of a licence, the banns had to be read in church three times before the

22. G. Bayly, Sea Life Sixty Years Ago, London 1865, pp. 57-8; See also, 'Journal of Voyages to Various Parts of the World written by Geo Bayly for the amusement of such of his Friends as feel themselves disposed to read it', Mss Journal, Hocken Library, University, and copy in the Pacific History Library, Institute of Advanced Studies, Australian National University.

23. The identity of James O'Connell has been questioned by Reisenberg; J.C. Byrne is also an elusive figure, reputed to have died aboard the Adelante on a voyage returning Polynesian labourers from Peru in 1863; and George Bayly claimed, like O'Connell, to have been on Dillon's voyage in search of La Perouse. Dr Dorothy Shineberg of the Australian National University is presently engaged on research into this problem. For comments on Byrne, see, Grant McCall, 'European impact on Easter Island: response, recruitment and the Polynesian experience in Peru', in J.P.H., Vol. xi, Part 2, pp. 94-5.

24. See ch. 1, p. 9
the chaplain was entitled to marry the couple. A government order, dated 28 September 1816, instructed the clergy to examine all applications before forwarding them to the colonial secretary's office on the first Monday of each month for approval, and warned against the publication of banns before permission were received. Thus, provided the regulations were observed, several weeks' delay occurred before the marriage could be solemnized. Permission to marry was refused if the indents showed that one or other of the applicants had been married at the time of embarkation - unless there was evidence to show that the applicant's spouse had subsequently died.

Opportunities to marry declined sharply when the transfer of the women to the new factory restricted their freedom of movement. Bachelors, knowing how many eligible women were incarcerated behind the factory walls, nurtured the hope of selecting a wife from there when other avenues were exhausted, though they had no guarantee that their intentions would be realised. The majority of marriages probably resulted from the women's fear of being locked up in the factory, which prompted them to pursue liaisons formed while they were assigned service in the hope of gaining an early release from the establishment. The rules remained the same and, whatever the reason for marriage, the usual applications had to be made.


28. See ch. 1, p. 31.
From 1826 inmates who wished to marry had to obtain a statement of good conduct from the Board of Management before their applications would be considered, and memorials from male applicants were forwarded to the committee for comment before being processed. This function appears to have been transferred to the matron after the committee was disbanded.

The registers of applications to marry give details of the applicant's name, age, ship and date of arrival in the colony, length of sentence, status (free, ticket-of-leave or bond), the name of the officiating clergyman and the recommendation of the principal superintendent. The women who were in the factory were not distinguished from those in assigned service.

The returns of the applications for the publication of banns are more explicit and include many references to women who were in the factory when their applications were made, and, in some cases, contain copies of the memorials sent to the governor by prospective husbands. For example, in July 1828 Frances Hardcastle, 43, a widow, per Minstrel in 1812, was granted leave to marry Joseph Walker by whom she had had nine children. In January 1828 Edward Toomey, 31, per Gudiford, 31.

29. Col. Sec. to Committee, 14 February 1827, A.O.N.S.W., C.S.O.L., 4/3716, No. 175, p. 157; See also, Col. Sec. to Committee, 27 February 1829, 4/3717, No. 28/131, p. 273 and 14 January 1829, 4/3718, No. 29/16, p. 37.
30. See ch. 3, p.109
received permission to marry Eliza Daley, 26, per Woodman, following a memorial to the governor in which he stated that he had known Eliza before she had been sent to the factory. Another woman, Margaret Evans, 18, per Grenada 4, made two applications to marry before permission was granted. The first, to Thomas Buffrey, 39, per Indefatigable, a man freed by servitude, was refused because 'This young woman has lately been returned into the Factory by Mrs. C. O'Brien of the Illawarra'. Her second application, to marry a free man, James Downes, was successful and Reverend Robert Cartwright of St Luke's Church, Liverpool, to whose parish Downes belonged, agreed to allow Marsden to perform the ceremony at St John's Church, Parramatta. Another couple, Rosanna Henry, 28, per Elizabeth, and a free man, Patrick Grace, had already had the banns published in the Roman Catholic chapel when, on 24 March, 1828, Rosanna was sentenced to three months in the crime class for 'Drunkenness and rioting on the Sabbath'. Grace waited patiently for his betrothed until she was removed to the first class, and on 9 December his petition for her release was approved. Even when such a petition was granted, there was no guarantee that the woman would not change her mind.

Baptist de Lacy has recorded one such instance:

The usual procedure having been gone through by the candidates as to the selection - the bridegroom went off to procure the silver ring usually required - after rather a long delay he returned bringing also a bonnet for his bride - the lady donned the bonnet and the clergyman began "Richard, wilt thou take this woman etc." - Richard - "I will" - "Eliza, wilt thou take this man for thy wedded life."

34. ibid., Applications from Father Power, Roman Catholic Chaplain, 25 January 1828.
35. ibid., Applications from St John's Church, Parramatta, 1 November 1828.
36. ibid., Applications from St John's Church, Parramatta, 9 December 1828.
husband?" Eliza, in high dudgeon at the long delay, remained silent. The clergyman repeated "Eliza, wilt thou take this man? etc." - Eliza, emphatically, "No" - Richard, amazed, looked at her for a second, then making a snatch at her head, he shouted, "Give me back my bonnet!" - tearing it off at the words. 37

In an establishment such as the female factory, where the staff were prepared to bend the rules if they could see some personal profit in so doing, it would be remarkable if, in the administration of marriage applications, abuses never occurred. Some such instances have been exposed in the manuscript sources; others no doubt occurred which have never come to light. Nonetheless, the records are clear that the higher authorities would not tolerate the flouting of regulations by factory officials and, when infringements became known, they were quick to reprimand the persons responsible and to warn them against repeating their errors. 38 Nor could the government withdraw the regulations in order to promote convict marriages, even though marriage was seen as a desirable state which contributed more to the reformation of convicts, both male and female, than any other measure. 39 The convict population had to be kept under firm control and the prisoners could not be allowed to forget that the freedom to resume control over decisions affecting their mode of living was conditional on good conduct.

37. Davis, op. cit., p. 52.
38. Clapham was rebuked for allowing a woman in the crime class, Elizabeth Murphy, per Pyramus 2, to marry, in Thomson to Clapham, 2° April 1838, A.O.N.S.W., C.S.O.L., 4/3724, No. 38/129, p. 198. Committee was informed that Mary Miller, per Louise, who had married Jas. Hallam, was already married. Col. Sec. to Committee, A.O.N.S.W., C.S.O.L., 4/3718, No. 29/86, 20 February 1829, p. 80.
Female convicts had to be punished for their misdeeds and assigned servants could not be allowed to inconvenience their masters by assuming responsibility for a wife and children without adequate resources to support them. Nor could the governors, who were always vulnerable to parliamentary and public criticism, afford to lend official support to any scheme which might be interpreted as promoting immorality and, for this reason, if for no other, convict marriages contracted through the factory had to adhere to legal requirements and maintain the common standards of decency and decorum. Thus there was a limit to the amount of pressure that could be brought to bear on the women to force them into marriage and, whether by choice or accident, despite the shortage of females in the colonies, many women remained single.

The failure of many of the convict women to marry has been interpreted by Anne Summers in an entirely different fashion. She claims that, though the government purported to encourage marriage:

> in practice women were transported solely to serve as sexual commodities and the British Government acted as imperial whoremaster,

because:

> it was deemed necessary ... to have a supply of whores to keep the men, both convict and free, quiescent.

Having argued that the female convicts were enforced whores,

---


41. Brisbane learned this lesson when public opinion and official pressure forced him to withdraw the female convicts from the Emu Plains station. See ch. 2, p. 38.


43. *ibid.*, p. 270.

44. *ibid.*, p. 286.
Summers then concludes that, even if a woman were willing to marry, it was often impossible to persuade the male population to regard them as suitable partners. There is evidence to support Summers' view that many men were reluctant to marry female convicts because of their reputation for depraved and violent conduct, but that does not in itself demonstrate that the women were prostitutes. Summers seems so intent on proving that convict women could not escape the 'damned whore' stereotype, devised by a 'patriarchal and sexist society' as a form of social control, to enable her to castigate the male population who benefitted from the situation, that she glosses over the fact that many of the women were undeserving of the charge of prostitution. Moreover, she totally ignores those people within the society who knew the women well - factory personnel, clergymen, surgeons, other officials and members of the ladies' societies and religious orders - and who, in their reports and correspondence, were prepared to distinguish between the women who became prostitutes and those who did not. In writing such comments as:

The women's punishment comprised transportation plus enforced whoredom ... The best a woman could do was to form an attachment to one man and live with him as his wife and in this way protect herself from the unwelcome attentions of any other man who fancied her. But whether she was concubine to one man or available to all she was still considered a whore.

Even if large numbers of women did not conform to the attributes of the stereotype, their behaviour was overlooked and the ideology that all convict women were whores

45. ibid., p. 276.
47. Summers, op. cit., p. 270.
remained unchallenged.48

None of these men [Darling, Macquarie, etc.] tempered their vilifications with any recognition of the lack of choice open to the women. They had been transported to service the sexual needs of the males of the Colony and were then condemned for their behaviour,49

Summers does little to dispel the doubt that the whore stereotype was not only a matter of adverse public opinion, but that it was based on hard fact.

Other recent writers50 have assumed the charge of prostitution to be correct and have, as a result, failed to re-examine the evidence. A.G.L. Shaw, who has written extensively on male convicts, excuses his disinterest by pointing out that the females 'comprised only about one-sixth' of the convict population, and dismisses the subject with a few brief comments. He finds that two-thirds of the women were transported for 'larceny or stealing wearing apparel', but adds that:

Though how many were prostitutes will never be known, almost all contemporaries regarded them as particularly 'abandoned'; and even if these contemporaries exaggerated the picture they presented is a singularly unattractive one.51

Eve Pownall, in her study of Australian pioneer women, notes that a few convicts 'achieved rehabilitation and lifted themselves by the bootstraps of their own character' but thinks the majority 'drifted into prostitution, and came continually into conflict with the law'.52 Michael Cannon supports the

48. ibid., p. 272.
49. ibid., p. 272.
50. See bibliography for a list of recent works on female convicts.
'damned whore' stereotype:

In an age when most women were regarded as chattels, convict women rated even lower in the scale - mere objects to do man's bidding, cook his food, and share his bed when required ..... Women who were assigned to the lowest grade of settlers and emancipists ... became the common property of convict servants on the establishment ...53

C.M.H. Clark, like Shaw, avoids discussing the issue of the prostitution of female convicts, but he does hint that the charges of wickedness and profligacy levelled against the convict population were more a matter of generalised contempt and prejudice than proven fact.54

Miriam Dixson has examined the prostitution of female convicts within the context of determining their role in the formation of Australian social mores.55 She admits that some historians have expressed doubt as to the prevalence of prostitution in the convict era and cites a study, by H.S. Payne, of 150 convict women in Tasmania between 1843 and 1853, which found that only 24 per cent of the prisoners studied could be termed prostitutes in the usual sense of the word. Dixson states that we do not know how many of the extramarital liaisons were 'stable or more or less stable'.56 Nonetheless, she concludes that contemporary evidence for widespread prostitution cannot be ignored and proceeds to explain this phenomenon by defining the women as the 'victim of victims', and 'outcast class' characterised by a 'special quality of ugliness, despair

and demoralization far beyond that of convict men'. 57 She supports her argument by reference to the harsh treatment of convict women and suggests that they reacted to this in one of two ways: 'extropunitively' by rebellious and disorderly conduct and 'intropunitively' by self-contempt, withdrawal and passivity. 58 Thus, female convicts who shunned notoriety by behaving themselves, the 'broken, passive, 'well-adjusted' women', 59 may have internalised their sufferings, but could not escape the consequences of being members of the outcast class:

Defined as outcast, the women became outcast, and their consequent ugliness put them further beyond the reach of kindness, further beyond the pale. 60

It is true that the majority of published contemporary sources condemn the female convicts, not only for being prostitutes, but also for every shade of vice possible to women. Thomas Reid wrote in 1822 that even the most experienced prison visitor would be:

shocked at the noise, depravity of speech, disgusting freedoms, obsceneness, filthiness of person, and general degradation of character, 61

which prevailed in the old factory at Parramatta. Edward Smith Hall, a Sydney journalist, in a letter to the Sydney Monitor in 1834, claimed that the female convicts were 'generally drunken and pilfering, as well as prostitutes ... ', 62 while some 20 years later Reverend Henry Phibbs Fry, a resident of Van Diemen's

58. ibid., pp. 124-6.
59. ibid., p. 126.
60. ibid., p. 128.
61. Reid, op. cit., p. 262.
Land, claimed that it was:

perfectly notorious and indutiable, that the common practice of the common women is to get into service, in order to obtain money by theft or prostitution, and return to the depot to spend it with their associates.\(^{63}\)

Between 1812 and 1856, six separate reports on transportation and secondary punishment were tabled in the House of Commons, together with a number of other reports on associated areas. From 1834 onward copies were printed at regular intervals of correspondence between the Colonial Office and the colonies on the subject of convict discipline.\(^{64}\) Of all the opinions given about female convicts in this mass of material, three are most prominent: the women were more depraved and harder to discipline than the men; drunkenness and debauchery were their leading vices; and marriage was the only reliable means of reforming the women, though, even here, profligacy could undermine the marriage and retard her rehabilitation.\(^{65}\)

What must be remembered is that these documents sought to disentangle conflicting evidence and rationalise opposing points of view in order to produce a statement upon which government policy could be based. As such, they were full of generalisations and, for their purpose, could not concern themselves with particular women or individual case studies.

Perhaps the most damning opinion of female convicts as a whole was written by Mary Carpenter who had ample opportunity


\(^{64}\) See bibliography for a complete list of Parliamentary Papers used in this thesis.

\(^{65}\) Memorandum, J. Spode, 19 May 1837, Enclosure No. 2 in Despatch Franklin to Glenalig on Convict Discipline, P.P. No. 309, 1838, loc. cit., p. 32; *Transportation, Draft Report*, 10 January 1838, loc. cit., p. 16. See also, similar comments in other reports on transportation.
in Britain to mingle with them and see them on a regular basis. She wrote:

as a class; they are desperately wicked ... deceitful, crafty, malicious, lewd, and void of common feeling ... there are all the vices under the sun exemplified in these hundreds of women, and but a sparse sprinkling of those virtues which should naturally adorn and dignify womanhood.66

From time to time contemporary writers looked beyond their criticisms of the women in an attempt to trace the source of their refractory behaviour. E.S. Hall declared that:

The female mind possesses less stamina for reformation than that of men; they want the ambition and love of property which distinguish the men; they are more the creatures of feeling, pleasure and appetite than the men.67

This sentiment was echoed by another colonist, James Ross of Hobart, who thought the women had 'less natural power' to resist the temptations 'arising from the enticements of the other sex'.68 Matilda Wrench, annalist of the British Ladies' Society, attributed the decadence of female convicts to moral weakness, and the power of habit, former associations and bad example,69 while a naval surgeon, Dr Colin A. Browning, blamed bad treatment for goading female convicts into retaliatory measures which, in turn, were punished as infringements of penal discipline.70 The Reverend Dr Ullathorne, perhaps more than any other writer, synthesised these various points of view:

67. E.S. Hall to Earl Grey, 1 August 1849, Transportation and Convict Discipline, P.P. No. 40, 1850, loc. cit., p. 7.
70. C.A. Browning, Browning 'n Convict Ship, n.d., p. 65.
What shall I say of the female convict, acknowledged to be worse, and far more difficult of reformation, than the man? Her general character is immodesty, drunkenness, and the most horrible language ... Assigned to service, she becomes the object of persecution, either to the master ... or to some favourite servant. Does she defend herself - her life is made a torment. She is harassed, threats are held out - the police court is at hand, a tale is readily made out - truth is never looked for from a prisoner in self-defence - the police court is amused, the town echoes the laugh of the police reporter, and the woman is doubly punished. Does she fall - she is returned to the factory, care is taken of her at the public expense - she remains nursing her child for two years ... [and she] returns to service.71

Refractory behaviour was common amongst female convicts: the manuscript sources contain too many accounts of particular women - in assigned service, in the magistrates' courts and in the crime class who conducted themselves badly - to ignore this fact. Nonetheless, there is ample evidence to show that many convict women, whatever their private thoughts may have been, kept themselves 'free from legal penalties for misconduct and crime'.72 Payne found that 55.1 per cent of the 150 women he studied were responsible for 95 per cent of the offences committed by the group as a whole. He concluded that, though newspaper reports of vice in the colony were substantially true, about one-third of the female convicts confined in Van Diemen's Land had had no colonial sentences recorded against them.73

The Reverend J.D. Lang commented:

Many of the female convicts conduct themselves in an unexceptionable manner, and rear large families of interesting and promising children, when reputedly married in the colony ...74

73. Payne, loc. cit., p. 63.
As to the charge that prostitution was almost universal in the colony, several facts must be pointed out. There is no definitive evidence which clearly states what percentage of female convicts were prostitutes. A study of the indents, which list the reasons for transportation of each individual woman, does not support the contention that most of the women were prostitutes before they were transported. For example, of 2829 women transported to New South Wales between 1831 and 1838, 2088 were sent for theft, 57 for stealing livestock, 59 for receiving stolen goods, 95 for pledging, and 83 for vagrancy. Only one woman was listed as a prostitute, though 331 were convicted of 'man robbery'—presumably theft associated with prostitution. 75 No doubt some practising prostitutes were transported under cover of other crimes, but historians should be careful not to assume that this meant that all women were guilty of prostitution in addition to the crimes for which they were transported. The danger is that, where women were concerned, there was a tendency to think that 'moral reprehensible sexual evil' was behind every crime and that all female criminals were 'sexual reprobates'. 76

A distinction must be made between common prostitution and concubinage. In many of the sources, women who lived consistently with one man outside the bonds of marriage were regarded as breaking God's laws as much as those who moved from one partner to another. And yet, as the Catholic clergy were at pains to point out, Catholic convicts had either to disregard

75. Indents of Convicts, 1831-1838. See Appendix No. 7 for a summary of convictions during this period.
As to the charge that prostitution was almost universal in the colony, several facts must be pointed out. There is no definitive evidence which clearly states what percentage of female convicts were prostitutes. A study of the indents, which list the reasons for transportation of each individual woman, does not support the contention that most of the women were prostitutes before they were transported. For example, of 2829 women transported to New South Wales between 1831 and 1838, 2088 were sent for theft, 57 for stealing livestock, 59 for receiving stolen goods, 95 for pledging, and 83 for vagrancy. Only one woman was listed as a prostitute, though 331 were convicted of 'man robbery' - presumably theft associated with prostitution.\(^75\) No doubt some practising prostitutes were transported under cover of other crimes, but historians should be careful not to assume that this meant that all women were guilty of prostitution in addition to the crimes for which they were transported. The danger is that, where women were concerned, there was a tendency to think that 'moral reprehensible sexual evil' was behind every crime and that all female criminals were 'sexual reprobates'.\(^76\)

A distinction must be made between common prostitution and concubinage. In many of the sources, women who lived consistently with one man outside the bonds of marriage were regarded as breaking God's laws as much as those who moved from one partner to another. And yet, as the Catholic clergy were at pains to point out, Catholic convicts had either to disregard

\(^75\) Indents of Convicts, 1831-1838. See Appendix No. 7 for a summary of convictions during this period.

their Church's marriage laws and marry outside the Catholic Church, or live in a state of concubinage until such time as a priest could marry them.\textsuperscript{77} Again, when both men and women in assigned service had to wait for the permission of their master before their application to marry would be considered, it is not surprising that many followed their natural needs and lived together, despite penal sanctions which punished the woman when she became pregnant.\textsuperscript{78} To this group must be added the women who had husbands in Britain and who were not permitted to marry again. They were faced with the alternative of living alone or resorting to illicit relationships for sexual fulfilment.\textsuperscript{79} A distinction must also be made between the widespread prostitution which occurred during the first 20 years of settlement,\textsuperscript{80} and the years from 1810 onwards when the


\textsuperscript{78} See chs 1 to 6, \textit{passim}.

\textsuperscript{79} Elizabeth Fry informed Marsden in 1832 that in reply to his suggestions regarding married convict women, she had been informed by the Government that it was a law of the land that 'any woman who has not heard of her husband for seven years may marry again therefore there is nothing to hinder any under such circumstances' from marrying again after that period of time. Fry to Marsden, 23 June 1832, Marsden Papers, M.L. A 1992, Vol. 1, p. 533. Two years later she again wrote to Marsden this time stating that the Colonial Office had ruled that 'no alteration can be made respecting the marriage of the convicts as it is feared in doing it, it might lessen in some degree the high obligations attached to marriage', Fry to Marsden, 21 July 1834, \textit{ibid.}, p. 565.

\textsuperscript{80} Evidence given to committee inquiring into transportation, in \textit{Transportation}, P.P. No. 341, 1812, \textit{loc. cit.}, pp. 12, 112 and \textit{State of Gaols}, P.P. No. 579, 1819, \textit{loc. cit.}, pp. 22, 91. On 14 May 1809 Lord Castlereagh wrote to Macquarie about comments he had heard that the women, on arrival, were given indiscriminately to the settlers who asked for them and said that 'If a practice so extraordinary and disgraceful has not been abolished, you will by no means suffer it to continue ...', \textit{Transportation, ibid.}, p. 112.
administration developed procedures for the proper control of convicts, and established the means to recall women from assigned service when it became clear that they were engaged in improper intercourse with fellow servants, or were working in brothels with the connivance of their masters. The correspondence between the colonial secretaries and the factory personnel contain many such references and orders were usually given that the persons involved were to be excluded from hiring female servants.81

Contemporary sources cited the presence of large numbers of infants in the female factories and the children of convicts in the orphanages as proof positive of the prisoners' promiscuity.82 The evidence does not support this contention for the children included not only the colonial illegitimates, but children born before their mothers were transported to the colonies, infants too young to be left behind when their mothers were sent to the factory, and orphaned infants and children without proper guardians and in need of succour. Of the 253 children transferred to the orphanages of Parramatta during the years 1833 to 1839, 151 were born in Britain, and, of the 60 listed as born in the colony, only 22 were said to have been born in the factory. No place of birth was listed for the remaining 42 children. Five of the children came from one family, eight from four-child families, six from three-

child families and 30 from two-child families. The ages of the children at the time of transfer to the orphanages were:

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Number of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 years of age</td>
<td>90 children</td>
</tr>
<tr>
<td>4 to 6 years of age</td>
<td>98 children</td>
</tr>
<tr>
<td>7 to 9 years of age</td>
<td>42 children</td>
</tr>
<tr>
<td>10 or more years</td>
<td>23 children</td>
</tr>
</tbody>
</table>

This is not to state that all children who were in the factory are accounted for in these figures; a number would have been discharged from the factory with their mothers when they went into service or married, while others born there may have died in infancy. The infant mortality rate in the factories was relatively high, and that in the Cascades factory far exceeded the normal rate for the colony. Nonetheless, it is clear that many of the children attributed to promiscuous or premarital alliances within the colony were, in fact, not the children of such unions. More comprehensive details may yet be uncovered, but unless evidence to the contrary is found, it is safe to say that the number of children housed in the female factories and orphanages was no proof of prostitution among their mothers.

Summers, in a short article written in 1972, claimed that the incidence of births due to prostitution was markedly reduced by enforced abortions:

At one stage the Van Diemen's Land authorities, anxious to stop this increase in illegitimate population and the shortage of servants so many pregnancies produced, recommended "under cover of punishment, that women, when pregnant during service, should procure abortions". 86


84. See chs 5 and 6, PP. 183, 204.


86. ibid., p. 16.
She based her claim on the evidence of John Henderson, a ship's surgeon, who visited the colony for a short time prior to the publication of his book in 1832. He wrote:

The Government of Van Diemen's Land ... has issued a regulation, making it criminal in a convict woman, during service, to become pregnant: ... The increase in population is here treated as an evil, and an attempt is made to restrain it, by recommending, under cover of punishment, that women, when pregnant during service, should procure abortions. Such, although by no means the intention of the regulation, must evidently be the natural result of it, tending to injure, or render inert the conceptual powers of the female, when she is afterwards permitted to marry; while it must be clearly recollected, that marriage is only permitted as a favour after service, and after obtaining certain certificates, which the parties concerned have not the power in most instances to command.

Pregnant women in service may well have procured illegal abortions with or without the knowledge of their masters. Others may have had miscarriages brought on by infection caused by attempted abortions, or as a result of harsh treatment and inadequate care, particularly if their return to the factory involved a long journey on foot. Still-births and the deaths of newborn infants may have occurred for the same reasons, or because of overcrowded and unhygienic conditions in the maternity wards of the factories. However, to say that the government deliberately condoned abortions as a means of population control is highly questionable. Under the provisions of the Imperial Act, 9 Geo. IV, c 31, S. 13, the procurement of

88. Ibid., p. 22.
89. Stiles Papers, M.L. A 269, Letter Marsden to Rev. Henry Tarleton. Jane Smith had died after walking from Windsor to the Parramatta factory. She had been arrested 10 days after the birth of a daughter, and spent a week in the Windsor lock-up where she got no rest because she was afraid the rats would eat her child. She was very weak when she arrived in Parramatta and died five days later. The child survived.
an abortion by poison, 'noxious thing' or instrument, was a felony punishable by transportation for seven or fourteen years, or by death if the foetus had quickened. Henderson, who had no more than a visiting surgeon's experience of the colonial situation, stands alone in making this charge, and it is significant that Summers herself ignored the issue in her major work published in 1976.

Contemporary society viewed the female convicts through eyes of prejudice and suspicion. Without hesitation it committed the women as a whole to the status of outcast, on the basis of the crimes and characters of some, but not all, of the prisoners. Its condemnation of the women was based on the assumption that behind every crime committed by a female was some morally reprehensible act; that the woman, having fallen from the higher level of conduct expected of good and Christian females, was more degraded, more wicked and less amenable to reformatory influence than the male. Only those members of society who came into close daily contact with the women - the factory staff and other government officials - or those who gave themselves to the pastoral care of the prisoners - clergy, members of religious orders and the ladies' committees - seemed able to distinguish between those who fitted the stereotype and those who avoided the glare of notoriety to become respectable members of colonial society. Unfortunately, the most prejudiced and unreliable sources have, over the years, tended to shape the traditions surrounding female convicts because of their accessibility to students of convict history, whereas the


bulk of manuscript evidence, which gives a clearer and less extreme view of the women and the female factories, has been largely neglected.

Given, then, the judgements passed on the factory women both by contemporary society and later historians, it remains to consider how the female convicts themselves reacted to the society of which they were a part.
Experience has happily shown that the indulgences granted to women in the condition of convicts are seldom or never abused, and that they may safely be trusted after a much shorter probationary period to resume the duties and enjoy the immunities of domestic life.


The female convicts of colonial Australia have, as a class, been branded as vicious, depraved, disorderly and incorrigible. Undoubtedly many deserved this judgement, but to stereotype them all, without exception, as Jezebels, fallen women beyond redemption, is to overstate the criminality of those who were rarely, if ever, punished for colonial offences, and is to ignore the diversity of responses made by the prisoners to the differing circumstances of their servitude. Some women seized the opportunities for self-advancement offered by a thriving new colony, became model citizens and, by avoiding the sanctions of summary discipline, retrieved their liberty in the minimum time; others, never deliberately anti-social, wavered between resolutions to avoid trouble and lapses into misconduct when the pressures of assigned service became unbearable or when the temptation to indulge in forbidden pleasures became too great. A few manipulated the system to their own advantage by tailoring their responses to the exigencies of the moment and, if necessary, by collaborating with the authorities against the other women. Some prisoners, powerless against the pressures
Female Convict at Millbank Prison,
Mayhew and Binney, Criminal Prisons
of London, London, 1862, reprinted
1968, p. 85.
of the penal system, were swept along through adversity and prosperity, accepting their lot without struggle or complaint; others simply collapsed under the strain and lapsed into permanent physical or mental debility.

A large proportion of the women who earned the label 'incorrigible' were absconders from assigned service or from the factories. The fact that many escaped to join lovers reinforced the Jezebel stereotype in the public mind. On 10 June 1826 the Hobart Town Gazette reported that Martha Slater had failed in a 'Bold attempt' to escape from the old Hobart factory. It reminded its readers that she had escaped once before because of 'the attractions of a gentleman named "Hopping Tom"', and that her latest attempt was prompted by 'the green-eyed monster' following the escape of another prisoner whom she feared might 'hop in the direction of her Tom'.¹ In June 1821 Maria Wallace scaled the wall of the Parramatta factory to meet her lover, John Smith, who worked in the factory;² in 1828 orders were given to prevent Mary Winters from leaving the factory because it was feared she would try to contact the bushranger, John Tennant, a prisoner in Sydney Gaol, with whom she had co-habited while illegally at large.³ Some prisoners had other reasons for absconding. Johanna Lawson, Margaret Donnelly and Eleanor O'Birne said that their escape from the Parramatta factory in April 1826 was due to 'an insufficiency of food';⁴ nine

¹. H.T.G., Vol. xi, No. 527, 10 June 1826, p. 2.
². Magistrates' Records, mss held by the Parramatta Historical Society, 4 June 1821, p. 212.
⁴. The Australian, No. 86, 29 April 1826, p. 3.
convicts from the Anson ran away to Hobart when Mrs Bowden allowed a party of 43 convalescent women to go ashore under the supervision of Sarah Heslett and Sarah Richardson. 5

Whatever motives the women had for absconding from the factories - anxiety over a lover, fear of reprisals or punishments, hunger, or the desire to be free - it was obvious that a significant number did not conform to the widely held view that prisoners preferred life in the factories because it provided a refuge from the traumas of life outside. 6 Between 1832 and 1847 the New South Wales Government Gazette listed as least 94 different women who escaped from the Parramatta factory. Of these, 72 prisoners escaped once only, 12 escaped twice, and 9, three or more times. Sarah Peters, per Buffalo, absconded at least nine times, while Ann Mullins, per Brothers, who had been labelled as an inveterate absconder as early as 1827, escaped three times between August and December 1832. 7

Rioting and unrest were common in the Parramatta factory: Ullathorne's statement that his ministrations to the Catholic women were frequently interrupted by the 'yelling and obscene language and quarrelling in the neighbouring ward' suggests that such behaviour provided a regular backdrop to the daily life of the factory. 8 The most spectacular riot in the factory's history occurred on Saturday 27 October 1827. Over a period of several days the prisoners had become increasingly

5. M.L. Tasmanian Papers, No. 70, 16 August and 30 August 1845.
7. N.S.W. Government Gazette, passim; See also, Memo to Superintendent re Ann Mullins, 3 May 1827, A.O.N.S.W., C.S.O.L., 4/7316, No. 491, p. 313.
restive, probably because they knew Mrs Raine was about
to retire from office. On the Friday evening - her last day of
duty - the matron was besieged in her room by some of the
women and had to be rescued by the constabulary. In
retaliation, she ordered that the prisoners' rations be reduced.
Mrs Gordon, who appeared on the scene at 7 a.m. on Saturday
27th to take charge of the factory, found herself with the
unenviable task of restoring order. She persuaded the women to
return to their quarters, but, when it became apparent that she
would not immediately restore their lost rations:

a numerous party again assailed the gates, with pick-axes,
axes, iron crows, &c. . . . and the inmates . . . were quickly
poured forth . . . over Parramatta and the adjoining
neighbourhood.9

Half the women scattered in small groups, while a party of about
100 prisoners entered the town and raided shops and houses in
search of food. They were pursued by the constables and some
40 soldiers, led by Major Lockyer, who:

were seen flying in all directions with fixed bayonets,
for the double purpose of securing the fugitives and
staying the mutiny.10

All but 19 of the women were rounded up and, loaded with loot,
were escorted, laughing and shouting, back to the factory
where they defied all attempts to confine the ringleaders in the
solitary cells.11

10. Ibid.
11. Ibid.; See also, No. 1418, 29 October 1827; No. 1420, 2 November
1827; The Blossom, 70 May 1828, p. 64; R. Montgomery Martin, History
of Austral-Asia, Surprising New South Wales, Van Diemen's Land, Swan
River, South Australia, &c., London 1836, pp. 43-4. Anne Summers
has stated that the immediate cause of the riot was hunger, but the
Sydney Gazette concluded that the real cause was overcrowding in the
crime class, and pointed out that the rations were reduced after
several days of unrest. Summers, loc. cit., p. 17; Sydney Gazette,
No. 1420, 2 November 1827. However, official correspondence following
Fifty women broke out of the Parramatta factory and invaded the race-course during the annual meeting of 1830 and, to the crowd's delight, were pursued up and down the track by the constable and mounted police. In February 1831, 33 women from the crime class were convicted of rioting and removed to Moreton Bay for three years. The following December 23 women were sentenced to a diet of bread and water until they showed sorrow for their 'outrageous Conduct' and promised 'to behave themselves in an orderly manner in future'. These punishments had little lasting effect, for, on 12 October 1832, the Committee of Management complained that:

the general behaviour of these women has for some time back been manifestly growing worse, and they have now arrived at that degree of insubordination that the Matron on this day declared them to be utterly unmanageable.

Yet another riot erupted in March 1833 when the crime class struck work on learning that arrangements had been made to cut their hair. The troops were summoned to restore order but the women, determined not to submit to this indignity, hurled rocks at them until their stockpile was exhausted. The troops moved in, the women were subdued and by 4 p.m. the task was done.

11. the death of Mary Ann Hamilton in February 1826 implied that Mrs Raine (still Mrs Fulloon) had been guilty of misappropriating the best portions of the prisoners' meat, so there may have been some truth in the hunger theory. See below, p. 278 for a full account of Hamilton's death.


On other occasions the women smashed doors, windows and furniture and bored holes through the wall to gain access to other wards or to escape from the factory. In June 1827 four prisoners 'were encumbered with double-irons and locked up in their ward' following an attack on the police magistrate of Parramatta and yet, despite their chains, they managed to cut away the brick wall and escape. In February 1843 three women from the crime class climbed onto the roof and pelted Mrs Corcoran with brickbats. When they were recaptured and locked in the cells, the other prisoners tried to rescue them and the military and police were called in to quell the riot that ensued. The culprits persisted in their attempts to escape and battered at the doors with bands torn from the tubs in their cells, until their hands were forcibly tied behind their backs.

No major riots seem to have taken place in the Hobart and Launceston factories though, in both towns, several unsuccessful attempts were made to set fire to the buildings. The absence of major rioting did not mean that the prisoners in Van Diemen's Land were more co-operative than their Parramatta counterparts: the smaller establishments, the generally harsher discipline, and the greater use of dark cells to punish the refractory, simply made the task of controlling the women a little easier and ensured that ringleaders were more readily identified and

On other occasions the women smashed doors, windows and furniture and bored holes through the wall to gain access to other wards or to escape from the factory. In June 1827 four prisoners 'were encumbered with double-irons and locked up in their ward' following an attack on the police magistrate of Parramatta and yet, despite their chains, they managed to cut away the brick wall and escape. In February 1843 three women from the crime class climbed onto the roof and pelted Mrs Corcoran with brickbats. When they were recaptured and locked in the cells, the other prisoners tried to rescue them and the military and police were called in to quell the riot that ensued. The culprits persisted in their attempts to escape and battered at the doors with bands torn from the tubs in their cells, until their hands were forcibly tied behind their backs.

No major riots seem to have taken place in the Hobart and Launceston factories though, in both towns, several unsuccessful attempts were made to set fire to the buildings. The absence of major rioting did not mean that the prisoners in Van Diemen's Land were more co-operative than their Parramatta counterparts: the smaller establishments, the generally harsher discipline, and the greater use of dark cells to punish the refractory, simply made the task of controlling the women a little easier and ensured that ringleaders were more readily identified and

isolated. Nonetheless, the inmates developed their own forms of collective disobedience which they shrewdly directed at visiting officials whom they could more readily intimidate. The Reverend William Bedford was a prime target of their mockery. Once, as he was crossing the courtyard of the Cascades factory:

some dozen or twenty women seized upon him, took off his trousers and deliberately endeavoured to deprive him of his manhood. Once, as he was crossing the courtyard of the Cascades factory:

On another occasion, he accompanied Sir John and Lady Franklin on an inspection tour of the factory and, when his turn came to address the assembled prisoners:

the three hundred women turned right round and at one impulse (sic) pulled up their clothes shewing their naked posteriors which they simultaneously smacked with their hands making a loud and not very musical noise.

Another instance of the collective disobedience of the women in the Cascades factory has been discussed in detail elsewhere - that is, their refusal to submit to a mass medical examination for signs of venereal disease. On this occasion, as on others, the sheer weight of numbers ruled the day, and the officials had no alternative but to find other means of achieving their purpose.

Sometimes disturbances were confined to individual women, with the majority of prisoners being mere spectators. On 19 March 1828 Esh Lovell complained that Eliza Smith, per Sovereign, sentenced to 14 days' solitary confinement for repeated

20. The development and use of punishments in the various factories has already been discussed.
22. Ibid., p. 23; See also, K. Fitzpatrick, Sir John Franklin in Tasmania, 1837-1843, Melbourne 1949, p. 80; J.R. Skemp, Letters to Anne, Melbourne 1956, p. 12.
23. See ch. 5, p. 190
insolence and disobedience, had aimed a brickbat at him and the constable who was to assist in her removal to the cells. When finally seized by the constable, she had, said Lovell:

displayed the most outrageous conduct, and used the most dreadful language, threatening my life, the life of my family, or any person I sent near the Cell.24

In 1843 Ellen Scott, per Eliza, was removed to Longford Gaol to serve a six months' sentence of hard labour, following an unsuccessful attempt to murder Mrs Hutchinson.25 In July 1847 Mary Latham, per Emma Eugenia (2), attacked the officers of the Launceston factory and broke 15 window panes. She was only subdued when an officer, Adam Bolster, struck her over the head with a rule; while unconscious, she was transferred to a cell.26

The strident demands of Mary Ann Hamilton, prisoner at Parramatta in 1826, for more food had tragic results. Always hungry, she endeavoured to assuage her need by scavenging for bones and eating weeds, but, when this failed, she disturbed the peace of the mess hall by vociferously demanding more food. Her demands were interpreted as misconduct and she was removed to the cells for periods of up to four days - a punishment which could only have exacerbated her problem. On another occasion:

she was tied down to the floor on a bed, had a woman's Jacket drawn over her wrist and the strings passed round her wrist over the Jacket to confine her down to two spikes driven in the floor ... she cried give me my quarter loaf and tea, and I will make no noise, this she repeated many times, and saying for God's sake, a rope was passed over her legs to keep her down ...27

Exhausted by hunger and maltreatment, she died on 24 February 1826.\textsuperscript{28}

Such incidents, however many prisoners were involved, tended to gain the attention of senior officials who felt obliged to subdue the women and institute punitive measures to deter them from further disturbances. The women generally succumbed to brute force and, once the ringleaders were isolated, resistance usually collapsed. When this failed, even the most refractory convicts could be starved into submission. Attempts to prevent future disturbances were less successful. The constant turnover of prisoners meant that, however salutary a punishment might be in its immediate effect, its long term influence was eroded as those who came under its influence were replaced by others who were ignorant of its dissuasive powers. At the same time, conditions within the factories—overcrowding, substandard accommodation, insufficient food, outbreaks of disease—which provoked, or contributed to, unrest among the prisoners were largely ignored: women who rebelled were regarded as troublemakers and, even though they may have been galvanised into action by genuine grievances, the authorities were reluctant to open discussions which might be interpreted as a sign of their inability to control the women.

The more daring prisoners formed associations with the turnkeys and sub-matrons to obtain supplies of prohibited articles. The degree to which trafficking occurred may be assessed by the number of occasions on which supporting staff were detected in these activities and dismissed, though the full frequency of trafficking that escaped detection will never

\textsuperscript{28} ibid. The coroner found that though the prisoners had been regularly deprived of a portion of their rations, they were not starving.
be known. The prisoners paid for these luxuries - tea, sugar, tobacco and alcohol - with wearing apparel or other trinkets in their possession, or with money which, by regulation, should have been impounded when they arrived in the factories, but which was frequently smuggled past careless searchers, enclosed in parcels or letters, or entrusted to staff members who were willing to act as couriers. Sometimes the clergy were persuaded to act on behalf of a prisoner. In October 1847 Mrs Hutchinson intercepted a letter which named Father Woolfrey as courier for a prisoner, Mrs M.A. Clarke. The text of the letter read:

My dear Fred,

It is with pleasure I now write these few lines to you with my sincere love hoping you will not forget to send me a five shillings as you know I had none when I was taken and you know it is of use to me in here you can send to me by the Priest (sic) he will bring me anything you send ... Dear Fred sen (sic) to me by Father Woolfrey I shall expect an answer by next friday Dear Fred I am suprised (sic) to think you should spend your hard earned Money with that Woman old enough to be your Mother but I hope Dear Fred you know better for the future do not forget to write to me and send some money ... 31

29. See chs 1-6, passim, for references to dismissals of staff for trafficking.

30. Spode to Col. Sec., 23 July 1842, A.O.T., C.S.O., 22/12/535, enclosing letters from convict women found in possession of a discharged convict, Mrs Rich. See also, letter published in The Hobart Town Courier, Vol. 1, No. 34, 7 June 1828, p. 4, purporting to be from a male convict to his girl friend, Mary Anne, in which he said he had forwarded a dollar to her in the care of the constable. See also, McLeay to Committee, 18 February 1829, A.O.N.S.W., C.S.O.L., 4/3718, No. 29/73, p. 74.

31. Enclosure in Jones to Comp. Gen., 29 October 1847, M.L. Tasmanian Papers, No. 90, document 8770: See also, Col. Sec. to Committee, 28 January 1830, A.O.N.S.W., C.S.O.L., 4/3718, No. 30/27, p. 389, in which Father D. Power was warned against giving money to female convicts, and rebuked for giving Esther Stokes one dollar contrary to the rules. In 1832 Father Therry was rebuked for offering to change a £5 note for the midwife at the Cascades factory. The note had been stolen by Mary Jackson before she was committed to the factory, but she had been able to secrete it and later sold it to the midwife for £3. Correspondence dated June-August 1842, A.O.T., C.S.O., 22/63/1032.
be known. The prisoners paid for these luxuries - tea, sugar, tobacco and alcohol - with wearing apparel or other trinkets in their possession, or with money which, by regulation, should have been impounded when they arrived in the factories, but which was frequently smuggled past careless searchers, enclosed in parcels or letters, or entrusted to staff members who were willing to act as couriers. Sometimes the clergy were persuaded to act on behalf of a prisoner. In October 1847 Mrs Hutchinson intercepted a letter which named Father Woolfrey as courier for a prisoner, Mrs M.A. Clarke. The text of the letter read:

My dear Fred,

It is with pleasure I now write these few lines to you with my sincere love hoping you will not forget to send me a five shillings as you know I had none when I was taken and you know it is of use to me in here you can send to me by the Priest (sic) he will bring me anything you send ... Dear Fred sen (sic) to me by Father Woolfrey I shall expect an answer by next friday Dear Fred I am surprise (sic) to think you should spend your hard earned Money with that Woman old enough to be your Mother but I hope Dear Fred you know better for the future do not forget to write to me and send some money ...

29. See chs 1-6, passim, for references to dismissals of staff for trafficking.

10. Spode to Col. Sec., 23 July 1833, A.O.T., C.S.O., 22/12/535, enclosing letters from convict women found in possession of a discharged convict, Mrs Rich. See also, letter published in The Hobart Town Courier, Vol. 1, No. 34, 7 June 1828, purporting to be from a male convict to his girl friend, Mary Ann in which he said he had forwarded a dollar to her in the care of the constable. See also, McLeay to Committee, 19 February 1829, A.O.N.S.W., C.S.O.L., 4/3718, No. 29/73, p. 74.

31. Enclosure in Jones to Comp. Gen., 29 October 1847, M.L. Tasmanian Papers, No. 90, document 8770; See also, Col. Sec. to Committee, 28 January 1830, A.O.N.S.W., C.S.O.L., 4/3718, No. 30/27, p. 389, in which Father D. Power was warned against giving money to female convicts, and rebuked for giving Esther Stokes one dollar contrary to the rules. In 1832 Father Therry was rebuked for offering to change a £5 note for the midwife at the Cascades factory. The note had been stolen by Mary Jackson before she was committed to the factory, but she had been able to secrete it and later sold it to the midwife for £3. Correspondence dated June-August 1842, A.O.T., C.S.O., 22/63/1032.
Women who had admirers in the vicinity of the Parramatta factory often obtained little luxuries without the necessity of bribing their warders:

'Tis there we enjoy life - for over the wall
Which they built to seclude us, the sweetest things fall!!
Rum, tea and tobacco, bread, sugar and gin,
Letters, bundles and money - come tumbling in!32

An attempt was made to curb this practice in September 1835 when a special constable, Alfred Smith, was appointed to patrol the perimeters of the factory.33 At the George Town factory in January 1829 Constable King was dismissed for failing to prevent a party of sailors from smuggling spirits to the prisoners. The women used a cord to haul the gift into their quarters and, by next morning, were thoroughly intoxicated.34

At the Cascades factory the problem was solved, in part, by the erection of a second fence beyond the main wall, thus creating a type of 'no-man's-land' which could be more readily supervised.35

Trafficking in spirits caused particular problems because it excited the women and made them more difficult to manage.

On a Wednesday evening in July 1835 the third class women at Parramatta became:

insubordinate and riotous in their conduct being drunk with Spirits that had been thrown over the wall in Bladders.36

32. This song, under the title of 'Home Sweet Home' was published in the Sydney Monitor, 10 September 1834.
33. Marsden to Anderson, 4 September 1835, A.O.N.S.W., C.S.I.L., 4/2277.4, No. 35/7254; McLeay to Committee, 21 August 1835, and Harington to Committee, 15 September 1835, A.O.N.S.W., C.S.O.L., 4/3722, Nos. 35/189 and 35/213 respectively.
34. D'Arcy to Burnett, 31 January 1829, A.O.T., C.S.O., 1/19/340, p. 64.
35. T. Betts, An Account of the Colony of Van Diemen's Land, Principally Intended for the Use of Persons Residing in India, etc., Calcutta 1830, p. 65.
Women who had admirers in the vicinity of the Parramatta factory often obtained little luxuries without the necessity of bribing their warders:

'Tis there we enjoy life - for over the wall
Which they built to seclude us, the sweetest things fall!!
Rum, tea and tobacco, bread, sugar and gin,
Letters, bundles and money - come tumbling in!32

An attempt was made to curb this practice in September 1835 when a special constable, Alfred Smith, was appointed to patrol the perimeters of the factory.33 At the George Town factory in January 1829 Constable King was dismissed for failing to prevent a party of sailors from smuggling spirits to the prisoners. The women used a cord to haul the gift into their quarters and, by next morning, were thoroughly intoxicated.34

At the Cascades factory the problem was solved, in part, by the erection of a second fence beyond the main wall, thus creating a type of 'no-man's-land' which could be more readily supervised.35

Trafficking in spirits caused particular problems because it excited the women and made them more difficult to manage.

On a Wednesday evening in July 1835 the third class women at Parramatta became:

insubordinate and riotous in their conduct being drunk with Spirits that had been thrown over the wall in Bladders.36

32. This song, under the title of 'Home Sweet Home', was published in the Sydney Monitor, 10 September 1834.
33. Marsden to Anderson, 4 September 1835, A.O.N.S.W., C.S.I.L., 4/2277.4, No. 35/7254; McLeay to Committee, 21 August 1835, and Harington to Committee, 15 September 1835, A.O.N.S.W., C.S.O.L., 4/3722, Nos. 35/189 and 35/213 respectively.
34. D'Arcy to Burnett, 31 January 1829, A.O.T., C.S.O., 1/19/340, p. 64.
35. T. Betts, An Account of the Colony of Van Diemen's Land, Principally Intended for the Use of Persons Residing in India, etc., Calcutta 1830, p. 65.
Mary Moloney, per *Sovereign*, scaled the wall and escaped into the town where she was later apprehended, while Sarah McGregor, per *Hains*, held:

her Infant by the heels - swinging it round her head and threatening to destroy it which it is believed she would have done but for the efforts of the Matron.\(^{37}\)

Complaints were frequent that prisoners arrived at the factory in a state of intoxication having obtained liquor, in return for favours granted, from the constables escorting them.\(^{38}\) In the case of women being transferred from Sydney to Parramatta a solution was found in 'Mrs Gordon's birdcage', a caravan which was locked from the time the women set out until their arrival in the factory.\(^{39}\) A similar conveyance was adopted in Van Diemen's Land to prevent irregularities and 'the obscene language which is frequently directed towards any respectable Female who happens to pass them ...'\(^{40}\) The introduction of steam boats on the Parramatta River in 1834 enabled the women to be transferred direct from the ships to the factory but, within a month of the changeover, the Committee of Management complained that 11 women had arrived 'all more or less in a state of intoxication'.\(^{41}\)

---

37. *ibid.*; The women were ordered to be confined in solitary cells on bread and water and handcuffed if necessary.

38. *Bigge Report*, P.P. No. 448, 1822, *loc. cit.*, p. 26; *Proclamations, Van Diemen's Land*, 1829, *loc cit.*, p. 96, included a notice dated 3 December 1829 dismissing John Williams, per Maria, from the Field Police for taking female prisoners to improper places and delaying unnecessarily on the road. See also, Col. Sec. to Committee, 19 October 1827, A.O.N.S.W., C.S.O.L., 4/3717, No. 1025, p. 68.


41. Harington to Committee, 2 August 1834, A.O.N.S.W., C.S.O.L., 4/2723, No. 34/225; Committee to Col. Sec., 29 August 1834, A.O.N.S.W., C.S.I.L., 4/2234.5.
fully solved and complaints of misconduct continued throughout the convict era.

Minor non-violent infringements of the regulations have been attributed to boredom and to the lack of adequate and interesting employment to keep the women out of mischief. 42 On 13 March 1838 the Colonial Times complained that in the Cascades factory:

To destroy the tedium of incarceration, and otherwise to kill time and afford amusement, private theatricals are occasionally introduced, which, with singing, telling funny stories, and ... recounting former adventures, serve to pass away the dull and lagging hours, and contribute to ameliorate the severity of punishment. 43

That is not to say that female convicts necessarily preferred proper employment to casual pastimes as a means of filling the hours. Charlotte Anley, who visited Parramatta in 1836, stated that the shortage of work made the factory:

a place rather of preference than punishment to the ill-disposed ... [who] committed offences in service on purpose to be sent away, nor had they a wish to leave the factory. 44

Certainly the prisoners made it painfully obvious when they did not want to work. Crime class women at Parramatta broke their pick-axe handles faster than they could be replaced, thus

42. Joan Cobb commented that the women at Parramatta were bored women: 'The impression then emerges that these convict women were bored women, slipping into incorrigibility because they lacked effective control and the security of strict supervision'. J.E. Cobb, 'The History of the female convict factory at Parramatta', B.A. Honours thesis, New England University, 1959, p. iii.

43. Colonial Times, 13 March 1838.

halting the process of crushing rocks for the town's streets; \(^{45}\) while the entire woollen manufacturing process had eventually to be abandoned when production levels steadily declined to the point where it was no longer a viable proposition. \(^{46}\) Furthermore, the prisoners had no compunction about sabotaging contract work even when they themselves might have received a share of the profits. In 1842 Messrs Robert Bourne and Co complained that work sent to the Parramatta factory had been badly executed. Of 160 pairs of trousers on order, 51 pairs were too small and some had been given legs of unequal length. Then, when the work was returned for rectification, the women had simply cut the patterns smaller to correspond with the trousers, and returned the lot to the contractor. \(^{47}\)

Female convicts often found ways to soften the effects of punishments. Occupants of the solitary confinement cells in the crime class yard at Parramatta received gossip, food and other comforts through cracks in the walls, \(^{48}\) while the most hated punishment - the shaving of the heads of crime class prisoners - was counteracted if the victim managed to retrieve her shorn locks, to make:

a nice little plait for the front, which gives her all the fascinating appearance of having long hair, and of course of not being punished. \(^{49}\)

Despite the boost to their morale which emanated from successful confrontations with factory personnel and light-hearted pastimes shared with their friends, life in the

---

45. See ch. 3, p.110  
46. See ch. 3, p. 92  
48. See ch. 2, p.44  
factories was, for many prisoners, harsh and uncongenial. Overcrowding was always a problem - the numerous extensions to the buildings in the various establishments trailed behind the real demand for accommodation - and unless one was placed in a solitary confinement cell, there was no escape from the proximity of the other women and children who crowded the wards. Each woman had to establish her place in the class to which she was allocated and there was ample opportunity for the tormenting and victimisation of unacceptable women. The distribution of rations was entrusted to monitresses who, especially in time of shortage, were tempted to deprive their frailer companions of their proper share. Avaricious nursemaids stole rations set aside for children in the Hobart nurseries, thus contributing to the malnutrition which was a major factor in the high infant-mortality rate in the factories. The theft of clothing and other possessions was a common cause of quarrelling among the prisoners and it was not always easy for a woman to retain possession of even her most meagre belongings. Mary Haigh, per Arab, informed the committee inquiring into prison discipline in Van Diemen's Land in 1841 that in the Cascades factory there were:

several Women known by the name of the "Flash Mob" who have always money wear worked caps silk Handkerchiefs earrings and other rings. They are the greatest blackguards in the building. The other women are afraid of them.

50. See chs 1 - 6, passim, for details of the various extension made to each of the female factories.
51. See ch. 5, p.184.
52. Case of Mary Ann Buckley, 11 August 1821.
Women who tried to behave themselves and avoid trouble with their companions could be particularly vulnerable to bullying. One young prisoner, to whom Charlotte Anley spoke in 1836, claimed that:

when she left Newgate she sincerely desired to lead a new life; she had learned more of God, and of the dreadful consequences of sin, than she ever knew before; and she blessed Mrs Fry and the ladies, who had led her to hope for mercy through the Saviour: that when she entered the Factory she thought of these things and resolved to read her Bible and to pray as the ladies had told her to do; but the blessed book was torn from her hands; she was 'jibed at' and 'had no rest nor peace until she gave over being sorry'.

Young, pretty girls were the targets of sexual advances by lesbian women. Sometimes they were persuaded to co-operate by promises of protection and gifts, others participated out of curiosity or need, but some, at least, suffered great mental anguish and revulsion on being thus approached. In April 1851 a prisoner at Ross, Agnes Kane, per John Calvin, was sentenced to 18 months' hard labour for assaulting Margaret Knaggs. Knaggs complained that Kane had for several days followed her about, spoken 'smutty words' to her, and tried to prevail upon her to visit her berth at night. Finally on Wednesday, 10 April, Kane had followed her into the water closet and attacked her. Knaggs was so distraught that she was unable to carry out her duties and the matter was revealed to the matron, Mrs Imrie, who in turn reported Kane to the magistrates. The superintendent of the Ross factory, N.I. Irvine, had already

54. A Concise View of ... British Ladies' Society, op. cit., p. 54.
55. Transcript of Evidence taken before R.P. Stuart and Benjamin Horne, April 1851, M.L. Tasmanian Papers No. 111, document 15163/2. See also, Bundle of depositions, dated 6 June 1850, accusing Bridget McInerney and Margaret Beham of lesbianism, M.L. Tasmanian Papers No. 111.
complained in December 1848 and March 1850 of the activities of lesbian women, and in the 1850 report to the comptroller-general of convicts stated that:

The young & comparatively innocent class of female convicts, appear to be those on whom the unenviable choice of the pseudo-male is fixed, & a large proportion of the juvenile female convicts are, to use the words of one informant by these means, ruined, too often irretreivably, morally & frequently much injured in health, physically- these young girls are in the habit of decorating themselves, cleansing themselves scrupulously, & making themselves attractive as they can, before resorting to the "man-woman" ... on whom they have bestowed their affections. ⁵⁶

He blamed many of the quarrels within the factory on 'jealous feelings consequent on ... these disgraceful transactions', ⁵⁷ and added that the better disposed women were offended by the 'nocturnal orgies' indulged in by the lesbian prisoners. He requested that the ringleaders be transferred to the Cascades factory where they could be isolated in separate confinement cells. ⁵⁸

Violence and insolence were not simply characteristics engendered by conditions within the factories: they were conspicuous elements in the conduct of many convict women and, all too often, were the direct cause of their being confined for punishment in the crime class. When Johanna Collighan was accused by her mistress of abusive behaviour and sentenced to the Parramatta factory for three months, 'she endeavoured to tear her mistress' bonnet to ribbons' and had to be quelled by the court constable. ⁵⁹ Mary Ann Clayton was taken into

---

⁵⁷. Imrie, ibid.
⁵⁸. ibid.
custody for abusing her mistress, Mrs Sarah Moore, who rebuked her for feeding the dogs on bread when it was in short supply.\textsuperscript{60} Elizabeth Orton, a girl of 14 years, was sentenced to nine months' hard labour for having, while intoxicated, seized her mistress, Mrs Martin Smith, by the throat and threatening to 'make a "back log" of her'.\textsuperscript{61} Bridget Craig, after an evening carousing in the 'White Swan' hotel in Hobart, assaulted every person she met in the street and received a sentence of three months' hard labour.\textsuperscript{62} Catherine Wyer was charged by her husband with:

> breaking four pounds worth of crockery, picking his pocket and getting drunk on the proceeds, and divers other scandalous outrages, to the subversion of all domestic economy.\textsuperscript{63}

Incidents such as these were widely reported in the colonial press. Yet, there is ample evidence to suggest that female convicts were often punished for offences which, in a free woman, would have passed unnoticed, and that some women did suffer unfairly under the provisions of summary jurisdiction - where there were no witnesses to verify her claims, a convict was generally punished on the word of her employer.\textsuperscript{64}

Furthermore, there were many convict women who never came to the notice of the courts and whose periods of confinement in the factories - if any - were due solely to circumstances beyond their control: inability to find suitable employment, temporary unemployment when their services were no longer

\textsuperscript{60} Sydney Gazette, Vol. xxvi, No. 1519, 20 June 1828, Police Reports.
\textsuperscript{61} The Alfred, Vol. I, No. xv, 24 February 1835.
\textsuperscript{63} The Sydney Herald, Vol. 1, No. 20, 29 August 1831, p. 4.
\textsuperscript{64} Colonial Advocate, 1 July 1828, P. 2:0; N.S.W. Government Gazette, 30 May 1832, p. 111.
required or when they were withdrawn by the government from unsuitable positions, or periods of illness. It is impossible to assess accurately how many women came under this classification for, as Maconochie pointed out:

The record kept of prisoners' conduct only embraces offences; no official notice being taken of good ordinary behaviour, as diligence, sobriety, obedience, honesty, fidelity, zeal, or the like ... 65

Fortunately, records have survived of a number of women who were conspicuous for their bravery, good conduct, or success in assimilating to the requirements of respectable colonial society. 66 Perhaps the best known of these women was Mary Haydock who was transported to New South Wales at the age of 15 years for the theft of a mare. She married a free settler, Thomas Reibey, and subsequently became one of the leading business women in Sydney. 67 Another famous convict, Margaret Catchpole, earned, if the legends attached to her can be trusted, an untarnished record of good conduct in the colony and the respect and affection of all who knew her. 68 Other women who are on record as well-behaved may be generally unknown but, being typical of so many of their class, deserve some recognition for their achievements. Sarah Smith, overseer of


66. *Hobart Town Courier*, Vol. V, No. 242, 15 June 1832, p. 2, commented that 'horrible instances of depravity' among female convicts were comparatively few and the majority were 'so far reformed as to be leading an honest and virtuous life in the service of the private families or in the yet more independent and happy situation of wedlock'.

67. Unpublished research notes, held by Nancy Irvine of Canberra, who is at present working on a life of Mary Reibey, based on manuscript sources in British and Australian Libraries. See also, K. Von Stieglitz, *Entally*, 1966, passim.

68. Cobbold, *Life of Margaret Catchpole*, 1845, passim.
the straw-bonnet makers in the Parramatta factory in 1829, was granted a gratuity of sixpence per day for her ability and enthusiasm in teaching her craft to others. 69 Elizabeth Martin behaved so well in assigned service that, on her marriage to a free man, her master donated £20 towards the cost of furnishings for her house, 70 while in 1833 Ann Turner and Ann Rossi, per Mary Ann, and Mary Ann Brown, per Sovereign, had their sentences remitted for 'extreme good conduct' in the crime class. 71 In 1844 Susannah Prince, per Mary Ann, was granted a ticket-of-leave:

as a reward for her praiseworthy exertions in extinguishing a fire which lately took place on her mistress's premises at Bothwell. 72

Jane Phillips, per Gilbert Henderson, earned a similar reward in 1842 for giving information which prevented a robbery being committed in her master's house. 73

For Jane Hadden (or Baird) who sounded the alarm when Martin Cash and his associates raided the homestead of her master, Captain Clark, the reward for good conduct was to change the whole course of her life. Clark's commendation earned her a pardon and she moved to Green Ponds where she set up a laundry. There she met, and subsequently married, a wealthy ex-convict, Joseph Johnson, who died not long afterwards, leaving her in full control of his estate. She sent for the children by her first marriage, who had remained in Scotland when she was

70. Wrench, op. cit., p. 213.
71. Committee to Col. Sec., 11 October 1833, A.O.N.S.W., C.S.I.L., 4/2193.3.
73. Proclamations, Van Diemen's Land, 1843, loc. cit., p. 73.
transported, and the reunited family settled down to a life of respectability and prosperity. 74

Good conduct in the Parramatta factory, in assigned service and in the married state was rewarded by cash grants from the Ladies' Society. The names of recipients were published in the colonial press as an encouragement to others to emulate their good behaviour. 75

Occasionally women were rewarded for collaborating with factory personnel against other prisoners. Anne Sweeney was pardoned on 11 April 1828 'in consequence of her good conduct on the occasion of the riotous proceedings' in the third class of the Parramatta factory, and Darling ordered that the whole class be assembled to hear the news. 76 Another Parramatta prisoner, Catherine Barton, received a remission of sentence following her co-operation with the staff during a riot which erupted on 17 February 1843. Mary Ann Jarvis, per Competitor, was released on 8 March 1833 for her own safety after she had, on the previous day:

obeyed the orders of the Committee at considerable personal risk, by cutting the hair of the refractory females ... when the paid Monitresses refused to perform that duty. 77

Such women were probably regarded as traitors and

74. Martin Cash, Mss, A.O.T., p. 223; See also, 'Hadden', a typescript history of Jane Hadden, compiled by her descendant, a copy of which is held by her descendant, H.G. Cummins of Canberra.

75. A notice inserted in the Sydney Gazette, Vol. xxviii, No. 1648, 22 April 1829, listed the names of one married woman and 11 factory inmates who had earned rewards. Other similar notices appeared at regular intervals.


informers by fellow prisoners. They may, indeed, have been quislings, motivated by ambition, hatred of their companions in crime, or a sycophantic desire to win the approbation of their overseers. Alternatively, their actions may have been rooted in fear of those who had it within their power to retard their progress through the penal system. Or, they may have been totally uncorrupted, genuinely convinced of the value of reformation and imbued with the standards of behaviour which had been recommended to them by those who were concerned for their welfare. Whatever their motives may have been, the evidence is too scanty to allow more than speculation as to the reasons behind their co-operation with the authorities.

One woman who did suffer considerable mental anguish and material deprivation, as a result of her refusal to co-operate with those who could do her harm, was Ann Rumsby, per *Mary Ann*, a 19 year-old convict attached to the Parramatta factory. In 1822 this unsophisticated but physically attractive young woman found herself at the centre of Marsden's attempts to discredit Dr Henry Grattan Douglass. Rumsby, an assigned servant in the Douglass' household, was worried that her master might force her into marriage with a male convict named Bragge. On 31 July, during two meetings with Dr James Hall, surgeon from the *Mary Ann*, she unwisely confided her fears to him, stating that Douglass 'would be her ruin' if she remained in his service. Later the same day Hall informed Marsden of what had transpired and subsequently wrote two letters to Rumsby in

78. In a letter dated 26 March 1819, 11 Newgate prisoners apologised to Elizabeth Fry for bad behaviour caused by the 'Passion of the Moment' and thanked her for the spiritual and temporal blessings they had enjoyed as a result of her goodness. Ms letters to E. Fry, Folio I, Religious Society of Friends Library, London.
which he urged her to resist Douglass' advances and suggested that she should confide in Marsden whom he promised would be-friend her. Douglass had been absent from home at the time of Hall's interviews with Rumsby, but, on his return, Marsden suggested, without saying why, that she should be returned to the factory. Douglass, unaware that a full-scale attack on his character was developing, refused to release her. When, on 13 August, he finally discovered what was happening, he took Rumsby to see Governor Brisbane in Sydney and explained to him the facts as he knew them. Meantime the forces against the doctor were gathering strength and, when Hall laid a deposition before the Parramatta Bench of Magistrates, Douglass and Rumsby were called for questioning. Douglass declined to attend, but Rumsby, compelled by warrant, had no choice. On 19 August she was subjected to a gruelling cross-examination which lasted five hours, but which failed to shatter her testimony that Douglass was innocent of any impropriety towards her. The magistrates, anxious to discredit Douglass and having accepted Hall's deposition as fact, found Rumsby guilty of perjury and sentenced her to be transferred to the Port Macquarie penal station for the remainder of her original sentence. She was committed to gaol pending her transfer. Rumsby petitioned the governor for a review of her case and he ordered an inquiry into the affair. Douglass was exonerated and the sentence against Rumsby quashed on the basis that both the trial and sentence were illegal. The five magistrates who participated in the affair were dismissed for refusing to serve alongside Douglass who was also a magistrate, and the case passed into
legal history. 79

Throughout the convict era recurrent questions were asked about female convicts: whether or not they were reformed by the treatment they received; whether one form of penal discipline was more efficacious than another; or whether, as many believed, the women were beyond redemption. The questions were complicated by the various standpoints taken by the main protagonists in the discussion. Those who were opposed to transportation concentrated on circulating evidence to show that the system neither deterred the felons from crime nor promoted the reformation of female convicts. This view was taken most strongly by the members of the Molesworth Committee in their inquiry into the transportation system in 1837-38. Others, fearful of the effect of the rising crime rate on British society, tended to exaggerate the criminality of the convict population in order to retain support for the continuation of the transportation system. Those who engaged themselves in the management of female convicts were apt to report circumstances which enhanced their own success as prison officers or, when the women's behaviour became notorious, to show that it emanated from the women's innate incorrigibility and not from disciplinary failures. Finally, those who were concerned with the reformation of the penal system selected case studies of prisoners reformed by their methods to prove that, if the discipline they suggested were to be fully implemented, the major problems associated with the

control of female convicts could be obviated once and for all. One thought they shared in common was the certainty that great benefits would accrue to society if these women could be persuaded, or forced, to abandon their profligate habits, but at no time were they able to reach a consensus of opinion as to how such a goal might be attained. All their thinking on the subject was circumscribed by one basic premise which they never seemed to challenge: reformation of character was to be achieved by the intervention of an external force acting upon and overruling the natural inclinations of the women who, left to their own devices, could not be expected to become better. Some thought that punitive measures would serve the purpose. John Dixon, writing about the transportation system in Van Diemen's Land in 1839, commented that:

Convicts in any situation in the colony ought to be marked, so as to make known to the free person that they are convicts. To release themselves from such a notorious stigma, would be as great a stimulus to good conduct as any of the rewards which are now offered.80

Others took a humanitarian approach and suggested that the women would respond to and be reformed by a fair, equal and philanthropic discipline. Devout evangelicals believed that:

nothing short of a Scriptural knowledge of Christ, and ... a vital union with Him can ensure their present and everlasting peace, lead to an acceptable obedience to the Divine will, restore the offender to the society of the virtuous, prevent the further commission of crime, and supersede the necessity of punitive inflictions.81

The British Ladies' Society, influenced by Quaker principles,

80. John Dixon, The Condition and Capabilities of Van Diemen's Land, as a Place of Emigration, Being the Practical Experience of Nearly Ten Years' Residence in the Colony, London 1839, p. 44.

81. C.A. Browning, An Address to the Women who Debarked at Sydney, New South Wales, From the Transport Ship Margaret, on the 26th of August 1840, Sydney 1841, p. v.
thought that:

religious instruction, and Christian kindness, as the accompaniments of judicial punishment, are the most potent means which can be employed to reclaim the most depraved of our fallen race...

The ladies could quote letters in their possession from female convicts who were grateful for the assistance they had received both in Newgate and on board the transports which brought them to the colony. Jane Williams, in a letter dated 10 April 1820, expressed the hope that the advice offered by Mrs Fry might be heeded by all Newgate prisoners so that:

the seeds of vice may not choke that of Virtue, but may ... grow to the Glory of God that they may not be led away by past folly and bad company.

Another prisoner, Harriet S----, wrote from Parramatta on 10 July 1820 that she blessed the day she had been admitted to Newgate for it was there that 'the rays of Divine truth' shone into her mind and, despite her bondage, which had to be endured, created in her a new attitude to life.

Yet, it is doubtful if many convict women concerned themselves with a theoretical discussion of their state of grace before God or their standing in the eyes of their would-be reformers. For most of them, the difficulties of surviving in a hostile world were enough to occupy their waking moments, and the ability to avoid direct confrontations with the law was cause for some satisfaction.

82. A Concise Account of ... British Ladies' Society, op. cit., p. 10. See also, A. Neave Brayshaw, The Quakers: Their Story and Message, London 1969, first published 1921, passim, for an account of Quaker beliefs and activities.

83. Mss letters to Mrs Fry and Mrs Coventry, Temp. Box. 9, Religious Society of Friends Library, London.

CONCLUSION

Three conclusions may be drawn from this examination of the role of the female factories of New South Wales and Van Diemen's Land as agents for the control, punishment and reformation of female convicts between 1804 and 1854.

Firstly, the aim of the colonial administration to make the factories both viable economic units and satisfactory penal institutions failed until the introduction of the taskwork system in 1847 when, for the first time, the women themselves actively participated in a scheme which not only contributed to their upkeep, but also provided them with encouragement to co-operation and industry, by offering the well-behaved substantial reductions to their terms of imprisonment on the basis of the amount and quality of the work they performed. Initially, the Parramatta factory was a refuge and workplace for unappropriated females, with little emphasis on penal discipline. A substantial share of the profits on the women's labour was distributed to the overseers who were thereby motivated to exploit the women's labour as fully as possible. Thus, in 1822, an overall profit of £13 was realised, whereas in 1828, when the percentage payments to overseers had been dropped, only one-third of the running costs of the factory was defrayed by the women's labour.¹ In 1836, when the factory came under full prison regulations, all labour had virtually ceased and, though it was resumed in 1838, with a scheme to reward the women for their industry, there is no indication

¹ See ch. 1, p. 49 and ch. 2, p. 77.
that a significant contribution was made to the factory's resources.\textsuperscript{2} In Van Diemen's Land a more regular supply of work was maintained but, like the women at Parramatta, until the taskwork system was introduced, the prisoners showed a marked reluctance to work.\textsuperscript{3} The failure of the factories to retain their initial economic viability is traceable to three factors: the absence of monetary rewards or remissions of sentences to encourage productivity; the irksome, and often useless, nature of the work supplied which, instead of encouraging the idle to become industrious, simply confirmed them in their dislike of employment; and the use of labour as a punishment, rather than as a means of rehabilitation, thereby bypassing the teaching of skills to the women which would have assisted them in finding suitable employment and helped many of them to avoid the careless mistakes in service which angered their employers and often led to their dismissal or return to the factory under magisterial orders.

Secondly, the mere fact of a woman's presence in a female factory did not necessarily mean that she was a confirmed criminal or of a refractory disposition. Throughout the entire period there was a substantial number of thoroughly depraved and incorrigible female convicts who were either retained in the factories for long periods or returned for further punishment at regular intervals. However, there were many other women who entered the factories for reasons beyond their control - sickness, economic redundancy or ill-treatment - or

\footnotesize{\textsuperscript{2} See ch. 3, p. 92.\
\textsuperscript{3} See ch. 6, p. 110.}
for conduct which in a free woman would have passed unnoticed.
At Parramatta on 1 January 1826, of 269 women in the factory, only 137 - or a little over half the number of inmates - were under disciplinary confinement. This trend continued during the next decade, with 280 women under punishment out of 537 inmates on 1 January 1829, 182 out of 475 on 1 September 1832 and 278 out of 590 on 3 September 1836. The proportion of women under disciplinary confinement changed dramatically in 1840, when orders were given to withdraw convicts from assigned service, and on 1 August it dropped to 291 women under punishment out of 850 prisoners. On 1 July 1842, when the number of prisoners reached a peak of 1203, only 223 women were under disciplinary confinement. A similar trend is observable in Van Diemen's Land. In the January of every second year from 1833 to 1843, the proportion of prisoners under punishment were as follows: \( \frac{127}{272}, \frac{173}{370}, \frac{205}{414}, \frac{241}{466}, \text{and} \frac{431}{1035} \), or, once again, approximately half the total number of inmates. In 1845, during which year the combined average number of women in the Cascades, Brickfields, Anson and Launceston establishments amounted to 1116, there were, within the establishments, 421 convictions for breaches of discipline and five for felonies and larcenies. If each offender committed only one offence, the proportion of offenders to non-offenders amounted to only 38.2 per cent. The figure for 1846 was even lower,

4. See Appendix No. 6.
5. See Appendix No. 10.
6. See Appendix No. 8.
7. See Appendix No. 9.
8. See Appendix No. 13.
9. See Appendix No. 17.
with 247 breaches of discipline and eight felonies being recorded against 1018 prisoners, that is, only 25.05 per cent of the total inmates. Such figures suggest that, of all the convict women housed in the female factories, only a minority could be regarded as recalcitrant or incorrigible.

Finally, a significant number of women achieved rehabilitation outside the penal system as it was operated through the female factories. By maintaining a standard of conduct within assigned service or marriage, or as holders of tickets-of-leave, these women freed themselves from the sanctions of summary jurisdiction and gained, for all practical purposes, a degree of freedom usually enjoyed by free women of a comparable social status. A general muster taken in 1819 revealed that a total of 3550 female convicts in New South Wales and Van Diemen's Land had become free, while a further 1328 women remained as prisoners of the Crown. Of these, approximately 200 were attached to the Parramatta factory, leaving a residue of some 1100 women who must be presumed to have been in private service, married or otherwise appropriated. On 1 January 1826, 824 women were in assigned service in New South Wales compared to 269 women in the Parramatta factory. Two years later, on 1 January 1828, there were 1139 women in service compared to 405 prisoners in the factory. Figures for Van Diemen's Land are much clearer. Of 2900 women who arrived between 30 March 1841 and 3 December 1845, 821 had no further offences listed against them. The remaining 2079 women

10. *ibid.*
11. See Appendix No. 5.
12. See Appendix No. 6.
committed 6338 offences, consisting of 162 moral offences and 6176 breaches of discipline.\textsuperscript{13} The lengths of sentences for these crimes, especially in the latter case, would have varied considerably and only a proportion of the women would have been actually imprisoned in the factories at any one time. After 1843 an average of between 60 per cent and 75 per cent of the female convicts in Van Diemen’s Land were, at any one time, either in assigned service or totally independent. For example, on 1 September 1843, 2406 out of 3546 female convicts were living independently of government control. Figures for subsequent occasions were as follows:

- 29 June 1844 - \( \frac{2508}{3096} \) or 64.41%;
- 30 April 1847 - \( \frac{3344}{4544} \) or 73.59%;
- 10 July 1850 - \( \frac{2834}{4308} \) or 65.78%;
- 31 July 1852 - \( \frac{3247}{4343} \) or 74.76%; and
- 31 December 1853 - \( \frac{3132}{4170} \) or 75.11%\textsuperscript{14}

These statistics clearly reveal that the female factories never housed more than a minority of the transported convict women.

Thus, in assessing the character and conduct of female convicts transported to the Australian colonies between 1804 and 1854, it cannot be assumed that they were all incorrigible rogues; contemporary and some recent sources do the women a grave injustice to presume that they were. Though the conduct of the refractory has aroused more interest than the actions of their well-behaved companions, the women as a whole should be

\textsuperscript{13} See Appendix No. 14.
\textsuperscript{14} See Appendix No. 18 (a) and (b).
seen as displaying a range and a diversity of character which belie the attempts to stereotype them as 'damned whores'. Both in aspirations and in behaviour the female convicts in the Australian colonies between 1804 and 1854 represented a spectrum little different from the larger society of which they were a part.
THE BRITISH PENAL REFORM MOVEMENT

During the transportation era, the British government's changing policies on convict discipline were largely implemented in response to pressure from the penal reform movement. The reformers were interested in two main aspects of the subject - the reform of the criminal code and improvements to the construction and management of the country's prisons and gaols. The topic, which falls beyond the scope of this thesis, has already been the subject of much study. The following manuscripts and books are worth noting:

MANUSCRIPTS

Peel Papers  Correspondence between R. Peel and Mrs Fry, Vol. CLXXV, Ms. 40355 and Vol. CXCIII, Ms. 40377, British Museum.

Gladstone Papers  Correspondence re transportation, Vol. DCL, Ms. 44735, folios 218, 264, British Museum.

Aberdeen Papers  Correspondence re transportation, Vol. CCCXX, Ms. 43358, British Museum.


Fry Papers  Manuscript Diaries, Ms. s264, s266; Letters about Newgate, Temp. Box 9; Volume of Letters from Prominent Persons; Original Correspondence, English; in Religious Society of Friends Library, London.

OFFICIAL DOCUMENTS

The Commons Papers include many reports, statistical tables, enactments and copies of correspondence on the subjects of crime, capital punishment, prisons, convict discipline and transportation. A list of those relevant to this thesis will be found in the bibliography. Others may be located by reference to indexes to the Commons Papers.

CONTEMPORARY WORKS ON THE REFORM OF THE PENAL CODE AND PRISON DISCIPLINE

Buxton, T.F.  
(*An Inquiry, Whether Crime and Misery are Produced or Prevented, by Our Present System of Prison Discipline.* London, 1818.)

Colquhoun, P.  
(*A Treatise on the Police of the Metropolis, etc.* London, 1796.)

Dalrymple, A.  
(*A Serious Admonition to the Publick on the Intended Thief Colony at Botany Bay.* London, 1786.)

De Beaumont, G. & De Toqueville, A.  
(*On the Penitentiary System in the United States, and Its Application in France: With an Appendix on Penal Colonies, and Also Statistical Notes.* Philadelphia, 1833. Translated from the French by Francis Lieber. This book, though not about the British penal system, was widely discussed in Britain for its view on the subject of penal reform and the separate confinement system.)

Field, Rev. J.  

Fry, Rev. H.P.  
(*A System of Penal Discipline, with a Report on the Treatment of Prisoners in Great Britain and Van Diemen's Land.* London, 1850.)

Howard, J.  
(*The State of Prisons in England and Wales, with Preliminary Observations and an Account of Some Foreign Prisons.* Warrington, 1777.)

Howard, J.  
(*An Account of the Principal Lazarettos in Europe, with Various Papers Relative to the Plague; Together with Further Observations on Some Foreign Prisons and Hospitals; and Additional Remarks on the Present State of Those in Great Britain and Ireland.* London, 1789.)

Innes, F.M.  

Jackson, Randle  
(*Consideration of the Increase of Crime: and the Degree of Its Extent, the Principal Causes of Such Increase, and the Most Likely Means for the Prevention or Mitigation of This Public Calamity.* London, 1828.)

Jebb, Lt. Col.  
(*Observations on the Separate System of Discipline Submitted to the Congress Assembled at Brussels, on the Subject of Prison Reform, on 20 September, 1847.* London, 1847.)

Joseph, Rev. H.S.  


CONTEMPORARY WORKS ABOUT PARTICULAR PRISONS

Fry, Edmund
An Hour in His Majesty's Gaol at Newgate on Friday, 22nd December, 1820. London, 1820.

Griffiths, A.

Gurney, J.J.

Holford, G.
Letter to the Editor of the Quarterly Review, on a Misstatement ... Relative to the Supposed Ill-Success of the General Penitentiary at Millbank. London, 1830.

Mayhew, H. & Binney, J.


ELIZABETH FRY AND FEMALE PRISONERS

Anley, Charlotte
The Prisoners of Australia, London, 1841.

Carpenter, Mary

Carpenter, Mary

Carpenter, Mary
Our Convicts. 2 Volumes, London, 1864.


The First Report of the Committee of the British Society for Promoting the Reformation of Female Prisoners. London, 1822. See also, subsequent annual reports for the society.
Fry, Elizabeth

Fry, K. & Cresswell, R.

Holford, G.
Letter to the Rt. Hon. the Secretary of State for the Home Department, From G. Holford, Esq. on the Propriety of Taking Other Measures for the Supply of Women to The Settlements in New South Wales, That That of Sending Thither All the Female Convicts Sentenced to Transportation; etc. 14 April 1827.

Pitman, E.R.


Whitney, Janet

Wrench, Matilda
Visits to Female Prisoners at Home and Abroad. London, 1852.

CONTEMPORARY WORKS ABOUT TRANSPORTATION SYSTEM


Arthur, Col. G.


Bennet, Hon. H.G. A Letter to Earl Bathurst, Secretary of State for the Colonial Department, on the Condition of The Colonies in New South Wales and Van Diemen's Land, as Set Forth in the Evidence Taken Before the Prison Committee in 1819. London, 1820.

Bennet, Hon. H.G.


Jackson, J.A. Letters to B. Hallie Undersecretary for the Colonies, dated 12 March 1849 and 12 March 1849 Against Transportation.


Molesworth, Sir W.  Speech on the Discontinuance of Transportation to Van Diemen's Land, Delivered by Sir William Molesworth in the House of Commons, 20 May 1851.


Ullathorne, W.  The Horrors of Transportation Briefly Unfolded to the People. Dublin, 1838.

Wason, R.  A Letter to the Home Secretary, in Answer to the Question, What Should be Done with Our Convicts? Ayr, 1850.

Whately, R.  Substance of a Speech on Transportation Delivered in the House of Lords, on the 19th May, 1840.

RECENT WORKS


Heath, J.  Eighteenth Century Penal Theory. 1963. This book gives chapters on prison reformers and their systems, including extracts from the writings of reformers from Montesquieu (1689-1755) to Colquhoun (1745-1820).

Hinde, R.S.E.  The British Penal System 1773 - 1950. London, 1951. Part I is a survey of prisons and the reform movement to E. Fry. Part II discusses transportation and penal discipline, 1835-1877. This is a very factual narrative survey.


O’Brien, E.  
Part 1 has a comprehensive discussion of the political, social and legal backgrounds of the system in Great Britain and Ireland; Chapter 3 deals with the criminal law reformers, Blackstone, Eden, Paley, Bentham, Romilly, Montesquieu, etc. Chapter 4 deals with the prison reformers, Howard, transportation to 1776, the hulks, and the penitentiaries to 1779.

Pincoffs, E.  
Chapter 1 discusses the classical debate on penal reform, with reference to the traditional retributivist position taken by Kant, Hegel, and Bradley and the utilitarian position taken by Paley and Bentham.

Radzinowicz, L. & Turner, J.W.C.  

Rose, G.  

Shaw, A.G.L.  

Tobias, J.J.  

Tobias, J.J.  
THE MINOR FEMALE FACTORIES OF NEW SOUTH WALES

In New South Wales small female factories were established at Newcastle, Port Macquarie, Bathurst and Moreton Bay. They acted as depots for the temporary residence of women assigned to service in the interior and as places of punishment for women at the penal stations.

Newcastle became a penal station in 1804 and one room was set aside in the gaol for women who were found guilty of 'neglect of duty and disobedience of orders'. Otherwise the female prisoners were allowed to live in lodgings in the town. They were employed picking oakum, sifting shells for the limeburners' gang, attending the hospital and acting as servants at Government House. The major problem at Newcastle was the prevention of the spread of venereal diseases by curbing the illicit intercourse between the women and the male convicts and soldiers. In 1820, when there were 51 female convicts at Newcastle, Macquarie ordered that the barracks be expanded to house 50 women. In December 1836 there were only 23 female convicts and five children in the factory. It is not clear when the Newcastle factory was closed, though it may simply have outlived the transportation system for, as late as 1846, a request was made for 20 women to be forwarded from Parramatta to Newcastle to meet the demand for convict servants. 1

The Port Macquarie factory also served as part of the penal station which operated from 1821 to 1830, when the male convicts were withdrawn and the area was opened to free settlement. The female factory remained until

---

January 1842 when the women were transferred to Parramatta. 2

The Bathurst female factory, founded in 1817, appears to have been more important as a staging depot for women being sent to assigned service in the western districts of New South Wales. In 1833 the local magistrates were requested to confine women under punishment there instead of forwarding them to Parramatta. The Bathurst factory was closed in April 1846 and the remaining women were sent to Parramatta. 3

The Moreton Bay factory, established in 1824, is the best documented of the four establishments. In 1827 Captain Patrick Logan was told to employ the women 'in the most suitable means circumstances will admit'. James Backhouse, who visited the area in 1836, said that the 30 women in the penitentiary were employed in washing, needlework, picking oakum, and nursing. A further 40 women were employed in field work at Eagle Farm. The women in the penitentiary were kept in strict confinement, except for a daily period of exercise in walking in front of the prison. The security at the factory did not always keep intruders out and, in November 1832, Dr Henry Cowper, surgeon, John Richards, master of the brig, Governor Phillip, and a convict clerk, William Halden, scaled the walls of the prison and, with the connivance of Constable Creedon, entered a room occupied by four women and shared a bottle of rum with them. The following morning the women reported ill and were sent to the dispensary where Cowper gave each a glass of rum. When it became apparent that Cowper and the women were all intoxicated, Captain Clunie instituted a court of inquiry. Cowper, Richards, Halden and Creedon were all dismissed and ordered to leave the settlement. The women at Eagle Farm were also locked up at night and closely supervised during the day, but this did not prevent some of them from running into the


PLANS FOR THE FEMALE FACTORIES AT MORETON BAY.

from J.G. Steele, Brisbane Town in Old Convict Days 1824-1842.
St. Lucia, 1975.

Female Factory: elevation, plan, and section. The main building was erected about 1829, and enclosed with a fence. The fence was replaced by a wall after Dr. Cowper and two others broke into the factory for a drinking party with some of the women. From Plan 26 (1838), Moreton Bay Plans, Queensland State Archives.

Macdonald's quarters and hospital at Eagle Farm: elevations and plans. From Plan 9 (1839), Moreton Bay Plans, Queensland State Archives.

Plan of Eagle Farm and Female Barracks, Moreton Bay. Originally established as an agricultural settlement, Eagle Farm became a factory for female convicts by 1836. (For the location of the Eagle Farm settlement, see Illustration 54.) From Plan 8 (1839), Moreton Bay Plans, Queensland State Archives.

93. "Plan of Eagle Farm and Female Barracks, Moreton Bay". Originally established as an agricultural settlement, Eagle Farm became a factory for female convicts by 1836. (For the location of the Eagle Farm settlement, see Illustration 54.) From Plan 8 (1839), Moreton Bay Plans, Queensland State Archives.
bush to meet soldiers, though, if caught, the women were placed in irons. O'Keefe says that 135 women were known to have been sent to Moreton Bay between 1835 and 1837. In 1839 the district was opened to free settlement and the 57 women who remained were transferred to Parramatta. 4

Information about these factories is very scanty. There are a few letters in the Archives of New South Wales, an occasional reference in Historical Records of Australia and various parliamentary papers and notes in Backhouse's journals of 1836. Retrospective accounts include those by Theoiphilus Pugh in 1857 and Reverend T. Atkins in 1869. The majority of recent works are no more than brief historical notes about the four settlements though monographs by Turner, Steele and Bateson provide many valuable insights into the penal stations as a whole, together with some information about the female factories. 5

5. See above, footnotes 1 to 4, for full details of sources.
FACTORY COURTSHIPS

Extracts from contemporary sources:

Marriages with the "Factory Ladies" have lately become quite common with the "Government gentlemen" in the vicinity of Parramatta - rather too common indeed, to meet the liking of all parties, who are, and who consider themselves concerned. - Some of them are "stolen matches" --- we don't know that they are exactly the dying-for-love affairs, nor are they preceded by elopements. But by the force of some happy contrivance, we learn, that the swains and their belles manage to get linked together "for better, for worse," through the intervention of a Priest, and occasionally without "the leave or license" of "the Lords of the Manor," who chance to hold in a sort of wardship the "stronger vessels." These happy-yet-illicit alliances, like many other matters of state importance, are in course of investigation, and undergoing a thorough inquiry. The bridegrooms, after getting the knot tied, assume to exercise their marital dominion, and claim their better half to be delivered up from the "chains and slavery" of a spinning jenny, to submit to the bonds of Holy Wedlock, with all the incidents. Authority thinks, as well as Masters and Mistresses, that the assignees of the labour of these haters of single blessedness, should be consulted before they be allowed to give a practical illustration of their opinions, and prostrate themselves at the feet of their unmaidened maidens, and that the opportunity should be afforded them of forbidding, if they chose, either the "bands" or the bonds.

*The Australian*, No. 118, 16 August 1826, p. 3.

The love matches among this portion of our population certainly often savour not a little of the romance of olden times. Not a few of our factory fair have been wooed and won by a sort of telegraphic courtship, carried on by means of hand and handkerchief signals from a commanding eminence overlooking the domicile of these nymphs, the most puzzling point for the love-lorn swain being that of finding out the name of his pledged bride, in order to obtain her release from the police bench for the consummation of their
nuptials. Not a few happy matches have resulted, too, from tender attachments formed within the love-inspiring walls of the lock-up house; nay, it is even asserted that such have taken place when the sentimental couple were in the course of initiation in "revolutionary principles" at Cubit's peripatetic seminary.

A twelvemonth scarce has passed, indeed, since a rich and amorous Sydney youth, with the bloom of fifty-six summers on his cheeks, was linked in love's dear bands with one of our pretty penitents, from whose eyes he first drank in the sweet infection while his 'fairest of the fair' was performing public penance on a market day, (with her gown-tail drawn over her head,) for dabbling too deeply in strong waters on the preceding evening.


A curious circumstance took place the day after we arrived in Sydney. It was about 10am and the convicts were all allowed to be upon deck to take the fresh air, when a young man came alongside and desired to speak with the chief mate. He informed him that his business on board the Ship was to look for a wife. The Chief Mate laughed and told him to look round and see which he liked best. He had plenty to choose amongst indeed so many that for a time he was completely puzzled, I suppose, looking for the prettiest, which I dare say was a difficult matter. (It was said on shore we had the ugliest set of women that ever came out to Sydney.) At last he fixed his eyes on a young girl about 17 years of age and asked her if she should like to be married: she said, she had no particular objection. Observe, said the young man, it is not for myself I want you, I am already married, but for a friend of mine who is unfortunately very busy today and could not come off to the Ship. He then described his friend and the girl said she would have him, so he took down her name, and wishing her good morning went ashore again. The day after the women arrived at the factory this gentleman's friend went out and enquired for the young woman, brought her down to Sydney and was married to her at the new Church on the same day. Several others were married during our stay.

One of our Sailors when ashore on liberty went up to the factory at Parramatta, and was allowed to speak with the person he asked for during the space of ½ an hour but when he came away the rest of the women cheered
him so heartily and made such an uproar, that when 4 more of the people went up on the Sunday following they were denied admittance and threatened with lodgings in the gaol if they did not return to Sydney immediately.

George Bayly, 'Journal of Voyages to Various parts of the World written by Geo Bayly for the amusement of such of his friends as feel themselves disposed to read it', Vol. 1, 1831, Hocken Library, University of Otago, New Zealand.

BOTANY BAY COURTSHIP

An excellent new Song, as it ought to be sung in the Theatre Royal, Sydney, by Mr. Bert Levy, in the character of the TICKET-OF-LEAVE HOLDER.

The Currency Lads may fill their glasses,
And drink to t's health of the Currency Lasses;
But the lass I adore, the lass for me,
Is a lass in the Female Factory.

O! Molly's her name, and her name is Molly,
Although she was tried by the name of Polly;
She was tried and was cast for death at Newry,
But the Judge was bribed and so were the Jury.

She got "death recorded" in Newry town,
For stealing her mistress's watch and gown;
Her little boy Paddy can tell you the tale,
His father was turnkey of Newry jail.

The first time I saw the comely lass
Was at Parramatta, going to mass;
Says I, "I'll marry you now in an hour,"
Says she, "Well, go and fetch Father Power."

But I got into trouble that very same night!
Being drunk in the street I got into a fight,
A constable seized me - I gave him a box -
And was put in the watch-house and then in the stocks.
O! it's very unaisy as I may remember,
To sit in the stocks in the month of December;
With the north wind so hot, and the hot sun right over,
O! sure, and it's no place at all for a lover!

"It's worse than the tread-mill," says I, "Mr Dunn,"
"To sit here all day in the hate of the sun!"
"Either that or a dollar," says he, "for your folly," -
But if I had a dollar I'd drink it with Molly.

But now I am out again, early and late
I sigh and I cry at the Factory gate,
"O! Mrs _____, late Mrs F _____n,
"O! won't you let Molly out very soon?"

"Is it Molly McGuigan?" says she to me,
"Is it not?" says I, for she know'd it was she.
"Is it her you mean that was put in the stocks
"For beating her mistress, Mrs Cox?"

"O! yes and it is, madam, pray let me in,
"I have brought her a half-pint of Cooper's best gin,
"She likes it as well as she likes her own mother,
"O! now let me in madam, I am her brother."

So the Currency Lads may fill their glasses,
And drink to the health of the Currency Lasses;
But the lass I adore, the lass for me,
Is a lass in the Female Factory.

Sydney Gazette, 14 July 1832. Mrs R____ and
Mrs F____n, refer to Mrs Fulloon who remarried and
became Mrs Raine, see ch. 2.

The process of a factory courtship is worth describing. Let us
suppose the suitor an old "stringy-bark," such being the sobriquet in which
inland settlers rejoice. He has no particular maid in view, but has
obtained of Bishop Marsden permission to visit the factory and seek a wife,
and a letter to the matron certifying his intent. The girls are paraded in each room as the Coelebs enters it, that is, the marriageable ones of the first and second classes, and the visiter (sic) scans them as a Turk would Georgians in a slave-market. I have been myself present at two or three of these negotiations, as they usually take place upon visiting days, when the friends of the convicts are allowed to enter the factory. I would not be understood that I had some friends there; Mr. Smith could always make some pretext to enter, and we visited them from curiosity. The girls, all agog for a husband, would show various faces upon the examination. Some, all sheepish smiles and blushes, would look as foolish as all young ladies are supposed to, when a third person happens in upon an interview at which the question has just been popped. Others would avert their faces in a sort of indifference; as, although a refusal is seldom met by an applicant, still these seekers for help-meets are not all of such an appearance as to tempt a woman halfway. A third set would most prudishly frown upon a proceeding which pays so little respect to the prescriptive rights of the ladies; while, as if purposely set in contrast to these fastidious ones, others would make attempts, not always successful, or with the best grace, to appear as amiable and pretty as possible, spite of the Paramatta frock and petticoat, of which they were evidently heartily tired. It requires the face of a Turk to come on such an open and acknowledged errand; so the case is, that the inspector is usually at as much of a nonplus as the inspected. The matron accompanies him, and answers his questions respecting the particular lady or ladies who attract his eye, giving each the best possible character. It is a regular frolic, after the first few moments, in each room. The matron cannot suppress a half laugh at the farcical scene, the Coelebs begins to be dashed, and the girls break out into jokes upon his personal appearance, particularly if he happens to have passed the meridian. The chance is, that his quizzical reception by the first class, and the confusion of faces hindering his choice, will send him to the second and a preconceived and natural prejudice against No. 2 will send him back to No. 1 again. Upon his return, all pretence to reserve is thrown aside. "Ha! old boy, couldn't you find a moll to suit? Is there never a blowen in the lot good enough for an old stringybark sett'ler like you?" Flash is pattered at him with all a woman's volubility, and the old blowens who have been so often turned back to this factory for drunkenness or other faults that their case is past redemption commence quizzing the wife-hunter. "There, there's a new chum, just come out!" pointing to some uninviting looking maiden; "She's the girl for you!" "There, there!" by a dozen bidders; or,
"You'd better take one of your age!" from some old toothless Jezebel. The matron and monitresses wink at these irregularities as things of course, and impossible of prevention. The choice at length made, spite of all the discouragements thrown in his way, the settler is seldom obliged to apply more than once, and after uttering the awkward "yes," the bride elect flies round to her pals, bidding hasty adieus, and the bridegroom leads her out. "I'll give you three months before you're returned!" cries one, and "It's a bargain you've got, old stringy-bark!" cries another. Hubbub and confusion mark the exit of the couple, and the bride's character is immediately picked to pieces by the neglected, as soon as her back is turned, and the appearance of her husband elect most scientifically blasted, after the usual manner of decrying sour grapes. The clothes of the convict are returned to her, and, dressed again like a free woman, she hies with her suitor of an hour to the church. Government gives her a "ticket of exemption" as a dower, and she steps into her husband's carriage to go to his farm.


In the factory, too, there is a good chance of getting married; for the convict swains scattered amongst the settlers, when they obtain the consent of their masters, or choose, when they become free, to enter into the connubial state, usually apply for permission to go to the factory in quest of a fair helpmate, with the full knowledge that it is more likely to for worse than for better that they make their election.

On the arrival of one of these at the abode of the recluses, the unmarried frail ones are drawn up in line for the inspection of the amorous and adventurous votary, who, fixing his eye on a vestal to his taste, with his finger beckons her to step forth from the rank. If, after a short conference, they are mutually agreeable, the two are married in due time and form. If, on the contrary, either the Macheath or the Polly prove distasteful to the other, the resolute amateur continues his inspection along the line, till he hits upon a Lucy more complying, or more suitable to his mind!

Not that either party is likely to be very fastidious on such occasions.

A young fellow who had just become free, and had got himself established on thirty acres of land, with a few pigs, &c., set off for the
factory in search of a wife.

On his way, he had to pass the estate of the writer of this work. In conversation with the wife of the porter at the gate, he mentioned the object of his journey. The porter's wife advised him to pay his addresses to one of her master's convict female servants, whom she recommended as being both sober and industrious, whereby he would at once gain a good wife, and spare himself an additional journey of a hundred and forty miles.

At the request of this Celebes of Australia, the damsel was sent for, and the bargain struck on the instant, provided the necessary consent of the lady's assignee master could be obtained, which she herself undertook to solicit.

Entering the breakfast room of her master with an unusually engaging aspect, and having made her obeisance in her best style, the following dialogue ensued:

Marianne. - I wish to ask you a favour, your honour.

His Honour. - Why, Marianne, you have no great reason to expect particular indulgence; but what is it?

Marianne (curtsying and looking still more interesting.) I hope your honour will allow me to get married.

His Honour. - Marr:...! To whom?

Marianne (rather embarrassed.) - To a young man, your honour.

His Honour. - To a young man! What is he?

Marianne (her embarrassment increasing.) - I really don't know!

His Honour. - What is his name?

Marianne. - I can't tell.

His Honour. - Where does he live?

Marianne. - I don't know, your honour.

His Honour. - You don't know his name, nor what he is, nor where he lives! Pray how long have you known him?

Marianne (her confusion by no means over). - Really, to tell your honour the truth, I never saw him till just now. Mrs. Parsons sent for me to speak to him; and so, - we agreed to be married, if your honour will give us leave. It's a good chance for me. Do, your honour, give me leave!

His Honour. - Love at first sight, eh! Send the young man here.

[Exit Marianne.

Enter Celebs.

His Honour. - Well, young man, I am told you wish to marry Marianne, one of my convict servants.
Celibs (grinning.) - That's as you please, your honour.

His Honour. - As I please - Why, have you observed the situation the young woman is in? (Marianne being "in the way ladies wish to be who love their lords.")

Celibs (grinning broadly.) - Why, your honour, as to that, you know, in a country like this, where women are scarce, a man shouldn't be too "greedy!" I'm told the young woman's very sober, - and that's the main chance with me. If I go to the factory, why, - your honour knows I might get one in the same way without knowing it, - and that, you know, might cause of words hereafter, - and she might be a drunken vagabond besides! As to the pickaninny, if it should happen to be a boy, you know, your honour, it will soon be useful, and do to look after the pigs.

The author having afterwards satisfied himself as to the man's condition, and as to his being free, gave his consent to the match; and the enamoured pair were of course united in the holy bond of matrimony.

The object in giving the above sketch, is to convey to the reader, at once, some idea of the nature of rustic courtship in New South Wales, and of the relations towards each other of the two sexes of the felon population, as well as of the charming prospect attendant upon a convict wedding.

Such scenes as the above are of constant occurrence; and the writer has deemed it best to present one of them, without embellishment, as it actually took place.


At all periods during the progress of the colony, and up to the present time, single men could obtain wives, on application, from amongst the female convicts, at the chief depot in Parramatta.

The form is a strange one, and well worth relating. A man desiring a wife, and being unable to suit himself elsewhere, proceeds to the factory at Parramatta, and presents himself to the matron and master of that institution. The certificate of a clergyman of magistracy is produced, setting forth that the applicant is a proper person to have a wife given to him, from the many under charge of the matron. The applicant is then introduced into a room of the building, whilst the matron proceeds to the first class department, that contains the best behaved of the female convicts. Notice is here given that a wife is required, and such as are willing to be married step forward, and are marshalled in batches into the
presence of the would-be Benedict. On they pass, the man speaking to individuals as they attract his attention, inquiring their age, capabilities, &c., till some one is met with who pleases his taste, and possesses the required perfections. The inquiries then become mutual; the lover wishes to know if the fair one has ever been married; the question is reiterated by the female, who also desires to learn how many head of cattle or sheep, or what land or houses, her lover is possessed of. Mutual explanations take place, and if satisfactory on both sides, the matron is acquainted with the fact, and a day named for the marriage. All the time, this lady is present, and has frequently to witness strange and ludicrous scenes; scores of females passing for review, between whose personal and other claims, the applicant balances his mind, sometimes leaving it to the matron to decide whom he shall take. When this knotty point is settled, the authorities are informed of the fact; the clergyman of the place publishes the banns, and if no impediment intervenes, on the appointed day, the parties are married; the women leaving the factory, and returning to a state of freedom in the colony, during good conduct. These marriages are of frequent occurrence, thousands having thus obtained wives.


The indifference with which convicts often, on becoming free, chose their partners for life, "for better or worse" (it rarely was for better,) was frequently shown by their taking a wife as it were "on view." They resorted to the Female Factory, where two or three hundred female convicts belonging to the first and second classes then were imprisoned, and on no more formal courtship than bare inspection, the marriage contract was concluded. Passes were sometimes given by magistrates to ticket-of-leave holders "to go to the Female Factory to choose a wife."

The business was sometimes transacted in three days: one day for the journey to the Factory to make a choice; the second for the courtship and ceremony; the third back again to the station with the bride!

Forgeries and ingenious frauds were often resorted to in order to induce unsuspecting ministers of religion to marry parties whose wives or husbands were still living at home. Take for instance the case of a married man who had been transported, and left a wife and two children in the city of Cork. On becoming free, he wished to take unto himself a wife in the Colony. He was aware that the zealous minister, to whose flock he belonged,
knew of his social position; so, in order to overcome this difficulty, the fellow produced a letter - the Cork postmark being well imitated in red ink on the corner of the envelope. The letter and postmark were both forged in Sydney. The letter, purporting to be from his brother in Ireland, amongst other plausible statements to induce the worthy clergyman to believe that the wife at home was dead, concluded with the assurance that the "dear wife" of the party to whom the letter was addressed "died in the bosom of the Holy Roman Catholic and Apostolic Church." The caitiff, in this last sentence, struck the key-note that he knew would sound most agreeably on the ear, and reach the heart of the worthy minister, whom that well-acted piece of hypocrisy induced to tie the nuptial knot.


One day, a young man came off in a shore-boat, and, producing an order, was permitted to come up the side. He went aft and made his "salaam" to Mr. Sleight, who demanded what was his business. In a very confidential tone he replied, "Why, sir, to tell you the truth, I've come to look for a wife."

A broad smile passed over the jolly old rubicund face of our worthy first, and, after a little further conversation, he said to the visitor (the women being all on deck), "Well, you'd better take a look round and see which you like best."

"Thankee, sir, I will," said the dapper little man.

Whilst this parley had been going on, the object of the young man's visit had spread like wildfire round the decks, so that as soon as he made his appearance amongst the women, he was received with such a volley of sarcastic banter that he had much ado to make any headway at all. Almost the first he encountered was old Judy Crowley, as she sat crouched up on the end of the booms, smoking her black dudeen. Taking the pipe from her mouth, and looking at him with a satirical grin, she said, "Och, musha thre, me darlint, an' it's me ye'r looking' on! Shure an' it's me 'ud be moity proud;" and she replaced the dudeen between her teeth, giving a contemptuous puff as the young man passed on, regarding her with supreme disgust.

"Ay or na shure, jist pass the care o' me. I owe ye no discoors, at all," said a young girl, to whom he seemed inclined to make up. He had a good-humoured reply for all their jokes, and thus threaded his way up one
side of the deck and down the other. There was a dark-eyed damsel who, whenever they were discussing the subject of marriage on the passage out, used always to say, "Och, an' it's me'll have none but a robber." This smart-looking lass seemed to have produced the desired impression on the young fellow, for he went up to her, and, without further ceremony, popped the question, "Would you like to be married?"

"Is it me?" replied the girl. "Well, I shou'dn't care; but I'm in no hurry."

The young man said, "It isn't for myself, as I'm a married man; but a young friend of mine asked me to come on board, and take a look round for him."

This provoked a burst of uproarious mirth from those who had crowded round to hear what was going on. They began to chaff him again; but he stood his ground, and parried their thrusts till something like quiet was restored, when he said to the girl, "I'm sure he'd fall in love with you in a moment."

"Och, whirra!" the girl exclaimed. "But what sort of a boy is he, now?"

"Och," said the man, mimicking her brogue, "he's a raal broth of a boy." He then described his friend and his belongings to her.

The girl consulted with one of her intimates, and after a little talk, she turned to the Benedict and said, "Well, it's mc'll tak' him at a vinture."

The young fellow noted down her name, age, appearance, etc., in his pocket-book, shook hands, bade her good-bye for the present, and assured her that his friend would be a good husband to her. He then walked aft, thanked Mr. Sleight, who congratulated him on having succeeded so well in his friend's behalf, jumped into his boat under a cross fire of jokes from the women, was rowed away, and we saw him no more. We heard afterward that when the women went up to the factory at Paramatta, the friend proceeded there, and, announcing his intentions inquired for the girl. Matters were soon made up between them, as they were mutually pleased with each other, and they were forthwith joined together in the holy bands of matrimony by the chaplain. The wife was assigned to the husband as a servant, and so long as she did not commit any breach of the peace or of the law, would enjoy all the privileges of a free woman. If, on the other hand, she did not behave with decorum and propriety, and was guilty of any misdemeanour, her husband might send her back to the factory until she was penitent and
resolved to reform.


... Beyond was the Female Factory, where were lodged a large number of convict women.

In those days, a man could apply for a wife from the factory. I remember a man applying for one to my grandfather Marsden, who was a magistrate. My grandfather told him to go to the factory and he would meet him there, and he drove me with him in his gig.

The women were all drawn up in a row, and the man passed along from one to another until he found one who was to his liking and was willing to marry him. As soon as her consent was given, the man took his bride to the church, where Mr. Marsden met them and married them, and then they set off for their farm or homestead. Such marriages were not unusual.

There was a story told, and well-known to be a fact, that Mr. Marsden once called at a farm on the Hawkesbury River, and enquired how the wife, whom he had married to her husband out of the factory, was getting on. The poor husband said she was "no good," would not work or do anything for him; whereupon Mr. Marsden took his gig whip and laid it about her shoulders, and told her that, if she did not behave better, when he next came that way he would have her returned to the factory. Months after, when he called again, the man told him that his wife had turned over a new leaf, and there could not be a better wife ever since the day Mr. Marsden gave her a thrashing. So much for the manners and customs of those early days in New South Wales.

Appendix No. 4.

**FEMALE CONVICTS TRANSPORTED.**

<table>
<thead>
<tr>
<th>Year Range</th>
<th>New South Wales</th>
<th>Van Diemen's Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790 - 1795</td>
<td>437</td>
<td></td>
</tr>
<tr>
<td>1796 - 1800</td>
<td>324</td>
<td></td>
</tr>
<tr>
<td>1801 - 1805</td>
<td>650</td>
<td></td>
</tr>
<tr>
<td>1806 - 1810</td>
<td>796</td>
<td></td>
</tr>
<tr>
<td>1810 - 1815</td>
<td>718</td>
<td></td>
</tr>
<tr>
<td>1816 - 1820</td>
<td>866</td>
<td></td>
</tr>
<tr>
<td>1821 - 1825</td>
<td>718 (from 1825)</td>
<td>296</td>
</tr>
<tr>
<td>1826 - 1830</td>
<td>1,910</td>
<td>842</td>
</tr>
<tr>
<td>1830 - 1835</td>
<td>2,159</td>
<td>1,249</td>
</tr>
<tr>
<td>1836 - 1840</td>
<td>2,723</td>
<td>1,200</td>
</tr>
<tr>
<td>1841 - 1845</td>
<td>461</td>
<td>3,421</td>
</tr>
<tr>
<td>1846 - 1850</td>
<td></td>
<td>2,808</td>
</tr>
</tbody>
</table>

Compiled from G.B. Barton, *History of New South Wales from the Records.*
Appendix No 5.


<table>
<thead>
<tr>
<th>Station</th>
<th>Civil Department Men</th>
<th>Women</th>
<th>Children</th>
<th>Persons Who Came Free Men</th>
<th>Women</th>
<th>Children</th>
<th>Persons Who Came Prisoners But Now Free</th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
<th>Convicts</th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
<th>Total Number of Souls in the Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>37</td>
<td>17</td>
<td>16</td>
<td>218</td>
<td>133</td>
<td>245</td>
<td>2,662</td>
<td>1,201</td>
<td>2,295</td>
<td>3,704</td>
<td>527</td>
<td>154</td>
<td>11,209</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parramatta</td>
<td>8</td>
<td>6</td>
<td>11</td>
<td>90</td>
<td>17</td>
<td>31</td>
<td>667</td>
<td>699</td>
<td>1,198</td>
<td>1,584</td>
<td>170</td>
<td>173</td>
<td>4,646</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Windsor</td>
<td>5</td>
<td>4</td>
<td>7</td>
<td>149</td>
<td>23</td>
<td>47</td>
<td>1,163</td>
<td>816</td>
<td>1,419</td>
<td>1,778</td>
<td>57</td>
<td>27</td>
<td>5,497</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liverpool</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>92</td>
<td>42</td>
<td>93</td>
<td>481</td>
<td>482</td>
<td>939</td>
<td>1,158</td>
<td>226</td>
<td>97</td>
<td>3,620</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newcastle</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>20</td>
<td>5</td>
<td>3</td>
<td>696</td>
<td>86</td>
<td>26</td>
<td>846</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On Board Colonial Vessels</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>199</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>208</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hobart Town</td>
<td>11</td>
<td>2</td>
<td>5</td>
<td>179</td>
<td>101</td>
<td>206</td>
<td>468</td>
<td>270</td>
<td>324</td>
<td>1,445</td>
<td>196</td>
<td>75</td>
<td>3,282</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Port Dalrymple</td>
<td>7</td>
<td>...</td>
<td>...</td>
<td>24</td>
<td>17</td>
<td>43</td>
<td>189</td>
<td>75</td>
<td>143</td>
<td>483</td>
<td>66</td>
<td>21</td>
<td>988</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>72</td>
<td>32</td>
<td>52</td>
<td>943</td>
<td>333</td>
<td>665</td>
<td>5,659</td>
<td>3,550</td>
<td>1,321</td>
<td>10,848</td>
<td>1,328</td>
<td>573</td>
<td>30,296</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## COMPARATIVE STATE OF THE PARRAMATTA FEMALE FACTORY.

<table>
<thead>
<tr>
<th></th>
<th>1 January 1826</th>
<th>1 January 1828</th>
<th>1 January 1829</th>
<th>1 September 1832</th>
<th>3 September 1836</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under Colonial Sentence: 2nd Class</td>
<td>51</td>
<td>90</td>
<td>107</td>
<td>177</td>
<td>273</td>
</tr>
<tr>
<td></td>
<td>86</td>
<td>174</td>
<td>173</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Solitary Confinement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confined by Order of the Committee</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Children</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old and Infirm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitresses, Servants and Cooks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Hospital</td>
<td></td>
<td></td>
<td>19</td>
<td>19</td>
<td>22</td>
</tr>
<tr>
<td>Sick in Factory</td>
<td></td>
<td></td>
<td>43</td>
<td>3 (advanced in pregnancy)</td>
<td>8</td>
</tr>
<tr>
<td>Assigned, Waiting to be Withdrawn</td>
<td></td>
<td></td>
<td>42</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>Number Assignable</td>
<td>119</td>
<td>122</td>
<td>107</td>
<td>128</td>
<td>114</td>
</tr>
<tr>
<td>Total Number of Women</td>
<td>269</td>
<td>405</td>
<td>537</td>
<td>475</td>
<td>590</td>
</tr>
<tr>
<td>Number of Children under 3 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>113</td>
</tr>
<tr>
<td>TOTAL NUMBER IN PRIVATE SERVICE</td>
<td>824</td>
<td>1,139</td>
<td>Not known</td>
<td>Not known</td>
<td>Not known</td>
</tr>
<tr>
<td>TOTAL NUMBER UNDER PUNISHMENT</td>
<td>137</td>
<td>264</td>
<td>280</td>
<td>182</td>
<td>278</td>
</tr>
<tr>
<td>TOTAL NUMBER NOT UNDER PUNISHMENT</td>
<td>132</td>
<td>141</td>
<td>257</td>
<td>293</td>
<td>312</td>
</tr>
</tbody>
</table>

Compiled from Colonial Secretary's records and Historical Records of Australia, despatches.
Appendix No. 7

CRIMES COMMITTED BY WOMEN TRANSPORTED TO NEW SOUTH WALES 1831 - 1838.

<table>
<thead>
<tr>
<th>Crime</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>2</td>
</tr>
<tr>
<td>Attempted murder</td>
<td>8</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>5</td>
</tr>
<tr>
<td>Infanticide</td>
<td>2</td>
</tr>
<tr>
<td>Concealing a murder</td>
<td>1</td>
</tr>
<tr>
<td>Poisoning</td>
<td>5</td>
</tr>
<tr>
<td>Abortion</td>
<td>1</td>
</tr>
<tr>
<td>Assault</td>
<td>5</td>
</tr>
<tr>
<td>Assaults and robberies</td>
<td>2</td>
</tr>
<tr>
<td>Cutting and maiming</td>
<td>1</td>
</tr>
<tr>
<td>Stabbing</td>
<td>1</td>
</tr>
<tr>
<td>Bigamy</td>
<td>1</td>
</tr>
<tr>
<td>Incest</td>
<td>1</td>
</tr>
<tr>
<td>Abducting a child</td>
<td>2</td>
</tr>
<tr>
<td>Bédtick</td>
<td>2</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>83</td>
</tr>
<tr>
<td>Prostitution</td>
<td>1</td>
</tr>
<tr>
<td>Man robbery</td>
<td>331</td>
</tr>
<tr>
<td>Theft</td>
<td>2,088</td>
</tr>
<tr>
<td>Stealing livestock</td>
<td>57</td>
</tr>
<tr>
<td>Receiving stolen goods</td>
<td>59</td>
</tr>
<tr>
<td>Pawnling</td>
<td>5</td>
</tr>
<tr>
<td>Pledging</td>
<td>95</td>
</tr>
<tr>
<td>Embezzling</td>
<td>3</td>
</tr>
<tr>
<td>False pretences</td>
<td>12</td>
</tr>
<tr>
<td>Forgery</td>
<td>9</td>
</tr>
<tr>
<td>Counterfeiting</td>
<td>11</td>
</tr>
<tr>
<td>Uttering base coin</td>
<td>19</td>
</tr>
<tr>
<td>Breach of trust</td>
<td>1</td>
</tr>
<tr>
<td>Perjury</td>
<td>3</td>
</tr>
<tr>
<td>Arson</td>
<td>9</td>
</tr>
<tr>
<td>Conspiracy</td>
<td>1</td>
</tr>
<tr>
<td>Sacrilege</td>
<td>3</td>
</tr>
</tbody>
</table>

331 = 11.7%
2,088 = 73.9%

Compiled from the Convict Indents, 1831-1836.
<table>
<thead>
<tr>
<th>Month</th>
<th>Confined in Cells</th>
<th>Waiting for Cells</th>
<th>Other Punishments</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>8</td>
<td>None</td>
<td>333</td>
<td>341</td>
</tr>
<tr>
<td>February</td>
<td>8</td>
<td>**</td>
<td>353</td>
<td>361</td>
</tr>
<tr>
<td>March</td>
<td>8</td>
<td>**</td>
<td>342</td>
<td>350</td>
</tr>
<tr>
<td>April</td>
<td>8</td>
<td>**</td>
<td>374</td>
<td>382</td>
</tr>
<tr>
<td>May</td>
<td>8</td>
<td>**</td>
<td>388</td>
<td>396</td>
</tr>
<tr>
<td>June</td>
<td>11</td>
<td>**</td>
<td>357</td>
<td>368</td>
</tr>
<tr>
<td>July</td>
<td>3</td>
<td>**</td>
<td>326</td>
<td>334</td>
</tr>
<tr>
<td>August</td>
<td>9</td>
<td>**</td>
<td>319</td>
<td>328</td>
</tr>
<tr>
<td>September</td>
<td>45</td>
<td>**</td>
<td>275</td>
<td>320</td>
</tr>
<tr>
<td>October</td>
<td>59</td>
<td>**</td>
<td>232</td>
<td>291</td>
</tr>
<tr>
<td>November</td>
<td>39</td>
<td>**</td>
<td>208</td>
<td>247</td>
</tr>
<tr>
<td>December</td>
<td>47</td>
<td>**</td>
<td>252</td>
<td>299</td>
</tr>
<tr>
<td>January</td>
<td>71</td>
<td>**</td>
<td>329</td>
<td>400</td>
</tr>
<tr>
<td>February</td>
<td>72</td>
<td>33</td>
<td>173</td>
<td>278</td>
</tr>
<tr>
<td>March</td>
<td>72</td>
<td>44</td>
<td>155</td>
<td>271</td>
</tr>
<tr>
<td>April</td>
<td>72</td>
<td>37</td>
<td>152</td>
<td>261</td>
</tr>
<tr>
<td>May</td>
<td>72</td>
<td>45</td>
<td>149</td>
<td>266</td>
</tr>
<tr>
<td>June</td>
<td>72</td>
<td>46</td>
<td>109</td>
<td>227</td>
</tr>
<tr>
<td>July</td>
<td>72</td>
<td>57</td>
<td>121</td>
<td>250</td>
</tr>
<tr>
<td>August</td>
<td>72</td>
<td>169</td>
<td>50</td>
<td>291</td>
</tr>
<tr>
<td>September</td>
<td>72</td>
<td>95</td>
<td>98</td>
<td>302</td>
</tr>
<tr>
<td>October</td>
<td>72</td>
<td>104</td>
<td>111</td>
<td>287</td>
</tr>
<tr>
<td>November</td>
<td>72</td>
<td>176</td>
<td>211</td>
<td>459</td>
</tr>
<tr>
<td>December</td>
<td>72</td>
<td>241</td>
<td>234</td>
<td>547</td>
</tr>
<tr>
<td>January</td>
<td>72</td>
<td>252</td>
<td>286</td>
<td>610</td>
</tr>
<tr>
<td>February</td>
<td>72</td>
<td>271</td>
<td>264</td>
<td>607</td>
</tr>
<tr>
<td>March</td>
<td>72</td>
<td>219</td>
<td>235</td>
<td>526</td>
</tr>
<tr>
<td>April</td>
<td>72</td>
<td>140</td>
<td>226</td>
<td>438</td>
</tr>
<tr>
<td>May</td>
<td>72</td>
<td>46</td>
<td>252</td>
<td>370</td>
</tr>
<tr>
<td>June</td>
<td>44</td>
<td>None</td>
<td>242</td>
<td>286</td>
</tr>
<tr>
<td>July</td>
<td>24</td>
<td>**</td>
<td>255</td>
<td>279</td>
</tr>
<tr>
<td>August</td>
<td>36</td>
<td>**</td>
<td>244</td>
<td>280</td>
</tr>
<tr>
<td>September</td>
<td>16</td>
<td>**</td>
<td>247</td>
<td>263</td>
</tr>
<tr>
<td>October</td>
<td>16</td>
<td>**</td>
<td>264</td>
<td>280</td>
</tr>
<tr>
<td>November</td>
<td>31</td>
<td>**</td>
<td>231</td>
<td>262</td>
</tr>
<tr>
<td>December</td>
<td>25</td>
<td>**</td>
<td>281</td>
<td>306</td>
</tr>
<tr>
<td>January</td>
<td>72</td>
<td>**</td>
<td>277</td>
<td>349</td>
</tr>
<tr>
<td>February</td>
<td>47</td>
<td>**</td>
<td>283</td>
<td>330</td>
</tr>
<tr>
<td>March</td>
<td>23</td>
<td>**</td>
<td>302</td>
<td>325</td>
</tr>
<tr>
<td>April</td>
<td>21</td>
<td>**</td>
<td>266</td>
<td>287</td>
</tr>
<tr>
<td>May</td>
<td>21</td>
<td>8</td>
<td>220</td>
<td>300</td>
</tr>
<tr>
<td>June</td>
<td>60</td>
<td>None</td>
<td>177</td>
<td>237.</td>
</tr>
<tr>
<td>July</td>
<td>44</td>
<td>**</td>
<td>179</td>
<td>223</td>
</tr>
<tr>
<td>August</td>
<td>24</td>
<td>**</td>
<td>173</td>
<td>197</td>
</tr>
<tr>
<td>September</td>
<td>26</td>
<td>**</td>
<td>148</td>
<td>174</td>
</tr>
<tr>
<td>October</td>
<td>16</td>
<td>**</td>
<td>136</td>
<td>152</td>
</tr>
<tr>
<td>November</td>
<td>14</td>
<td>**</td>
<td>20</td>
<td>34</td>
</tr>
<tr>
<td>December</td>
<td>11</td>
<td>**</td>
<td>23</td>
<td>44</td>
</tr>
</tbody>
</table>

*The new range of cells was used for the first time.*
Appendix No. 10.

STATE OF PARRAMATTA FEMALE FACTORY ON MONDAY,
31 AUGUST 1840.

Needlewomen and Tailoress (fine) 171
Needlewomen and Tailoress (coarse) 328
Nurses for Young Children 130
Servants (House) 12
Servants (Matron) 2
Servants (Sub-matron and Turnkey) 2
Whitewashers and Yardwomen 10
Cooks 6
Portresses 4
Woodcutters and Sawyers 10
Schoolmistress and Assistants 6
Mess Room and Assistants 8
Pumpers 12
Laundry 24
Cleaning Cells 6
Sick 35
In Solitary Confinement 71
In Solitary Confinement by Order of Governor 1
In Solitary Confinement by Order of Matron 4
Assistants (in Hospital) 8

Total 850
Children 353
Grand Total 1,203

Compiled from the records of the Colonial Secretary's Office, New South Wales, for 1840.
Appendix No. 11.

DISEASES TREATED AT PARRAMATTA FEMALE FACTORY
25 March 1826 - 8 July 1826.

<table>
<thead>
<tr>
<th>Disease</th>
<th>Admitted</th>
<th>Discharged</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ulcus</td>
<td>14</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Dysenteria</td>
<td>25</td>
<td>21 + 1 dead</td>
<td>3</td>
</tr>
<tr>
<td>Diarrhoea</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Fibris</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Insanity</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Syphilis</td>
<td>6</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Dolores</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Dibilitas</td>
<td>6</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Dolor Abdomines</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Parturition</td>
<td>8</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Dolor Capitas</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Gonorrhoea</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Obstipatir</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Ophthalmia</td>
<td>9</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Contusion</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Dolor Lateris</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Swelled Face</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Bubo</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Whitlow</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Abscess</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Compiled from A.O.N.S.W., C.S.I.L.,
4/1917.6
Appendix No. 12.

RETURN OF PEOPLE EMPLOYED IN THE PARRAMATTA FEMALE FACTORY.

<table>
<thead>
<tr>
<th>To 1 September 1836</th>
<th>From 1 September 1836</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Matron</td>
<td>1 Keeper</td>
</tr>
<tr>
<td>150. 0. 0</td>
<td>200. 0. 0</td>
</tr>
<tr>
<td>1 Assistant Matron</td>
<td>1 Matron</td>
</tr>
<tr>
<td>50. 0. 0</td>
<td>100. 0. 0</td>
</tr>
<tr>
<td>1 Portress</td>
<td>3 Male Turnkeys - £60</td>
</tr>
<tr>
<td>50. 0. 0</td>
<td>180. 0. 0</td>
</tr>
<tr>
<td>1 Midwife</td>
<td>4 Female Turnkeys - £50</td>
</tr>
<tr>
<td>50. 0. 0</td>
<td>200. 0. 0</td>
</tr>
<tr>
<td>6 Monitresses - £12. 3. 4</td>
<td>1 Clerk</td>
</tr>
<tr>
<td>73. 0. 0</td>
<td>120. 0. 0</td>
</tr>
<tr>
<td>1 Constable</td>
<td>1 Midwife</td>
</tr>
<tr>
<td>41. 1. 3</td>
<td>50. 0. 0</td>
</tr>
<tr>
<td>1 Gatekeeper</td>
<td>1 Chaplain</td>
</tr>
<tr>
<td>41. 1. 3</td>
<td>50. 0. 0</td>
</tr>
<tr>
<td>1 Storekeeper</td>
<td>1 M.C. Chaplain</td>
</tr>
<tr>
<td>109. 7. 6</td>
<td>50. 0. 0</td>
</tr>
<tr>
<td>1 Clerk</td>
<td>1 School Master/Mistress</td>
</tr>
<tr>
<td>91. 5. 0</td>
<td>50. 0. 0</td>
</tr>
<tr>
<td>1 Chaplain</td>
<td></td>
</tr>
<tr>
<td>50. 0. 0</td>
<td></td>
</tr>
</tbody>
</table>

£705. 15. 0

£1,000. 0. 0

a) Women in the George Town and Launceston Factories.

b) Women in the Hobart Factories.

c) Total Women in Factories.

d) Total Number of Women Under Punishment in Factories, i.e. Under Colonial Sentences, etc.

(Compiled from Weekly reports in the Hobart Town Gazette.)
### Comparative Statement of the Conduct of Female Convicts, Whilst in Private Service in Van Diemen's Land, Under the Assignment and Probation Systems

<table>
<thead>
<tr>
<th>Ship</th>
<th>Date of Arrival</th>
<th>Number of Women by each Ship</th>
<th>Number Without Offence</th>
<th>Number of Offences Committed during the Period</th>
<th>Number of Breaches of Discipline</th>
<th>Average Number of Offences by each Offender</th>
<th>Period during which the Offences were Committed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Royal Admiral</td>
<td>24 Sep 1842</td>
<td>199</td>
<td>40</td>
<td>607</td>
<td>14</td>
<td>593</td>
<td>3+</td>
</tr>
<tr>
<td>Woodbridge</td>
<td>23 Dec 1843</td>
<td>199</td>
<td>49</td>
<td>606</td>
<td>17</td>
<td>589</td>
<td>3+</td>
</tr>
<tr>
<td>Emma Eugenia</td>
<td>1 9 Apr 1842</td>
<td>188</td>
<td>45</td>
<td>542</td>
<td>16</td>
<td>526</td>
<td>2+</td>
</tr>
<tr>
<td>Emma Eugenia</td>
<td>2 7 Apr 1844</td>
<td>167</td>
<td>51</td>
<td>341</td>
<td>11</td>
<td>330</td>
<td>2+</td>
</tr>
<tr>
<td>Waverley</td>
<td>10 Dec 1842</td>
<td>148</td>
<td>32</td>
<td>346</td>
<td>13</td>
<td>333</td>
<td>2+</td>
</tr>
<tr>
<td>Angelina</td>
<td>25 Aug 1844</td>
<td>161</td>
<td>50</td>
<td>325</td>
<td>11</td>
<td>314</td>
<td>2+</td>
</tr>
<tr>
<td>Mary Ann</td>
<td>30 Mar 1844</td>
<td>114</td>
<td>13</td>
<td>407</td>
<td>13</td>
<td>394</td>
<td>3+</td>
</tr>
<tr>
<td>Greenlaw</td>
<td>2 Jul 1844</td>
<td>113</td>
<td>25</td>
<td>235</td>
<td>5</td>
<td>230</td>
<td>2+</td>
</tr>
<tr>
<td>Garland Grove</td>
<td>20 Jan 1843</td>
<td>186</td>
<td>64</td>
<td>373</td>
<td>9</td>
<td>364</td>
<td>2+</td>
</tr>
<tr>
<td>Tasmania</td>
<td>20 Dec 1844</td>
<td>190</td>
<td>70</td>
<td>293</td>
<td>6</td>
<td>287</td>
<td>2+</td>
</tr>
<tr>
<td>Mexborough</td>
<td>26 Dec 1841</td>
<td>143</td>
<td>32</td>
<td>373</td>
<td>9</td>
<td>364</td>
<td>2+</td>
</tr>
<tr>
<td>Phoebe</td>
<td>2 Jan 1845</td>
<td>127</td>
<td>39</td>
<td>240</td>
<td>8</td>
<td>232</td>
<td>1+</td>
</tr>
<tr>
<td>Garland Grove</td>
<td>10 Oct 1841</td>
<td>178</td>
<td>40</td>
<td>436</td>
<td>6</td>
<td>430</td>
<td>2+</td>
</tr>
<tr>
<td>Tory</td>
<td>19 Aug 1841</td>
<td>178</td>
<td>57</td>
<td>283</td>
<td>7</td>
<td>276</td>
<td>1+</td>
</tr>
<tr>
<td>Rajah</td>
<td>20 Jul 1841</td>
<td>178</td>
<td>57</td>
<td>344</td>
<td>4</td>
<td>340</td>
<td>1+</td>
</tr>
<tr>
<td>Lloyd's</td>
<td>7 Nov 1845</td>
<td>169</td>
<td>56</td>
<td>234</td>
<td>6</td>
<td>228</td>
<td>1+</td>
</tr>
<tr>
<td>Hope</td>
<td>17 Aug 1842</td>
<td>136</td>
<td>44</td>
<td>212</td>
<td>3</td>
<td>209</td>
<td>1+</td>
</tr>
<tr>
<td>Tasmania</td>
<td>3 Dec 1845</td>
<td>135</td>
<td>57</td>
<td>141</td>
<td>4</td>
<td>137</td>
<td>1+</td>
</tr>
</tbody>
</table>

The women who arrived by the first ship in each pair were assigned to private individuals immediately on their arrival in the colony.

The women who arrived by the second ship in each pair were not allowed to enter service until they had undergone a probation of six months on board H.M. Ship 'Anson'.

Adaptation of table in Convict Discipline,
P.P. No. 1022, 1849, loc. cit., p. 165.
Appendix No. 15.

COMPARATIVE STATEMENT OF DISTRIBUTION OF CONVICTS IN VAN DIEMEN'S LAND.

1 September 1843 29 June 1844

<table>
<thead>
<tr>
<th>Category</th>
<th>1 September 1843</th>
<th>29 June 1844</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Old Convicts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Pre-probation rules)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House of Correction, Hobart</td>
<td>838</td>
<td>538</td>
</tr>
<tr>
<td>House of Correction, Launceston</td>
<td>204</td>
<td>198</td>
</tr>
<tr>
<td>Hiring Depot, Brickfields</td>
<td>14</td>
<td>157</td>
</tr>
<tr>
<td>Gaols</td>
<td>79</td>
<td>66</td>
</tr>
<tr>
<td>Dynnyrne Nursery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married Women</td>
<td>648</td>
<td>843</td>
</tr>
<tr>
<td>In Assigned Service</td>
<td>1,078</td>
<td>663</td>
</tr>
<tr>
<td>Holding Tickets-of-Leave</td>
<td>680</td>
<td>809</td>
</tr>
<tr>
<td>At Large</td>
<td></td>
<td>83</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,541</td>
<td>3,422</td>
</tr>
<tr>
<td><strong>Probationary Convicts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liverpool Street Factory</td>
<td>112</td>
<td>362</td>
</tr>
<tr>
<td>Anson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House of Correction, Hobart</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Hospital, Hobart</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Hospital, New Norfolk</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>In Service on Wages</td>
<td></td>
<td>110</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>152</td>
<td>472</td>
</tr>
<tr>
<td><strong>Total Women Under Government Control</strong></td>
<td>1,287</td>
<td>1,386</td>
</tr>
<tr>
<td><strong>Total on Own Hands or in Service</strong></td>
<td>2,406</td>
<td>2,508</td>
</tr>
<tr>
<td><strong>Total in Colony</strong></td>
<td>3,693</td>
<td>3,894</td>
</tr>
</tbody>
</table>

Compiled from Reports of the Comptroller-General of Convicts, in Correspondence on Convict Discipline, Parliamentary Papers, 1843-45.
NUMERICAL RETURN OF FEMALE PASSHOLDERS WHOSE PERIOD OF PRIMARY PROBATION ON BOARD THE "ANSON" EXPIRED
PREVIOUS TO 30 JUNE 1846, SHOWING THEIR DISPOSAL THAT DAY.

<table>
<thead>
<tr>
<th>Number Classed Discharged to Service</th>
<th>Number Who Discharged to Service</th>
<th>Number Who Have Not Obtained Service</th>
<th>Number Who Have Been Returned From Service &amp; Wait to Be Hired Again</th>
<th>Number in Hospital &amp; Private Service</th>
<th>Number in Hospital Nursery</th>
<th>Number in Private Service Under Magisterial Sentence</th>
<th>Number at Present Under Sentence</th>
<th>Number Dead Absconded</th>
<th>Conditional Pardon</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,375</td>
<td>1,180</td>
<td>185</td>
<td>99</td>
<td>11</td>
<td>41</td>
<td>815</td>
<td>352</td>
<td>160</td>
<td>47</td>
</tr>
</tbody>
</table>

Number Under Punishment 207
Number in Service 815
Number Available for Service 295
Number Completing Further Period of Probation (Residue of those Received Under Magisterial Sentence.) 58

1,375

Compiled from Reports of the Comptroller-General of Convicts, in Correspondence on Convict Discipline, Parliamentary Papers - 1846.
## RETURN OF THE NUMBER OF FEMALE CONVICTS TRIED SUMMARILY AND COMMITTED FOR TRIAL AT SUPREME COURT OR QUARTER SESSIONS.

### 1845

<table>
<thead>
<tr>
<th>ESTABLISHMENTS</th>
<th>Number brought before Magistrate</th>
<th>Of Whom were Committed for Trial at Supreme Court or Quarter Sessions</th>
<th>Tried Summarily</th>
<th>Of Whom Convicted</th>
<th>Nature of Offence for Which Tried Summarily</th>
<th>Breaches of Discipline</th>
<th>Average Number of Females at Station During Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anson</td>
<td>23</td>
<td>23</td>
<td>23</td>
<td>23</td>
<td>23</td>
<td></td>
<td>453</td>
</tr>
<tr>
<td>Brickfields</td>
<td>49</td>
<td>49</td>
<td>49</td>
<td>2</td>
<td>47</td>
<td></td>
<td>192</td>
</tr>
<tr>
<td>Female House of Correction, Cascades</td>
<td>61</td>
<td>61</td>
<td>61</td>
<td>2</td>
<td>59</td>
<td></td>
<td>346</td>
</tr>
<tr>
<td>Launceston</td>
<td>293</td>
<td>293</td>
<td>293</td>
<td>1</td>
<td>292</td>
<td></td>
<td>125</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>426</strong></td>
<td><strong>426</strong></td>
<td><strong>426</strong></td>
<td><strong>5</strong></td>
<td><strong>421</strong></td>
<td></td>
<td>1,116</td>
</tr>
</tbody>
</table>

**Half Year to 30 June 1846.**

<table>
<thead>
<tr>
<th>ESTABLISHMENTS</th>
<th>Number brought before Magistrate</th>
<th>Of Whom were Committed for Trial at Supreme Court or Quarter Sessions</th>
<th>Tried Summarily</th>
<th>Of Whom Convicted</th>
<th>Nature of Offence for Which Tried Summarily</th>
<th>Breaches of Discipline</th>
<th>Average Number of Females at Station During Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anson</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>3</td>
<td>12</td>
<td></td>
<td>365</td>
</tr>
<tr>
<td>Brickfields</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>1</td>
<td>41</td>
<td></td>
<td>105</td>
</tr>
<tr>
<td>Female House of Correction, Cascades</td>
<td>26</td>
<td>26</td>
<td>26</td>
<td>1</td>
<td>25</td>
<td></td>
<td>422</td>
</tr>
<tr>
<td>Launceston</td>
<td>172</td>
<td>172</td>
<td>172</td>
<td>3</td>
<td>169</td>
<td></td>
<td>126</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>255</strong></td>
<td><strong>255</strong></td>
<td><strong>255</strong></td>
<td><strong>8</strong></td>
<td><strong>247</strong></td>
<td></td>
<td>1,018</td>
</tr>
</tbody>
</table>

**TOTAL FOR PERIOD.**

|                | 681                              | 681                                                                   | 681            | 13                | 668                                        |                         | 668                                           |

### DISTRIBUTION OF FEMALE CONVICTS IN VAN DIEMEN'S LAND.

<table>
<thead>
<tr>
<th>Date</th>
<th>1847</th>
<th>1848</th>
<th>1849</th>
<th>1850</th>
<th>1851</th>
<th>1852</th>
<th>1853</th>
<th>1854</th>
<th>1855</th>
<th>1856</th>
<th>1857</th>
<th>1858</th>
<th>1859</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>TICKET-OF-LEAVE HOLDERS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earning Own Livelihood</td>
<td>1,847</td>
<td>1,593</td>
<td>1,222</td>
<td>1,108</td>
<td>986</td>
<td>990</td>
<td>1,163</td>
<td>1,247</td>
<td>1,421</td>
<td>1,605</td>
<td>1,655</td>
<td>1,848</td>
<td>1,696</td>
<td>1,618</td>
</tr>
<tr>
<td>Maintained by Government</td>
<td>105</td>
<td>59</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* At Depot Awaiting Hire</td>
<td>51</td>
<td>34</td>
<td>21</td>
<td>28</td>
<td>26</td>
<td>23</td>
<td>51</td>
<td>67</td>
<td>47</td>
<td>57</td>
<td>59</td>
<td>65</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* Under Sentence</td>
<td>7</td>
<td>5</td>
<td>9</td>
<td>8</td>
<td>16</td>
<td>10</td>
<td>6</td>
<td>9</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* In Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,952</td>
<td>1,652</td>
<td>1,280</td>
<td>1,147</td>
<td>1,016</td>
<td>1,026</td>
<td>1,206</td>
<td>1,280</td>
<td>1,485</td>
<td>1,678</td>
<td>1,711</td>
<td>1,910</td>
<td>1,765</td>
<td>1,708</td>
</tr>
</tbody>
</table>

### PASSHOLDERS:

<table>
<thead>
<tr>
<th>Date</th>
<th>1847</th>
<th>1848</th>
<th>1849</th>
<th>1850</th>
<th>1851</th>
<th>1852</th>
<th>1853</th>
<th>1854</th>
<th>1855</th>
<th>1856</th>
<th>1857</th>
<th>1858</th>
<th>1859</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Private Service</td>
<td>1,497</td>
<td>1,612</td>
<td>1,535</td>
<td>1,389</td>
<td>1,525</td>
<td>1,664</td>
<td>1,671</td>
<td>1,700</td>
<td>1,736</td>
<td>1,724</td>
<td>1,592</td>
<td>1,555</td>
<td>1,750</td>
<td>1,494</td>
</tr>
<tr>
<td>Maintained by Government</td>
<td>133</td>
<td>165</td>
<td>106</td>
<td>197</td>
<td>416*</td>
<td>292</td>
<td>556</td>
<td>627</td>
<td>624</td>
<td>451</td>
<td>168</td>
<td>12</td>
<td>57</td>
<td>11</td>
</tr>
<tr>
<td>* At Depot Awaiting Hire</td>
<td>546</td>
<td>543</td>
<td>647</td>
<td>632</td>
<td>540</td>
<td>627</td>
<td>689</td>
<td>660</td>
<td>458</td>
<td>412</td>
<td>596</td>
<td>730</td>
<td>661</td>
<td>736</td>
</tr>
<tr>
<td>* Under Sentence</td>
<td>57</td>
<td>61</td>
<td>66</td>
<td>101</td>
<td>85</td>
<td>80</td>
<td>110</td>
<td>93</td>
<td>149</td>
<td>126</td>
<td>138</td>
<td>98</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* In Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>2,176</td>
<td>2,320</td>
<td>2,347</td>
<td>2,279</td>
<td>2,547</td>
<td>2,684</td>
<td>1,001</td>
<td>3,067</td>
<td>2,928</td>
<td>2,680</td>
<td>2,505</td>
<td>2,423</td>
<td>2,696</td>
<td>2,339</td>
</tr>
</tbody>
</table>

### HOLDING NO INDULGENCE:

<table>
<thead>
<tr>
<th>Date</th>
<th>1847</th>
<th>1848</th>
<th>1849</th>
<th>1850</th>
<th>1851</th>
<th>1852</th>
<th>1853</th>
<th>1854</th>
<th>1855</th>
<th>1856</th>
<th>1857</th>
<th>1858</th>
<th>1859</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under Probation</td>
<td>314</td>
<td>297</td>
<td>249</td>
<td>478</td>
<td>191</td>
<td>308</td>
<td>33</td>
<td>18</td>
<td>123</td>
<td>133</td>
<td>137</td>
<td>100</td>
<td>146</td>
<td>123</td>
</tr>
<tr>
<td>In Gaols</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Hospital</td>
<td>102</td>
<td>114</td>
<td>58</td>
<td>61</td>
<td>65</td>
<td>77</td>
<td>67</td>
<td>56</td>
<td>56</td>
<td>64</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>416</td>
<td>414</td>
<td>309</td>
<td>539</td>
<td>256</td>
<td>380</td>
<td>101</td>
<td>74</td>
<td>179</td>
<td>197</td>
<td>127</td>
<td>100</td>
<td>146</td>
<td>123</td>
</tr>
</tbody>
</table>

### TOTAL NUMBER OF FEMALE CONVICTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>1847</th>
<th>1848</th>
<th>1849</th>
<th>1850</th>
<th>1851</th>
<th>1852</th>
<th>1853</th>
<th>1854</th>
<th>1855</th>
<th>1856</th>
<th>1857</th>
<th>1858</th>
<th>1859</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Apr</td>
<td>4,544</td>
<td>4,386</td>
<td>3,936</td>
<td>3,965</td>
<td>3,819</td>
<td>4,090</td>
<td>4,308</td>
<td>4,421</td>
<td>4,592</td>
<td>4,555</td>
<td>4,343</td>
<td>4,433</td>
<td>4,517</td>
<td>4,170</td>
</tr>
</tbody>
</table>

*Increase due to changes from breaking up "Anson" establishment.

**N.B.** Dates vary from actual date of counting to date of Comptroller-General's Reports, but figures represent intervals of 6 months.

Compiled from Reports of the Comptroller-General of Convicts, in Correspondence on Convict Discipline, Parliamentary Papers 1849-1854, see Bibliography.
COMPARISON OF FEMALE CONVICTS UNDER PUNISHMENT IN THE FEMALE FACTORIES WITH THOSE NOT UNDER PUNISHMENT - VAN DIEMEN'S LAND 1847 - 1853, FROM REPORT OF COMPTROLLER-GENERAL OF CONVICTS.

Number of Women:

30/4/47  31/10/47  31/5/48  31/12/48  30/1/49  30/7/49  31/12/49  10/7/50  31/12/50  5/8/51  7/2/52  7/7/53  31/5/53

Total number of Convict Women.

Total number of women NOT under Punishment.

Total Number of Women UNDER Punishment.
Appendix No. 19.

CONVICT MARriages IN Van Diemen's Land.

<table>
<thead>
<tr>
<th>6 Months to</th>
<th>Free Men</th>
<th>Male Ticket-of-Leave Holders</th>
<th>Male Passholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>30/6/49</td>
<td>85</td>
<td>110</td>
<td>7</td>
</tr>
<tr>
<td>31/12/49</td>
<td>112</td>
<td>131</td>
<td>14</td>
</tr>
<tr>
<td>30/6/50</td>
<td>107</td>
<td>156</td>
<td>17</td>
</tr>
<tr>
<td>31/12/50</td>
<td>100</td>
<td>134</td>
<td>17</td>
</tr>
<tr>
<td>30/6/51</td>
<td>112</td>
<td>128</td>
<td>8</td>
</tr>
<tr>
<td>31/12/51</td>
<td>133</td>
<td>152</td>
<td>13</td>
</tr>
<tr>
<td>30/6/52</td>
<td>144</td>
<td>161</td>
<td>11</td>
</tr>
<tr>
<td>1/1/53 to</td>
<td>267</td>
<td>257</td>
<td>44</td>
</tr>
<tr>
<td>31/12/53</td>
<td>132</td>
<td>97</td>
<td>19</td>
</tr>
</tbody>
</table>

Compiled from Reports of the Comptroller-General of Convicts, in Correspondence on Convict Discipline, Parliamentary Papers 1849 - 1854, see Bibliography.
### LITERACY OF FEMALE CONVICTS IN VAN DIEMEN'S LAND

<table>
<thead>
<tr>
<th>Year</th>
<th>Read</th>
<th>Write</th>
<th>Cipher</th>
</tr>
</thead>
<tbody>
<tr>
<td>1844</td>
<td>1,004</td>
<td>1,118</td>
<td>901</td>
</tr>
<tr>
<td>1845</td>
<td>815</td>
<td>884</td>
<td>1,144</td>
</tr>
<tr>
<td>1846</td>
<td>918</td>
<td>948</td>
<td>780</td>
</tr>
<tr>
<td>1847</td>
<td>1,070</td>
<td>1,374</td>
<td>1,106</td>
</tr>
<tr>
<td>1848</td>
<td>932</td>
<td>991</td>
<td>817</td>
</tr>
<tr>
<td>1849</td>
<td>948</td>
<td>891</td>
<td>627</td>
</tr>
<tr>
<td>1850</td>
<td>828</td>
<td>916</td>
<td>1,101</td>
</tr>
<tr>
<td>1851</td>
<td>903</td>
<td>988</td>
<td>640</td>
</tr>
</tbody>
</table>

**Of whom can:**
- **Read:**
  - 1864: 482
  - 1865: 486
  - 1866: 425
  - 1867: 285
  - 1868: 331
  - 1869: 404
  - 1870: 469
  - 1871: 554
  - 1872: 552
  - 1873: 277
  - 1874: 378

- **Write:**
  - 1864: 223
  - 1865: 370
  - 1866: 309
  - 1867: 149
  - 1868: 155
  - 1869: 288
  - 1870: 303
  - 1871: 212
  - 1872: 329
  - 1873: 378

- **Cipher:**
  - 1864: 102
  - 1865: 285
  - 1866: 169
  - 1867: 37
  - 1868: 44
  - 1869: 27
  - 1870: 67
  - 1871: 70
  - 1872: 36
  - 1873: 43

**Of whom have learned, since arrival in the Colony:**
- **Read:**
  - 1864: 231
  - 1865: 131
  - 1866: 89
  - 1867: 85
  - 1868: 97
  - 1869: 85
  - 1870: 80
  - 1871: 97
  - 1872: 65
  - 1873: 88

- **Write:**
  - 1864: 74
  - 1865: 150
  - 1866: 110
  - 1867: 84
  - 1868: 69
  - 1869: 78
  - 1870: 74
  - 1871: 99
  - 1872: 56
  - 1873: 52

- **Cipher:**
  - 1864: 60
  - 1865: 60
  - 1866: 67
  - 1867: 29
  - 1868: 31
  - 1869: 47
  - 1870: 44
  - 1871: 23
  - 1872: 23
  - 1873: 39

**Numbers who have learned during the last Six Months:**
- **Read:**
  - 1864: 139
  - 1865: 81
  - 1866: 67
  - 1867: 55
  - 1868: 55
  - 1869: 41
  - 1870: 44
  - 1871: 32
  - 1872: 25
  - 1873: 54

- **Write:**
  - 1864: 50
  - 1865: 135
  - 1866: 76
  - 1867: 69
  - 1868: 46
  - 1869: 59
  - 1870: 36
  - 1871: 47
  - 1872: 22
  - 1873: 36

- **Cipher:**
  - 1864: 28
  - 1865: 19
  - 1866: 34
  - 1867: 60
  - 1868: 43
  - 1869: 44
  - 1870: 22
  - 1871: 36
  - 1872: 57
  - 1873: 44

**Numbers who can repeat the Lord's Prayer:**
- 1864: 828
- 1865: 1,116
- 1866: 901
- 1867: 831
- 1868: 884
- 1869: 1,144
- 1870: 918
- 1871: 947
- 1872: 780
- 1873: 1,070
- 1874: 916
- 1875: 1,101
- 1876: 903

**TOTAL NUMBER ATTENDING SCHOOL IN FEMALE ESTABLISHMENTS:**
- 1864: 439
- 1865: 825
- 1866: 752
- 1867: 625
- 1868: 518
- 1869: 829
- 1870: 810
- 1871: 777
- 1872: 619
- 1873: 536
- 1874: 537
- 1875: 897
- 1876: 673
- 1877: 640

Compiled from Reports of the Controller-General of Convicts, in Correspondence on Convict Discipline, Parliamentary Papers -1844-1852.
BIBLIOGRAPHY

A. PRIMARY SOURCES

1. Manuscript Sources

(a) Official Documents

Archives of Tasmania, Hobart

Bourke, James Lester, Mss account of 'The Adventures of Martin Cash'.

Diary for 1842 of Keziah Elizabeth Hayter, N.S. 202.

Colonial Secretary's Office - Official Correspondence, 1820 to 1846, Series 1, 5, 20 and 22.

Colonial Secretary's Office - Series 50, 'Blue Books' for 1825 to 1840.

Archives of New South Wales, Sydney

Colonial Secretary, In-Letters (C.S.I.L.)

a) Letters received, 1810 to 1848.

b) Minutes and Memoranda, 1826 to 1836.

c) Special Bundles, 1822 to 1848. These include documents and correspondence not included in the main series, and which have particular relevance for the female factories, female convicts, marriages of convicts, and related topics, including correspondence with the penal stations at Newcastle, Bathurst, Port Macquarie and Moreton Bay.

Colonial Secretary, Out-Letters (C.S.O.L.)

a) Series 4/3510 to 4/3520 - letters sent within the colony, 1823 to 1827.

b) Series 4/3716 to 4/3727 - letters sent to Establishments, 1826 to 1848.

c) Series 4/3794 to 4/3797 - letters sent to Moreton Bay, 1824 to 1853.

d) Series 4/3864 to 4/3866 - letters sent to Port Macquarie, 1822 to 1834.

e) Series 4/3897 to 4/3898 - letters sent to Newcastle, 1831 to 1832.

Mitchell Library, Sydney

M.L. Tasmanian Papers

Volumes Number 17, 39, 40, 51, 56 to 117, inclusive, and 149, Correspondence for Convict Department and Office of the Comptroller-General of Convicts, 1843 to 1870.
Public Record Office, Colonial Office Microfilm

Correspondence files, 201/281, 202/38 and 202/39, 1837 to 1839.

(b) Miscellaneous Manuscripts

Aberdeen Papers

British Museum Additional Ms 43358, 1852.

Anderson Papers

Mitchell Library Ms A 821, 1847.

Backhouse Papers


Journal to Australia, Volume 1, 1831 to 1832, Mss 61/1.
Letter Book No. 1, 1831 to 1835, Ms 548.
Letter Book No. 2, 1835 to 1867, Ms 57.
Manuscript Letters, 1831 to 1857, Case 19.

Baptisms and Marriages Register, Parramatta, Wesleyan, 1826 to 1844.

National Library of Australia.

Bayly, George, 'Journal of Voyages to Various parts of the World written by Geo Bayly for the amusement of such of his friends as feel themselves disposed to read it'. Copy in departmental library, Department of Pacific History, Institute of Advanced Studies, Australian National Library, of original manuscript in Hocken Library, University of Otago, New Zealand.

Bonwick Transcripts of the Appendix to the Bigge Report.

Mitchell Library, B.T. Boxes 1, 5, 7, 8, 19, 20, 23, 25, 26, 27, 28 and 36.

Bourke Papers

Mitchell Library Ms 1064, 13 August 1836 and M.L. Uncat Mss Set 403, Item 7, 16 August 1838.

Bowden Papers

Goodwood Estate Mss, Chichester, England.

'Report of Dr. Bowden to Lt. Governor re 'Anson' in October 1846.'

Mrs. P. Bowden, 'Report of Voyage to Van Diemen's Land with Female Convicts, "The Anson" Probationary Institution and The Other Female Convict Establishments in the Colony with Observations, &c.', December 1848.

Brisbane Papers


Davis, M.M. Gertrude, 'Annals of the Australian Branch of the Irish Sisters of Charity.' Typescript copy held by the library of the Mother House of the Sisters of Charity, Potts Point, New South Wales.
Emu Plains Agricultural Establishment Inquiry, 1822-23
Mitchell Library, original Ms 1826-1827, A 2009.

'Extract from the 1st Class Book of Women received into the Factory
having serious charges against them from the 1st of July to the
31st December 1827 inclusive.'
Dixson Library, Sydney, Ms Add 64.

Franklin Papers
Scott Polar Research Institute, Lefroy Bequest 1941, Mss 248/362/1,
17 February 1843 and 248/396/2, 30 January 1839.

Fry Papers
Original Correspondence, English.
Volume of Letters from Prominent Persons.
Correspondence, Temp. Box 9.
Manuscript Diaries, Mss S 264 and S 266.

Fulloon J., 'Letter from J. Fulloom, Secretary of the Female Factory,
Parramatta, to William Bowman re purchase of flax from him.
18 February 1825.'
Mitchell Library, Document 375.

Gladstone Papers
British Museum Additional Ms 44735, 1846.

Government Orders, New South Wales, 16 January 1819 to 22 December
1819.
Mitchell Library, Ms A 339.

Greenway Family Papers, 1817 to 1903.
Mitchell Library, Ms A 1451.

Hadden Papers, 'Hadden', a typescript history of Jane Hadden, compiled
by her descendants; a copy held by her descendant, H.G. Cummins,
Department of Pacific History, Institute of Advanced Studies,
Australian National University.

Hammersley, G.H., Miscellaneous Ms, 1820 to 1894, including, 'A Few
Observations on the Situation of the Female Convicts in New South
Wales.'
Mitchell Library, Ms 657.

Harris Papers
Mitchell Library, Ms A 1597.

Launceston Association for Promoting Cessation of Transportation to
Mitchell Library, Ms Al 41.
Leach, Mrs. J., 'Letter from the Secretary of Sir George Gipps, Government House, Sydney, 9 May 1838, requesting her resignation as Matron of the Female Factory at Parramatta.'

Mitchell Library, Document 672.

Macarthur Papers


Magistrates' Records, 12 May 1821 to 7 March 1822.

Mss held by the Parramatta Historical Society, Hambledon Cottage, Parramatta.

Macquarie Papers

Mitchell Library
Memoranda and related papers, 1808-1823, CY A 772.
Diary, 9 July 1818 to 28 February 1820, A 774.
Letter Book - Despatches 1816-18, A 3250.

Marsden Papers


Marsden, Samuel Edward, Papers
National Library of Australia, mf 382.

New South Wales Bench of Magistrates, 'Letters from N.S.W. Colonial Secretary to Bench of Magistrates.'

Mitchell Library, A 664.

Palma, William, 'Remarks suggested by a Visit to the Female Factory, situated at Parramatta, in New South Wales, on Friday, December 30th 1836.'

Staffordshire Record Office, D 661/18/11.

Parry, Sir, W.E., 'Holograph Letter to Mrs. Fry, dated 26 November 1836.'


Peel Papers

British Museum Ms 40355, 1823; 40331, 1825; 40377, 1825.

Piper Papers

Mitchell Library, CY A 256, p. 753.

'Plans of Cells Recently Erected at the Female Factory at Parramatta.'

Mitchell Library, Ms Q 365 G.

'The Remarkable, Affecting and Interesting Life, and Dreadful Sufferings of the poor unhappy Elizabeth Watson, the Daughter of a Wealthy Merchant near Picadilly, who was Seduced by a Gentleman, etc.'

National Library of Australia, Ms 1061.
Richardson Papers


Miscellaneous Letters (Manuscript), including letter from George W. Walker to George Richardson dated Sydney, 6 June 1836, Box R 4/5.

'Rules for the Government of the Female Factory founded on Act 4th Geo 4 Cap 64 for consolidating and amending the Laws and Regulations of Prisons and Other Statutes relating thereto. 28 February 1839.'

Dixson Library, Ms Add 70.

Stiles Papers

Mitchell Library, A 269, 1832-56.

Transcripts of Missing Despatches, 1823-1846

Mitchell Library, A 1267, to A 1267-8, 1824-1846.

Wentworth, D'Arcy, 'Police Reports and Accounts, 1810-1827.'

Mitchell Library, Ms D1.

2. Parliamentary Papers, House of Commons

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Paper</th>
<th>Short Title, volume and page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1792</td>
<td></td>
<td>Accounts and Papers relating to Convicts on board the Hulks, and those transported to New South Wales.</td>
</tr>
<tr>
<td>1798</td>
<td></td>
<td>Select Committee on Finance, reprinted P.P. 1810, (348) Volume iv, p. 375.</td>
</tr>
<tr>
<td>1810-11</td>
<td>199</td>
<td>Select Committee on Penitentiary Houses, Vol. iii, p. 569.</td>
</tr>
<tr>
<td>1810-11</td>
<td>217</td>
<td>Select Committee on Penitentiary Houses, Vol. iii, p. 691.</td>
</tr>
<tr>
<td>1812</td>
<td>97</td>
<td>Return of Persons Transported to New South Wales, Vol. x, p. 237.</td>
</tr>
<tr>
<td>1812</td>
<td>341</td>
<td>Select Committee on Transportation, Vol. ii, p. 573.</td>
</tr>
<tr>
<td>Year</td>
<td>Number or Paper</td>
<td>Short Title, volume and page</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>1820</td>
<td>79</td>
<td>A Bill to Repeal so much of the Several Acts ... as inflicts capital Punishments on Certain Offences, Vol. i, p. 55.</td>
</tr>
<tr>
<td>1820</td>
<td>217</td>
<td>A Bill to Repeal an Act ... intituled, &quot;An Act to abolish the Punishment of public Whipping on Female Offenders,&quot; and to make further Provisions in lieu thereof, Vol. i, p. 77.</td>
</tr>
<tr>
<td>1822</td>
<td>136</td>
<td>Account of Convicts Sent from the United Kingdom, Vol. xxii, p. 335.</td>
</tr>
<tr>
<td>1823</td>
<td>387</td>
<td>A Bill for Authorising the Employment at Labour, in the Colonies, of Male Convicts under sentence of Transportation, Vol. i, p. 165.</td>
</tr>
<tr>
<td>1823</td>
<td>532</td>
<td>Copy of Instructions given to Mr. Bigge on Proceeding to New South Wales, Vol. xiv, p. 627.</td>
</tr>
<tr>
<td>1824</td>
<td>326</td>
<td>A Bill for the Transportation of Offenders from Great Britain, Vol. iii, p. 145.</td>
</tr>
<tr>
<td>1827</td>
<td>534</td>
<td>Select Committee on the Increase of Criminal Commitments and Convictions, Vol. vi, p. 5.</td>
</tr>
<tr>
<td>Year</td>
<td>Number of Paper</td>
<td>Short Title, volume and page</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>1830</td>
<td>512</td>
<td>A Bill to amend an Act for the Transportation of Offenders from Great Britain, Vol. i, p. 485.</td>
</tr>
<tr>
<td>1830</td>
<td>585</td>
<td>Return of Convicts, New South Wales Vol. xxiii, p. 27.</td>
</tr>
<tr>
<td>1830</td>
<td>600</td>
<td>Return of Convicts, New South Wales and Van Diemen's Land, Vol. xxiii, p. 17.</td>
</tr>
<tr>
<td>1830-31</td>
<td>64</td>
<td>Reports of Commissioners on Revenues in the Colonies and Foreign Possessions, Vol. iv, p. 1.</td>
</tr>
<tr>
<td>1830-31</td>
<td>242</td>
<td>Copies of Laws and Ordinances Passed by the Governor and Council of the Colony of Van Diemen's Land 1826-1830, Vol. ix, p. 351.</td>
</tr>
<tr>
<td>1831</td>
<td>276</td>
<td>Select Committee on Secondary Punishments, Vol. vii, p. 519.</td>
</tr>
<tr>
<td>1831-32</td>
<td>161</td>
<td>Return of Convicts in New South Wales, including the Number of Intimations for Female Convicts as Servants, Vol. xxxii, p. 279.</td>
</tr>
<tr>
<td>1834</td>
<td>82</td>
<td>Secondary Punishment (Australia), Vol. xlvii, p. 121.</td>
</tr>
<tr>
<td>1837-38</td>
<td>309</td>
<td>Convict Discipline (Van Diemen's Land) Vol. xlii, p. 15.</td>
</tr>
<tr>
<td>1837-38</td>
<td>669</td>
<td>Draft Reports of the Select Committee on Transportation, dated 16 July 1838 and 31 July 1838, Ferguson Catalogue, F. 2501a, National Library of Australia.</td>
</tr>
<tr>
<td>1837-38</td>
<td></td>
<td>Papers and Digest of evidence prepared by the Chairman of the Select Committee on Transportation, dated 5 February 1838, F. 2501b; 10 January 1838, F. 2501c; 10 January 1838, F. 2501d; 31 May 1838, F. 2501e; 7 June 1838, F. 2501f; 31 May 1838, F. 2501g; National Library of Australia.</td>
</tr>
<tr>
<td>1839</td>
<td>76</td>
<td>Transportation and the Assignment of Convicts, Vol. xxxiv, p. 551.</td>
</tr>
<tr>
<td>Year</td>
<td>Number of Paper</td>
<td>Short Title, volume and page</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>1839</td>
<td>524</td>
<td>Transportation and the Assignment of Convicts, Vol. xxxiv, p. 559.</td>
</tr>
<tr>
<td>1840</td>
<td>211</td>
<td>Copy of a Letter Addressed to the Secretary of State for the Colonial Department by Edward Macarthur, Esq. transmitting Petition from New South Wales, Vol. xxxiii, p. 381.</td>
</tr>
<tr>
<td>1840</td>
<td>352</td>
<td>Transportation of Convicts, Vol. xxxviii, p. 539.</td>
</tr>
<tr>
<td>1843</td>
<td>17</td>
<td>A Bill to Amend the Law Affecting Transported Convicts, with Respect to Pardons and Tickets of Leave, Vol. iv, p. 489.</td>
</tr>
<tr>
<td>1845</td>
<td>659</td>
<td>Convict Discipline, Correspondence, Vol. xxxvii, p. 329.</td>
</tr>
<tr>
<td>1846</td>
<td>36</td>
<td>Convict Discipline, Correspondence, Vol. xxix, p. 291.</td>
</tr>
<tr>
<td>1846</td>
<td>169</td>
<td>Two Letters from C. McLachlan, Esq., on the subject of Transportation to Van Diemen's Land, Vol. xxix, p. 453.</td>
</tr>
<tr>
<td>1846</td>
<td>316</td>
<td>Bill for Abolishing the Office of Superintendent of Convicts under Sentence of Transportation, Vol. iv, p. 399.</td>
</tr>
<tr>
<td>1846</td>
<td>402</td>
<td>Convict Discipline, Correspondence, Vol. xxix, p. 363.</td>
</tr>
<tr>
<td>1847</td>
<td>256</td>
<td>Circular Letter relative to the Confinement of Convicts after Sentence, and the Replies Received thereunto, Vol. xlviii, p. 5.</td>
</tr>
<tr>
<td>1847</td>
<td>741</td>
<td>Copy of a Communication on Transportation by the Lord Bishop of Tasmania, Vol. xxxviii, p. 539.</td>
</tr>
<tr>
<td>Year</td>
<td>Number of Paper</td>
<td>Short Title, volume and page</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>1850</td>
<td>40</td>
<td>Transportation and Convict Discipline, Vol. xlv, p. 397.</td>
</tr>
<tr>
<td>1851</td>
<td>681</td>
<td>Remarks of the Number of Convicts that have arrived in Van Diemen's Land since July 1850, etc., Vol. xlvi, p. 1.</td>
</tr>
<tr>
<td>1851</td>
<td>684</td>
<td>Convicts and Emigration (Van Diemen's Land), Vol. xlvi, p. 13.</td>
</tr>
<tr>
<td>Year</td>
<td>Number of Paper</td>
<td>Short Title, volume and page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>1856</td>
<td>146</td>
<td>Tasmania. Correspondence on an Inquiry into the Working of the Convict Department, and the Prorogation of the Legislature whilst that Inquiry was in Progress. Vol. xliv, p. 395.</td>
</tr>
<tr>
<td>1856</td>
<td>244</td>
<td>First Report from the Select Committee on Transportation, Vol. xvii, p. 1.</td>
</tr>
</tbody>
</table>

3. Other Official Papers

The Acts and Ordinances of the Governor and Council of New South Wales, 1824 to 1848.
The Acts of the Governor and Council of Van Diemen's Land, 1826 to 1848.

Census of the Island of Tasmania, 31 March 1857.

Circular to Justices, Colonial Secretary's Office, Sydney, 24 September 1832.

Historical Records of Australia, Series 1, 3 and 4.

Historical Records of New South Wales.

The Names and Descriptions of All Male and Female Convicts Arrived in the Colony of New South Wales during the years 1830 to 1839. (Separate volume for each year.)

New South Wales Colonial Secretary - Statistical Information 1828.

New South Wales. Minutes of Evidence Taken Before the Committee on Police, 16 June 1835, with Appendix dated 24 June 1835.

New South Wales. Minutes of Further Evidence Taken Before the Committee on Police and Gaols, 23 July 1835.


Orders, Notices and Proclamations by Lt. Governor Sorrell, from 9 April 1817.

Papers of the Legislative Council of Van Diemen's Land, for 1842 to 1850.


Proclamations, Government Orders, and Notices, for Van Diemen's Land, 1824 to 1843.

Rules and Regulations for the Management of the Female Convicts in the New Factory at Parramatta, 31 January 1821.

Statistical Account of Tasmania from 1804 to 1823, Hobart, 3 December 1856.

Statistical Returns of Van Diemen's Land from 1824 to 1839, compiled from Official Records in the Colonial Secretary's Office, Hobart 1839.

Statistics for Van Diemen's Land compiled from Official Records in the Colonial Secretary's Office, 1842 to 1849.

The Tasmanian Almanack, Hobart, for 1825 to 1830.

Votes and Proceedings of the Legislative Council of Van Diemen's Land, 1837 to 1845.
4. **Newspapers**

The Alfred
The Atlas
The Australian
The Blossom
Colonial Advocate and Tasmanian Monthly Review and Register
Colonial Observer
Colonial Times
The Colonist, and Van Diemen's Land Commercial and Agricultural Advertiser
The Colonist
Cumberland Argus and Fruitgrowers Advocate
Edinburgh Review
The Gleaner
The Guardian
The Hobart Town Courier
The Hobart Town Gazette
Howe's Weekly Commercial Express
The Irish Exile and Freedom's Advocate
The Launceston Courier
Monthly Chronicle
New South Wales Government Gazette
The New South Wales Magazine
Parramatta Messenger and Cumberland Express
The Sydney Gazette and New South Wales Advertiser
The Sydney Herald
The Sydney Monitor
The True Colonist

5. **Contemporary books and pamphlets, including recent collections of contemporary documents**

*Adshhead, J.*

Our Present Gaol System Deeply Depraving to the Prisoner and a Positive Evil to the Community. Some Remedies Proposed. Manchester 1847.

*Allison, W.R.*

Remarks on the Transportation Question by a Colonist. Launceston 1847.

*Anley, C.*

The Prisoners of Australia. London 1841.

*Arthur, Col. G.*

Backhouse, J.  
A Narrative of a Visit to the Australian Colonies. London 1843.

Backhouse, J. & Walker, G.W.  
An Address to the Prisoner Population of New South Wales and Van Diemen's Land. Sydney 1837.

Memoir of James Backhouse by His Sister. York 1870.

Balfour, J.O.  
A Sketch of New South Wales. London 1845.

Bayly, Captain G.  
Sea Life Sixty Years Ago. London 1885.

Bennet, Hon. H. Grey  
A Letter to Earl Bathurst, Secretary of State for the Colonial Department, on the Condition of the Colonies in New South Wales and Van Diemen's Land, as Set Forth in the Evidence taken before the Prison Committee in 1819. London 1820.

Bennet, Hon. H. Grey  
Letter to Viscount Sidmouth ... on the Transportation Laws, the State of the Hulks, and of the Colonies in New South Wales. London 1819.

Betts, T.  
An Account of the Colony of Van Diemen's Land, Principally intended for the Use of Persons residing in India, etc. Calcutta 1830.

Breton, Lt. W.H. (RN)  
Excursions in New South Wales, Western Australia, and Van Diemen's Land during the Years 1830, 1831, 1832 and 1833. 2nd edition, London 1834.


<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broughton, Bishop W.G.</td>
<td>Take Head: A Sermon preached in the Female Factory 4 June 1844. Published 1844.</td>
<td></td>
</tr>
<tr>
<td>Browning, C.A.</td>
<td>An Address to the Women who Debarked at Sydney, New South Wales, from the Transport Ship Margaret, on the 26th of August, 1840. Sydney 1841.</td>
<td></td>
</tr>
<tr>
<td>Browning, Dr C.A. (RN)</td>
<td>Browning's Convict Ship.</td>
<td></td>
</tr>
<tr>
<td>Buxton, T.F.</td>
<td>An Inquiry, Whether Crime and Misery are Produced or Prevented, by our Present System of Prison Discipline. London 1818.</td>
<td></td>
</tr>
<tr>
<td>Byrne, J.C.</td>
<td>Twelve Years' Wanderings in the British Colonies from 1835 to 1847. London 1848.</td>
<td></td>
</tr>
<tr>
<td>Carpenter, M.</td>
<td>Female Life in Prison. 2 Volumes, London 1862.</td>
<td></td>
</tr>
<tr>
<td>Carpenter, M.</td>
<td>Our Convicts. 2 Volumes, London 1864.</td>
<td></td>
</tr>
<tr>
<td>Cobbold</td>
<td>Life of Margaret Catchpole. 1845.</td>
<td></td>
</tr>
<tr>
<td>Colquhoun, P.</td>
<td>A Tretise on the Police of the Metropolis, etc. London 1796.</td>
<td></td>
</tr>
<tr>
<td>Dixon, J.</td>
<td>The Condition and Capabilities of Van Diemen's Land, as a Place of Emigration, being the Practical Experience of nearly Ten Years' Residence in the Colony. London 1839.</td>
<td></td>
</tr>
<tr>
<td>Evans, G.W.</td>
<td>History and Description of the Present State of Van Diemen's Land, etc. Second edition, London 1824.</td>
<td></td>
</tr>
<tr>
<td>Fry, Edmund</td>
<td>An Hour in His Majesty's Gaol at Newgate on Friday, 22nd December, 1820. London 1820.</td>
<td></td>
</tr>
<tr>
<td>Author</td>
<td>Title</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Holford, G.</td>
<td>Letter to the Rt. Hon. the Secretary of State for the Home Department, from G. Holford, Esq. on the Propriety of taking other Measures for the Supply of Women to the Settlements in New South Wales, than that of sending thither all the Female Convicts sentenced to Transportation: etc. 14 April 1827.</td>
<td></td>
</tr>
<tr>
<td>Jackson, R.</td>
<td>Consideration of the Increase of Crime: and the Degree of its Extent, the Principal Causes of such Increase, and the most likely Means for the Prevention or Mitigation of this Public Calamity. London 1828.</td>
<td></td>
</tr>
<tr>
<td>Lang, J.D.</td>
<td>An Historical and Statistical Account of New South Wales, both as a Penal Settlement and as a British Colony. 2 Volumes, London 1834.</td>
<td></td>
</tr>
<tr>
<td>Lang, J.D.</td>
<td>Transportation and Colonization: Or, the Causes of the Comparative Failure of the Transportation System in the Australian Colonies, etc. London 1837.</td>
<td></td>
</tr>
<tr>
<td>Mackaness, G.</td>
<td>Some Private Correspondence of Sir John and Lady Jane Franklin. 2 Volumes, Sydney 1947.</td>
<td></td>
</tr>
<tr>
<td>Maconochie, Captain A. (RN)</td>
<td>Summary of Papers on Convict Discipline sent Home by Captain Maconochie, R.N. Bath 1838.</td>
<td></td>
</tr>
</tbody>
</table>
Thoughts on Convict Management, and Other Subjects connected with the Australian Penal Colonies. Hobart 1838.


Australia as She is, and as She may be. London 1840.

Analytical View of the Census of New South Wales for the Year 1841; with Tables showing the Progress of the Population during the Previous Twenty Years. Sydney 1841.

Travels in New South Wales. London 1847.

An Answer to Certain Calumnies in the Late Governor Macquarie's Pamphlet and the Third Edition of Mr. Kentworth's Account of Australasia. London 1826.

History of Austral-Asia, comprising New South Wales, Van Diemen's Island, Swan River, South Australia, &c. London 1836.

Martin's Annals of Crime, or New Newgate Calendar, and General Record of Tragic Events, including Ancient & Modern Modes of Torture. 2 Volumes, London 1837.

A Convict's Recollections of New South Wales. An Account of the Treatment of Convicts and how they are dispos'd of in New South Wales. 1825.

The Van Diemen's Land Annual for 1836. Hobart 1836.

The Van Diemen's Land Annual for 1837. Hobart 1837.

Journey's Voyages and Travels by the Rev. Dom. Iermonn and George Bennet, Esq. deputed from the London Missionary Society, to Visit their various Stations in the South Sea Islands, China, India, &c. between the Years 1821 and 1829. London 1831.

The Felony of New South Wales. London 1837.

O’Connell, J.F.
Reisenberg, S.H.
(Editor)

Observations on the Expediency of Erecting Provincial Penitentiaries in Ireland, which may receive all Criminals who are sentenced to Confinement and Hard Labour, or are under the Rule of Transportation. London 1821.

Osborne, A.

A Residence of Eleven Years in New Holland and the Caroline Islands. First Published 1836. This edition, Canberra 1972.

Parker, H.W.


Reid, T.

The Rise, Progress, and Present State of Van Diemen’s Land; etc. London 1833.

Ritchie, J. (Editor)

Two Voyages to New South Wales & Van Diemen’s Land etc. London 1822.

Rocher, C.


Ross, J.

An Analysis of the Criminal Law of England as Applicable to this Colony, giving a general and comprehensive View of Crimes, their Punishments, and the Evidence to support them, with the Statutes by which they are created appended: Adapted expressly to the use of Magistrates. Hobart 1839.

Russell, A.

An Essay on Prison Discipline in which is detailed the System pursued in Van Diemen’s Land. First published, 1833; 2nd edition, 1833, Hobart.

A Tour through the Australian Colonies in 1839, with Notes and Incidents of a Voyage round the Globe, calling at New Zealand and South America. Glasgow 1840.

Skemp, J.R.

Letters to Anne. Melbourne 1956.

Sketch of the Origin and Results of Ladies’ Prison Associations &c. London 1827.

Slater, J.

A Description of Sydney, Parramatta, Etc., Settlements in New South Wales, with some account of the Manners and Employment of the Convicts in a Letter from John Slater to his Wife in Nottingham. Bridlesmith Gate 1819.

Stephen, J.

Petition to the House of Commons and the Correspondence with the Colonial Department, on the Charges preferred by Lieutenant-General Darling, Governor of New South Wales, against John Stephen, Jun., Esq., Commissioner of the Crown Lands, Magistrate of the Territory and Commissioner of the Supreme Court in that Colony. London 1830.
Therry, R.  

Therry, R.  

Timpson, Rev. T.  
Memoirs of Mrs. Elisabeth Fry. London 1847.

Ullathorne, W.  

Ullathorne, W.  
A Reply to Judge Burton of the Supreme Court of New South Wales on 'The State of Religion' in the Colony. Sydney 1840.

Ullathorne, W.  
The Horrors of Transportation briefly unfolded to the People. Dublin 1838.

Wentworth, W.C.  

Wrench, M.  
Visits to Female Prisoners at Home and Abroad. London 1852.

B. SECONDARY SOURCES

1. Books and Pamphlets

Anderson, H.  

Barnard, M.  

Barnard, M.  

Barrett, J.  

Barry, J.V.  

Barton, G.B.  
History of New South Wales from the Records. Sydney 1889.

Bateson, C.  

Beatty, Bill  
Becke, L. (Editor)  

Birt, H.N.  

Bolger, P.  

Brown, J.C.  

Brown, K.M.  
Medical Practice in Old Parramatta. Sydney 1937.

Burns, R.  
Those that saved - the first Religious Sisters in Australia. Sydney 1968.

Cannon, M.  

Clark, C.M.H.  

Clark, C.M.H.  

Cullen, Rev. J.  
The Australian Daughters of Mary Aikenhead. Sydney 1938.

Currey, C.H.  

Dixson, M.  
The Real Matilda. 1976.

Eddy, J.J.  

Ellis, M.H.  

Fitzpatrick, B.  
The Australian People. Melbourne 1946.

Fitzpatrick, K.  

Forsyth, W.D.  

Greenwood, G.  

Gunson, N. (Editor)  

Hassall, Rev. J.S.  
<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Publisher/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingleton, G.C.</td>
<td>True Patriots All or None from early Australia as told in a Collection of Broadsheets.</td>
<td>Sydney 1952.</td>
</tr>
<tr>
<td>Kiernan, T.J.</td>
<td>Transportation from Ireland to Sydney 1791-1816.</td>
<td>Canberra 1954.</td>
</tr>
<tr>
<td>(Editor)</td>
<td>Forever Remembered: A Record of the Early Settlers of the Macarthur Family</td>
<td></td>
</tr>
<tr>
<td>Moran, P.F., Cardinal</td>
<td>A History of the Catholic Church in Australasia.</td>
<td>Sydney, N.D.</td>
</tr>
<tr>
<td>(Morison, Rev. J.)</td>
<td>Australia as it is or Facts and Features, Sketches and Incidents of Australia and Australian Life. First published 1867; Republished, Melbourne 1967.</td>
<td></td>
</tr>
</tbody>
</table>


Ritchie, J. Australia as Once We Were. Melbourne 1975.


2. Articles


Clark, C.M.H. 'The Origins of the Convicts Transported to Eastern Australia 1787-1852.' Historical Studies, Vol. vii, 1956, Nos. 26 and 27, pp. 121 and 253 respectively.


3. Theses


Cobb, J.E. 'The History of the Female convict factory at Parramatta.' B.A. (Hons), New England University, 1959.


Richmond, B.M. 'Some Aspects of Transportation and Immigration in Van Diemen's Land 1824-1855.' M.A., University of Tasmania, 1956.

Vaile, P.J. 'Aspects of Law and Order in the Bathurst District. 1813- c 1850.' M.A. Sydney University, 1974.

Addendum